

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 21, 2022

TO: All interested persons.

RE: GCC Sun City Materials, LLC
TPDES Permit No. WQ0004636000

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Hudspeth County Courthouse, 109 Millican Street, Sierra Blanca, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: “I request a contested case hearing.”
- (4) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization’s purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **“affected person.”** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission’s decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission’s determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director’s responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director’s Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director’s decision. A request for reconsideration should contain your name,

address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

For GCC Sun City Materials, LLC TPDES Permit No. WQ0004636000

The Executive Director has made the Response to Public Comment (RTC) for the application by GCC Sun City Materials, LLC for TPDES Permit No. WQ0004636000 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0004636000) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Hudspeth County Courthouse, 109 Millican Street, Sierra Blanca, Texas.

MAILING LIST
for
GCC Sun City Materials, LLC
TPDES Permit No. WQ0004636000

FOR THE APPLICANT:

Octavio Holguin, Jr., Environmental
Manager
GCC Sun City Materials, LLC
1 McKelligon Canyon Road
El Paso, Texas 79930

Emile Couroux, P.G., Principal Geologist
ESSCO Environmental, Inc.
1000 Newman Street
El Paso, Texas 79902

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Aubrey Pawelka, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Kellie Crouch, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

Laurie Gharis, Chief Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

Diciembre 21, 2022

PARA: Todas las personas interesadas.

RE: GCC Sun City Materials, LLC
TPDES Permiso No. WQ0004636000

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo a los Comentarios Públicos (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en el Palacio de Justicia del Condado de Hudspeth, 109 Millican Street, Sierra Blanca, Texas

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una **"persona afectada"**. Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087


Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/erg

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO A LOS COMENTARIOS DEL
PÚBLICO**

**para
GCC Sun City Materials, LLC
TPDES Permiso No. WQ0004636000**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de GCC Sun City Materials, LLC del permiso de TPDES No. WQ0004636000. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0004636000) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en el Palacio de Justicia del Condado de Hudspeth, 109 Millican Street, Sierra Blanca, Texas.

LISTA DE CORREO
para
GCC Sun City Materials, LLC
TPDES Permiso No. WQ0004636000

PARA EL SOLICITANTE:

Octavio Holguin, Jr., Environmental
Manager
GCC Sun City Materials, LLC
1 McKelligon Canyon Road
El Paso, Texas 79930

Emile Couroux, P.G., Principal Geologist
ESSCO Environmental, Inc.
1000 Newman Street
El Paso, Texas 79902

PERSONAS INTERESADAS:

Ver lista adjunta.

PARA EL DIRECTOR EJECUTIVO
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Aubrey Pawelka, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Kellie Crouch, Technical Staff
Texas Commission on Environmental
Quality
Waste Permits Division
MSW Permits Section MC-124
P.O. Box 13087
Austin, Texas 78711-3087

PARA ABOGADOS DE INTERÉS
PÚBLICO
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

PARA EL SECRETARIO OFICIAL
por correo electrónico:

Laurie Gharis, Chief Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

ACOSTA , KARLA
19206 CLETO RODRIGUEZ
EL PASO TX 79938-8179

ARMENDARIZ , MARTHA S
19211 PHILLIP BAZAAR
EL PASO TX 79938-8176

BISHOP , SHERRY
701 LOMA LINDA BLVD
DESERT HAVEN TX 79938-8993

BLANCO , THE HONORABLE CESAR J STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 29
PO BOX 12068
AUSTIN TX 78711-2068

BRIONES , CLAUDIA
19361 DON MORRIL ST
EL PASO TX 79938-8918

CALIBOSO , BASILIO
19204 GARY LEE
EL PASO TX 79938-8193

CASTILLEJO , EUGENIO
19415 GARY LEE
EL PASO TX 79938-8187

DE LA HOZ SR , LUIS
19329 FRANCES SILVA
EL PASO TX 79938-8180

DE LA HOZ JR , MR LUIS A
19329 FRANCES SILVA
EL PASO TX 79938-8180

DE LA ROSA , VICTOR
TRLR 18
8461 CASTNER DR
EL PASO TX 79907-1603

DEPOALO , ANTHONY
19218 KELLY AVE
EL PASO TX 79938-8214

GARCIA , RICARDO
19410 GARY LEE
EL PASO TX 79938-8187

GONZALES , TONY CONGRESSMAN
US HOUSE OF REPRESENTATIVES DISTRICT 23
124 HORIZON BLVD
SOCORRO TX 79927-2620

HANSHAW , ART
19340 CLETO RODRIGUEZ
EL PASO TX 79938-8107

HUNT , DALE
19306 VALENTINO PEREZ
EL PASO TX 79938-8195

LOVELADY , PATRICIA
19306 KIMBERLY
EL PASO TX 79938-8210

MCCULLOUGH , CAPT & CAPT DWAYNE LYLE
19615 GARY LEE
EL PASO TX 79938-8190

MCCULLOUGH , CAPT & CAPT DWAYNE LYLE
19615 GARY LEE
EL PASO TX 79938-8190

MEE , MIKE
19315 FRANCES SILVA
DESERT HAVEN TX 79938-8180

MENDOZA , CARBON
19318 KELLY AVE
EL PASO TX 79938-8225

MORALES JR , THE HONORABLE EDDIE STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVE DISTRICT 74
PO BOX 2910
AUSTIN TX 78768-2910

NEELY , THOMAS D
PO BOX 68
SIERRA BLANCA TX 79851-0068

NUNEZ , JOSE
SPC 15
4526 TITANIC AVE
EL PASO TX 79904-3371

NUNEZ , KENIA
SPC 62
4526 TITANIC AVE
EL PASO TX 79904-3371

ORDONEZ , DR. STACIE
19507 GARY LEE
EL PASO TX 79938-8186

ORTIZ , JOSE
19206 KIMBERLY
EL PASO TX 79938-8207

RODRIGUEZ , LUZ
19301 MAXIMO YABES ST
DESERT HAVEN TX 79938-8169

ROJAS , JUANA
19201 KIMBERLY
EL PASO TX 79938-8207

ROYCE , CHRISTOPHER
19361 DON MORRIL ST
EL PASO TX 79938-8918

RUBIO , EDUARDO
19300 MAXIMO YABES ST
EL PASO TX 79938-8169

RUBIO , NARCISO
19209 MAXIMO YABES ST
EL PASO TX 79938-8178

SCOTT , CAMERON
10025 CARNEGIE AVE
EL PASO TX 79925-1505

SHEETS , JOHNY
19224 KIMBERLY
EL PASO TX 79938-8207

SHEETS , JOHNY R
19224 KIMBERLY
DESERT HAVEN TX 79938-8207

SPARKS , ANNE
471 S VIENNA ST
EL PASO TX 79938-8991

WEST , DOROTHY B
19306 VALENTINO PEREZ
EL PASO TX 79938-8195

TCEQ PERMIT NO. WQ0004636000

APPLICATION BY	§	BEFORE THE
GCC SUN CITY MATERIALS, LLC	§	TEXAS COMMISSION
FOR TPDES PERMIT NO.	§	ON
WQ0004636000	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Executive Director’s preliminary decision to approve GCC Sun City Materials, LLC’s application for renewal of permit No. WQ0004636000. As required by 30 Texas Administrative Code (TAC) Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from Karla Acosta, Martha S. Armendariz, Cesar J. Blanco, Claudia Briones, Victor De La Rosa, Anthony Depoalo, Ricardo Garcia, Art Hanshaw, Luis De La Hoz, Sr., Luis A. De La Hoz, Jr., Luz Rodriguez, Captain Dwayne Lyle McCullough, Mike Mee, Thomas D. Neely, Dr. Stacie Ordonez, Cameron Scott, Johny R. Sheets (Hudspeth County Precinct 3 Commissioner), and Anne Sparks. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Participation and Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

I. BACKGROUND

(A) Description of Facility

GCC Sun City Materials, LLC, 1 McKelligon Canyon Road, El Paso, Texas 79930, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of TCEQ Permit No. WQ0004636000 to dispose of wastewater treatment plant sludge

and water treatment plant residuals on 142 acres. This permit will not authorize a discharge of pollutants into water in the state. The disposal unit is designed to handle 882 cubic yards per day of wastewater treatment plant (WWTP) sewage sludge and water treatment plant (WTP) residuals, with the estimated life of Monofill Area C being 4 years.

The sewage sludge land application site is located 3.3 miles east of the intersection of Gary Lee and Hueco Ranch Roads, at the eastern end of Gary Lee Road, in Hudspeth County, Texas 79938. The sewage sludge land application site is located within the drainage basin of Rio Grande Below Riverside Diversion Dam in Segment No. 2307 of the Rio Grande Basin.

(B) Procedural Background

The TCEQ received GCC Sun City Materials, LLC's application for renewal of the permit on April 9, 2021 and declared it administratively complete on June 25, 2021. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on July 16, 2021, in the *Hudspeth County Herald*. The ED completed the technical review of the application on March 28, 2022, and prepared an initial draft permit. The Notice of Application and Preliminary Decision (NAPD) was published on June 10, 2022 in the *Hudspeth County Herald*. The public comment period ended on October 17, 2022. A public meeting was held on October 17, 2022, in Desert Haven.

This application was determined administratively complete on or after September 1, 2015. Therefore, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and Senate Bill 709, 84th Legislature, 2015.

(C) Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website for all Texas administrative rules:
<http://www.sos.state.tx.us/texreg/index.shtml>
- TCEQ rules in title 30 of the Texas Administrative Code:
<http://www.sos.state.tx.us/tac/index.shtml> (select “View the current Texas Administrative Code,” then “Title 30 Environmental Quality”)
- Texas statutes: <http://www.statutes.capitol.texas.gov>
- TCEQ website: <http://www.tceq.texas.gov>
- Federal rules in title 40 of the Code of Federal Regulations: <http://www.ecfr.gov>
- Federal environmental laws: <http://www.epa.gov/laws-regulations>

Commission records for this facility are available for viewing and copying and are located at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, ED’s preliminary decision, and draft permit are available for viewing and copying at the Hudspeth County Courthouse, 109 Millican Street, Sierra Blanca, Texas.

II. COMMENTS AND RESPONSES

COMMENT 1:

Dwayne Lyle McCullough comments that the facility jeopardizes the future water table. Stacie Ordonez comments that Applicant is dumping waste into the ground above her water source. Luis A. De La Hoz comments that the dumping of sludge will contaminate the water supply. Johnny Sheets comments that he believes sludge is seeping into the ground and contaminating the groundwater, since it smells at the faucet. Johnny Sheets asks what the sludge is doing to drinking water, since the aquifer is about six miles to the west of the pit. Johnny Sheets asks if this site is allowed

to be this close to an aquifer and if so, how close. Johnny Sheets asks if their water is safe. Luz Rodriguez comments that he lives a few miles away from the facility and his water got contaminated. Mike Mee comments that Applicant claims their well is 3.5 miles from his well, but the water comes from the same aquifer and will become contaminated by the Applicant. Art Hanshaw comments that there is a well south of the site that he heard is contaminated and asks if there is a way to find out more about this.

RESPONSE 1:

The TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water, with specific exceptions for oil and gas exploration and development activities. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific statues regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

30 TAC 309.20 considers groundwater quality protection. Potential environmental impacts, including water supply resources were reviewed when the facility was first authorized. The engineering design report, soil tests, and landfill performance modeling conducted concluded that the disposal unit would not impact groundwater. TCEQ conducts investigations to ensure compliance with these rules.

The TCEQ rules were developed to protect drinking water. Also, the 2003 Engineering Design Report (report) submitted at the initial time of startup for the disposal unit contains a certification by a qualified groundwater scientist that the

water treatment plant and wastewater treatment plant sludge in the disposal unit will not contaminate groundwater.

The soil test results in the 2003 report show that the soils would generally meet requirements for plasticity index, liquid limits, and grain size and there are clay soils at the site per the boring logs in the report. In addition to the groundwater located approximately 1,600 feet below ground surface, which was based on the permittee's water well log when it was installed, the permittee used the HELP (Hydrologic Evaluation of Landfill Performance) model to predict a seepage rate of 1-inch per year or less; and based on local geology and depth to groundwater, they concluded that the disposal unit would not impact groundwater.

The public supply well serving the neighboring community is located approximately 5 miles west and upgradient from the disposal unit. Due to the distance from the disposal unit, and the local geology and direction of groundwater flow (generally west to east), the groundwater pumped from this water well is not expected to be impacted by the disposal unit.

Questions or concerns related to the quality of drinking water in the neighboring community should be raised to the TCEQ El Paso Regional Office or the TCEQ Public Water Supply Division in Austin.

COMMENT 2:

Dwayne Lyle McCullough comments that this facility endangers the health and welfare of the community and future generations. Luis A. De La Hoz, Johny Sheets, and Anne Sparks comment on the facility's effect on the environment. Karla Acosta comments that the facility is bad for human health and could be poisonous. Luis A. De

La Hoz comments that they have no assurances or studies that the airborne particles from the sludge that Applicant is dumping is not causing harm to health. Johnny Sheets and Luz Rodriguez comment that some residents here were getting sick but then stopped drinking the water which resolved the issue. Claudia Briones requests that TCEQ evaluate the long-term effects of the monofill on the community. Luz Rodriguez comments that she would like the community to have good health. Johnny Sheets cites the health and safety code as a basis for TCEQ to deny the permit. Anne Sparks comments that there are children living in the area and asks what can be done for them.

RESPONSE 2:

In accordance with the draft permit, the site operator must comply with detailed management practices designed to protect human health and the environment. The TCEQ has established management requirements for sludge monofills, which are incorporated in the draft permit.

The primary objective of the TCEQ's Biosolids Program is to ensure that the monofill will neither endanger the public health nor degrade the environment. If the Applicant fails to comply with the draft permit or Commission rules, they may be subject to enforcement actions.

COMMENT 3:

Johnny Sheets asks if Applicant and TCEQ know that this sewage sludge is being dropped into the ground in a growing residential community, with the nearest property owner living within one half mile of the front gate of this facility. Johnny Sheets asks if this site is allowed to be this close, in proximity, to where property

owners live. Dwayne McCullough expresses concern that homes are being built too close to the monofil site.

RESPONSE 3:

The Texas Administrative Code (TAC) does not provide minimum distance requirements from a disposal facility to residences. 30 TAC Chapter 312.63 provides guidance regarding distances of a disposal unit from the facility property line. These distances are based on metal concentrations in the sewage sludge. The minimum buffer from the disposal unit to the property line of the facility, based on the results of these metal concentrations, is between 0 to 150 meters (0 to 492 feet).

As stated in the TCEQ rules for sewage sludge disposal, the buffer distances are based on the actual metals analysis for Arsenic, Chromium and Nickel in the sewage sludge. The minimum buffer from the disposal unit to the property line of the facility, based on the results of these metals analyses, is between 0 to 150 meters (0 to 492 feet). The metals analysis submitted in the renewal application show the following results:

Unit Boundary to property line distance (meters/ft)	Concentration in mg/kg Dry Weight Basis		
	Arsenic	Chromium	Nickel
0 to less than 25 m /82 ft	30	200	210
25 m /82 ft to less than 50 m / 164 ft	34	220	240
50 m /164 ft to less than 75 m / 246 ft	39	260	270
75 m / 246 ft to less than 100 m / 328 ft	46	300	320
100 m / 328 ft to less than 125 m / 410 ft	53	360	390
125 m / 410 ft to less than 150 m / 492 ft	62	450	420

COMMENT 4:

Dwayne Lyle McCullough, Karla Acosta, and Luz Rodriguez comment on odor. Stacie Ordonez comments that the smell is unfathomable. Johnny Sheets comments that the smell of the trucks (full or empty) when travelling behind them is outrageous, especially when wet and when the wind comes from the north and northeast. Johnny Sheets asks if Applicant is aware that the community must constantly smell the foul stench of sewage. Luz Rodriguez comments that the odor negatively impacts cooking outside. Luz Rodriguez and Claudia Briones comment that the smell is not covered up as Applicant claims. Victor De La Rosa requests Applicant seal the container.

RESPONSE 4:

This sludge monofill meets the vector attraction reduction requirements found in 30 TAC § 312.83(b)(11), which requires the Applicant to cover the sludge with soil or other material at the end of each operating day, thereby minimizing any odors. The Applicant must operate the proposed monofill in a manner to prevent public health nuisances and minimize objectionable odors. The draft permit does not allow the operator to maintain or create any nuisance conditions at the monofill site.

If members of the public experience nuisance odor from the land application area or the land application activities create any nuisance conditions, the TCEQ Regional Office may be contacted to investigate whether a violation of the registration has occurred by calling 915-834-4949 or the toll free 24-hour complaints hot line at 888-777-3186. Citizen complaints may also be filed online at the following website:

<https://www.tceq.texas.gov/compliance/complaints>.

If a complaint is received, regional investigators will investigate. If the regional investigator documents a violation of TCEQ regulations or the permit, then appropriate action may be taken, which may include referral for an enforcement action.

Additionally, nothing in the proposed registration limits the ability of nearby landowners to seek relief from a court or use common law remedies in response to trespass, nuisance, or other causes of action in response to activities that may or do interfere with the use and enjoyment of their property, or that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property.

In the last 10 years, the only odor complaint investigated in the area was attributed to a septic tank hauler and was not affiliated with the facility. In addition, the most recent TCEQ compliance investigation conducted on August 24, 2022, did not note any odors.

COMMENT 5:

Karla Acosta comments that the flies in the area are horrible.

RESPONSE 5:

Vectors such as flies, which can be attracted to sludge, are addressed through the requirements of 30 TAC § 312.83(b)(1)-(11). As mentioned in Response 4 above, one of these requirements, 30 TAC § 312.83(b)(11), is that the sludge placed on an active disposal unit shall be covered with soil or other material at the end of each operating day.

COMMENT 6:

Johny Sheets asks how many tons of sludge the sludge pit contains. Johny Sheets asks what will happen to the pit once it is full. Johny Sheets asks how many tons of the sludge is being dumped per year.

RESPONSE 6:

According to the Applicant, Areas A and B of the monofill have been filled and closed, receiving a total of 24,889,933 tons of material. Area C of the monofill, the area still being used, has received approximately 5,145,000 tons of material as of mid-October 2022.

A review of annual reporting from 2016 to 2021 indicated a yearly average of 20,390.67 dry tons was disposed of at the site during those six years. The maximum amount was 24,141 dry tons in 2016 and the minimum amount was 17,638 dry tons in 2021.

Once the monofill has reached capacity and is full, then the Applicant will submit a written “closure and post closure plan” to the TCEQ for approval, at least 180 days prior to the date that the active disposal unit closes. After the plan has been approved, it shall be reviewed every three years for compliance with applicable state and federal laws, and the Applicant will be responsible for any corrections necessary to achieve compliance with these laws.

The permittee shall also comply with post-closure care maintenance requirements for the duration of the post-closure period for this disposal unit. For a minimum of the first three years after the completion of final closure, the permittee

shall retain the right of entry to and maintain all rights-of-way of a closed surface disposal unit in order to conduct periodic inspections of the closed disposal unit.

Following completion of the post-closure care maintenance period, the Applicant shall submit to the TCEQ for review and approval a documented certification, signed by an independent Texas Licensed Professional Engineer, verifying that post-closure care maintenance has been completed in accordance with the approved post-closure plan.

COMMENT 7:

Johny Sheets asks what are the impurities (minerals and pharmaceuticals) that are in the sludge, whether they leach or stay in the soil, and for how many years.

RESPONSE 7:

The EPA is investigating Pharmaceuticals and Personal Care Products (PPCPs) but has not found an evidentiary link between adverse human health effects and PPCPs in the environment. The science on emerging contaminants, such as pharmaceuticals, is currently evolving. While the U.S. Environmental Protection Agency (EPA) and other agencies continue to study emerging contaminants, currently there is no clear regulatory regime available to address the treatment of these contaminants in domestic wastewater or water treatment sludge. Accordingly, neither the EPA nor TCEQ has rules governing the treatment of emerging contaminants, such as pharmaceuticals, in this material.

COMMENT 8:

Johny Sheets asks if chemical analyses from El Paso Water Utilities can be verified or are we just going through the motions.

RESPONSE 8:

With the application to renew the permit, the Applicant was required to provide lab analysis of the sludge being disposed at this site. This analysis includes Toxicity Characteristic Leaching Procedure (TCLP) and PCBs, and the metals Arsenic, Chromium, and Nickel.

COMMENT 9:

Johny Sheets comments that the application process is full of misleading statements and asks if TCEQ checks to verify the statements made in the application are correct.

RESPONSE 9:

Applications reviewed by the Biosolids Program are reviewed in accordance with all applicable rules, code, and Commission policies. This particular application is to renew an existing permit; therefore, staff can verify information provided in the renewal application with the current permit. The TCEQ Biosolids Program also reviews current lab analysis of the sludge for the sources identified in the application and verifies that analytical results for TCLP, PCB, and Arsenic, Chromium, and Nickel are within acceptable limits.

COMMENT 10:

Johny Sheets comments that the permit states that the monofill site is located in Hudspeth County, however, this site is actually located in Desert Haven, and that the application states that the nearest City is Cornudas, which is 30 miles away. Johny Sheets also comments that in the application, the site is listed as being in El Paso.

RESPONSE 10:

The site is located in Hudspeth County, near the community of Desert Haven. The permit application asks the Applicant to list the nearest city or community, which is meant to mean an incorporated community. El Paso is the nearest city to this disposal site but is located in El Paso County. Although Desert Haven and Cornudas are unincorporated communities, the applicant listed Cornudas since it is indicated on the county highway map that was submitted with the application, whereas Desert Haven is not.

The mailing address of the Applicant, which is the address used on the permit, is in El Paso, but the application indicates that the site is located 3.3 miles east of the intersection of Gary Lee and Hueco Ranch Roads, at the eastern end of Gary Lee Road, in Hudspeth County, Texas 79938.

COMMENT 11:

Johny Sheets comments that as of May 30, 2022, there was no notice of this permit in the Hudspeth County Herald, and that as of this same date, only three people had received the NAPD. Mr. Sheets also comments that no property owners or interested persons have been notified as stated would be the case in the Technical Summary and Executive Director's Preliminary Decision. Mr. Sheets comments that there were no notices received about the original application process, though Hudspeth County Herald did publish notice, but this newspaper does not have very many subscribers. Mr. Sheets comments that these notices should have been placed in the Sheriff's substation and on the two community bulletin boards, one being located on Hueco Ranch Road and one at the Sheriff's substation.

RESPONSE 11:

The Applicant has 45 days to publish notice from the date mailed out by the TCEQ. The permitting process includes publication of two notices, the first being the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI), which is published after the application is declared administratively complete, and the Notice of Application and Preliminary Decision (NAPD), which is published after the application is declared technically complete. For this permit renewal process, the NORI was mailed to the Applicant on July 12, 2021, and published on July 16, 2021, and the NAPD was mailed on May 19, 2022, and published on June 10, 2022.

The TCEQ rules require that the applicant submit the name and mailing address of the owner of each tract of land located within ½ mile of a disposal unit, as such information can be determined from the current county tax rolls or other reliable sources, at the time the application is filed so that each of these landowners receive a mailed NORI and a NAPD. The applicant was not required to submit the address of landowners within ½ mile, since the nearest tract of land with a residential structure is approximately 4,150 feet (0.8 miles) from the permitted boundary and 9,500 feet (1.8 miles) from the closest boundary of the disposal unit. This was additionally determined by the latest TCEQ compliance investigation conducted on August 24, 2022. Both the NORI and the NAPD are required to be published in the newspaper with the largest circulation in the county where the site is located. The Hudspeth County Herald meets this requirement. Other than posting the application and supporting documents, which includes the notice, at a publicly owned building located within the county, there is no requirement for the Applicant to post copies of the notices at

another physical location, such as a community bulletin board. However, anyone from the community may post copies of the notice on such bulletin boards or at another facility.

COMMENT 12:

Johny Sheets comments that as of May 25, 2022, there was no draft permit application or ED's preliminary decision for viewing at the Hudspeth County Courthouse. Johny Sheets comments that the ESSCO letters which were placed in the public binder at the courthouse are dated January 29, 2021, and other correspondence is dated May 10, 2022. He asks if these various correspondences are up to date, as required by TCEQ regulations and policies. Mr. Sheets further comments that the Courthouse is 80 miles to Sierra Blanca one way and asks who would drive that far to see an application. Mr. Sheets states that on May 27, 2022, a Letter of Transmittal was placed on public notice. Mr. Sheets states that the transmittal letter to Sierra Blanca Courthouse was dated May 5, 2022, but was not received until May 27, 2022.

RESPONSE 12:

The placement of the application and supporting documentation in the local viewing location is the responsibility of the Applicant. The supporting documentation includes all Notice of Deficiency (NOD) correspondence from the TCEQ to the Applicant and all information from the Applicant to the TCEQ to respond to these NODs. The application and all supporting documents are required to be made available for public viewing in a publicly owned building within the county where the site is located. The TCEQ is unaware of a Letter of Transmittal dated May 5, 2022.

COMMENT 13:

Johny Sheets asks if the notice is required to be published in Spanish also, since many residents are not proficient in English. Johny Sheets asks for clarification regarding the bilingual program. Johny Sheets comments that no Spanish notice was published in the Hudspeth County Herald.

RESPONSE 13:

If no newspaper in the Spanish language exists, Applicant is required to submit a form attesting to the non-existence of such a newspaper. TCEQ relies on this representation made by the Applicant when preparing the draft permit. The Applicant submitted to TCEQ a public notice verification form for the NORI on 8/6/21 and the NAPD on 6/28/22 stating that they could not locate a Spanish newspaper in Hudspeth County.

COMMENT 14:

Johny Sheets requests a copy of the mailing list.

RESPONSE 14:

The mailing list is attached to this document.

COMMENT 15:

Johny Sheets asks for the deadline for making comments, whether he should use the May 10, 2022, or the June 10, 2022, newspaper publication date.

RESPONSE 15:

If a public meeting is not held, the comment period ends 30 days after the date the NAPD was published in the newspaper. A public meeting for this application was

held on October 17, 2022, therefore the deadline for making comments occurred at the end of this public meeting.

COMMENT 16:

Johny Sheets comments that the cover sheet, request for a Monofill Permit Renewal to Process and Dispose of Sewage Sludge, permit No. WQ000463-000, Cerra Alto Monofill Hudspeth County, Texas binder has a lot to be desired for information. Johny Sheets comments that the Executive Director has already made up his mind regarding the permit renewal.

RESPONSE 16:

The application submitted to renew the permit has been reviewed by TCEQ, and it has been determined to meet requirements to declare it administratively and technically complete.

COMMENT 17:

Johny Sheets asks if Applicant and TCEQ know that the maps which are attached to the Request for a Permit were made in 2010, not an updated map, which would show a community.

RESPONSE 17:

The most recent Texas Department of Transportation General County Highway Map, as shown on the web site http://www.txdot.gov/travel/county_grid_search.htm has the date of 2018. This map does not show the Desert Haven community. Standard TCEQ practice is to use the TXDOT county highway map for all authorizations.

COMMENT 18:

Karla Acosta and Anthony Depoalo request that TCEQ not renew Applicant's permit. Luis A. De La Hoz requests TCEQ cease all permits allowing this activity. Johnny Sheets comments that he lives within three miles of the facility and that the sludge dump needs to be discontinued. Johnny Sheets comments that the continuous complaints to him from residents will bring widespread opposition to the sludge pit, and to giving Sun City a renewal. Thomas D. Neely comments that there is universal opposition to the renewal permit. Cesar J. Blanco states that there is substantial public concern regarding the renewal permit. Ricardo Garcia comments that sludge is being dumped next door to the community, which is very concerning to them. Johnny Sheets comments that the Hudspeth County Commissioners and the judge all voted to deny this renewal permit. Dwayne McCullough comments that they are an invisible community and want to be heard.

RESPONSE 18:

The Executive Director acknowledges these comments in opposition to renewal of the permit.

COMMENT 19:

Johnny Sheets comments that the sludge site is not inspected frequently enough to ensure compliance with existing codes, and that the last inspection by TCEQ was in 2012. Johnny Sheets asks how many inspections there have been.

RESPONSE 19:

The last inspection of this site was August 24, 2022, with no violations noted. The TCEQ Region 6 Office also conducted a previous investigation on February 14, 2012.

If the facility is found to be out of compliance with the terms or conditions of the permit, GCC Sun City Materials, LLC may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 6 Office in El Paso at 915-834-4949. Citizen complaints may also be filed on-line at <http://www.tceq.texas.gov/oce/complaints/index.cfm>. If GCC Sun City Materials, LLC fails to comply with all requirements of the permit, it may be subject to enforcement action.

COMMENT 20:

Luz Rodriguez comments that it's upsetting to live in this community, and she was unaware of the monofill site when they purchased property there. Victor De La Rosa comments that his brother is buying a ranch on Lee Gary Road and was not aware of the monofill site. Johnny Sheets comments that he didn't know there was a monofill site there when he purchased the property as did none of the other residents.

RESPONSE 20:

When the permit was originally issued on December 16, 2003, the notice requirements were met at that time. Additionally, TCEQ notice requirements were followed with this renewal permit.

COMMENT 21:

Ricardo Garcia requests that TCEQ add a clause into the permit that states that TCEQ will conduct regular testing of their drinking water. Claudia Briones requests a revision to the draft permit that takes population numbers into account. Claudia Briones requests a new way for the trucks to contain the waste.

RESPONSE 21:

Clauses pertaining to the testing of drinking water, population numbers, and trucks are not required by TCEQ rules, therefore, TCEQ cannot require that the Applicant put additional clauses into the permit regarding these issues. However, private parties may negotiate with the Applicant on an agreement not encompassed within the terms of the draft permit.

COMMENT 22:

Cameron Scott asks when the TCEQ Viral and Contaminant Standards were last updated. Cameron Scott asks at what point will the enforcement of violations be updated to actually benefit the community.

RESPONSE 22:

ED staff is unaware of what Mr. Scott is referring to when he asks about TCEQ Viral and Contaminant Standards. Regarding enforcement of violations, any past violations have been addressed by documentation from the TCEQ Region 6 Office resulting from site investigations and review of site records.

COMMENT 23:

Dwayne Lyle McCullough comments that the facility devalues his property. Johny Sheets comments that there are thirty-nine residences along Gary Lee Road, and the property values of these residences are unfairly and disproportionately affected.

Johny Sheets comments on noise, that trucks drive by from 5 a.m. to 7 p.m., including holidays. Dwayne McCullough requests Applicant stop running vehicles on holidays. Johny Sheets and Thomas D. Neely comment that people move to Deer Mountain to get away to get away from the noise and traffic of the city. Johny Sheets asks if Applicant and El Paso Water know that their trucks are bringing the sewage sludge from six El Paso sewage plants, to a community which has to constantly hear the semi-truck traffic.

Dwayne Lyle McCullough comments that Applicant is not paying taxes to the community for the privilege of dumping El Paso sewage here. Johny Sheets comments that the County is not receiving adequate funds or sufficient rate of tax collection from the sludge dump operation, which El Paso Water and GCC are transporting into this County. Johny Sheets comments that the facility has 142 acres, pays approximately \$7,500 in property tax and \$250 in personal property tax.

RESPONSE 23:

The permitting process is limited to controlling the discharge of pollutants into the air or into state waters and protecting the State's air quality and water quality of the state's rivers, lakes, and coastal waters. The TCEQ does not have the authority to address these types of issues as part of the permitting process. TWC Chapter 26 and

applicable wastewater regulations do not authorize the TCEQ to consider issues such as noise, taxes, or property values.

However, the permit does not limit the ability of an individual to seek legal remedies against GCC Sun City Materials, LLC regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 24:

Dwayne Lyle McCullough comments that the Applicant destroys private roads and has failed to re-pave and maintain them in an acceptable condition. Dwayne Lyle McCullough comments that trucks are cracking the only bridge into his community, he suggests Applicant build a commercial road. Stacie Ordonez comments that the trucks tear up their roads. Luis A. De La Hoz comments that trucks damage the road, creating potholes that take forever to fix. Johnny Sheets comments that trucks are destroying Hueco Ranch Rd. and U.S. Hwy 62/180 with their daily fifteen to twenty trucks. Johnny Sheets comments that Gary Lee Ave is a private road, which Applicant uses for 3.3 miles to get to the monofill. Johnny Sheets comments that people complain to him as Commissioner about the road conditions and that he cannot do anything about it legally until the road is placed into the county road system. Johnny Sheets comments that Hueco Ranch Rd. is a county road and the County doesn't have the funds to repair the road. Johnny Sheets comments that potholes are constantly being made, and the edge of the road is broken off in large chunks. Johnny Sheets comments that the stop sign is constantly being run over. Johnny Sheets comments that the trucks are damaging

a culvert bridge that may have a load limit and if the bridge becomes unusable or damaged, then the Deer Mountain residents do not have another way out of this subdivision.

Dwayne Lyle McCullough comments that speeding semis endanger children, pets, and the community in general. Stacie Ordonez comments that Applicant speeds on their small roads. Luis A. De La Hoz comments that trucks race through residential areas. Johny Sheets and Dwayne McCullough comment that trucks raise dust while travelling to the sludge site. Johny Sheets comments that the speeding semi-trucks create an unsafe condition because they throw rocks from their tires.

RESPONSE 24:

The TCEQ does not have jurisdiction over traffic or roads. If problems occur on county roads, the county is responsible for taking action. If they occur on the site, the Applicant must take action. The permit does not limit the ability of an individual to seek legal remedies against GCC Sun City Materials, LLC regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 25:

Luis A. Da La Hoz comments that numerous times, he has seen evidence of spillage on the road without any type of cleanup attempt, which creates a toxic situation. Johny Sheets comments that each truck carries up to 25 tons of sewage, and that some is spilled onto the roads.

RESPONSE 25:

An unauthorized discharge is a violation of the proposed permit for which an enforcement action can be brought by the TCEQ against GCC Sun City Materials. However, the proposed permit would not limit anyone's ability to seek legal remedies from GCC Sun City Materials regarding any potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 6 Office. Citizen complaints may also be filed on-line at <http://www.tceq.texas.gov/oce/complaints/index.cfm>.

COMMENT 26:

Karla Acosta comments that there are many other places that Applicant can choose for the discharge. Johnny Sheets and Thomas D. Neely comment that El Paso sewerage should be dumping in their own county, not in the neighboring county. Johnny Sheets comments that the nearest residential house to the sludge dump is 0.6 miles. Johnny Sheets comments that there are fourteen houses right beside the road, 178 families living in the Deer Mountain Estates, and approximately 425 people in this area. Johnny Sheets and Thomas D. Neely ask why Applicant is dumping the sludge in Hudspeth County, versus El Paso County. Thomas D. Neely requests that authorities in El Paso make other arrangements for disposal. Martha Armendanz asks if Applicant can find another place that is farther away from the community. Victor De La Rosa questions why Applicant has chosen this location.

RESPONSE 26:

The TCEQ does not mandate that an applicant choose a specific location for land application activities as part of the permit application process. There are no rules prohibiting the disposal of sludge in a certain area, as long as the site meets suitability requirements for that activity. During the review process, if the TCEQ finds that the location chosen by an applicant is unsuitable for land application, then a draft permit authorizing land application at that location would not be proposed by TCEQ.

COMMENT 27:

Johny Sheets comments that during monsoon season, the road is flooded. Johny Sheets asks what happens when the Monsoons arrive, and the pits fill up and water drains out and downhill from the site.

RESPONSE 27:

When the sludge is delivered to this site it is placed in trenches in the ground and covered at the end of each operating day with soil. Additionally, management practices covered under 30 TAC § 312.64(g) require that any runoff from an active sludge unit be collected and disposed in accordance with discharge permit requirements and any other applicable requirements, and require runoff collection systems for active sludge units having the capacity to handle runoff from a 25-year, 24-hour rainfall event.

COMMENT 28:

Johny Sheets comments that Cerra Alto Monofill Site does not have a valid 911 or postal address. Johny Sheets asks what the physical location of the site is.

RESPONSE 28:

The mailing, or postal, address for the permittee is 1 McKelligon Canyon Road, El Paso, Texas 79930. The physical location of the site is 3.3 miles east of the intersection of Gary Lee and Hueco Ranch Roads, at the eastern end of Gary Lee Road in Hudspeth County.

COMMENT 29:

Johny Sheets states that the site pays TCEQ a large amount of money if he read the Texas Local Government Code correctly.

RESPONSE 29:

Fees are assessed against a WWTP based on volume. These fees are set by the legislature. The Applicant pays an application fee to the TCEQ for the application to be processed. For this permit renewal, the application fee is \$115.00. The Applicant also pays an annual fee, which is \$1.25 per dry ton of material disposed of at the site.

III. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

The ED did not make any changes to the draft permit in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Erin E. Chancellor
Interim Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division



Aubrey Pawelka, Staff Attorney
Environmental Law Division
State Bar No. 24121770
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0622

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY