

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 28, 2022

TO: All interested persons.

RE: Green Raindrops, Inc.  
TPDES Permit No. WQ0016089001

### **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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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](mailto: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 Fort Bend County Libraries – Sienna Branch, 8411 Sienna Springs Boulevard, Missouri City, 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](http://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**  
**Green Raindrops, Inc.**  
**TPDES Permit No. WQ0016089001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Green Raindrops, Inc., for TPDES Permit No. WQ0016089001 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 (WQ0016089001) 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](mailto: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 Fort Bend County Libraries – Sienna Branch, 8411 Sienna Springs Boulevard, Missouri City, Texas.

MAILING LIST  
for  
Green Raindrops, Inc.  
TPDES Permit No. WQ0016089001

FOR THE APPLICANT:

Daniel Cochran, Owner  
Green Raindrops, Inc.  
3410 Long Barrow Lane  
Missouri City, Texas 77459

George H. Neill, P.E., Project Engineer  
George H. Neill and Associates, Inc.  
P.O. Box 811  
Athens, Texas 75751

INTERESTED PERSONS:

Ricky Lee Collins  
13146 Magnolia Way  
Rosharon, Texas 77583

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

Deba Dutta, 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

**TCEQ PERMIT NO. WQ0016089001**

**APPLICATION BY  
GREEN RAINDROPS, INC.  
FOR NEW TPDES PERMIT NO.  
WQ0016089001**

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**BEFORE THE  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY**

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Green Raindrops, Inc.'s application and Executive Director's preliminary decision for the new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016089001. 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 a timely comment letter and contested case hearing request from Ricky Lee Collins. This response addresses all such timely public comments received, whether or not withdrawn. 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 <https://www.tceq.texas.gov/>.

**I. BACKGROUND**

**Description of Facility**

Green Raindrops, Inc. applied for a new Permit No. WQ0016089001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 9,900 gallons per day. The proposed wastewater treatment facility will serve Magnolia RV Resort.

The Magnolia RV Resort Wastewater Treatment Facility will be an activated sludge process plant operated in the conventional mode. Treatment units will include an aeration basin, a final clarifier, a chlorine contact chamber, and a sludge holding tank. The effluent limitations in the draft permit, based on a 30-day average, are 10 mg/l five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), 15 mg/l total suspended solids (TSS), 3 mg/l ammonia-nitrogen (NH<sub>3</sub>-N), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml, and 4.0 mg/l minimum dissolved oxygen. The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow).

**Procedural Background**

TCEQ received the application on January 10, 2022, and declared it administratively complete on March 16, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in the Brazoria County Bulletin on

July 5, 2022. The application was determined technically complete on May 4, 2022. The Notice of Application and Preliminary Decision (NAPD) was published in the Brazoria County Bulletin on September 13, 2022. The comment period closed on October 13, 2022.

This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

### **Access to Rules, Statutes, and Records**

- 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: <https://statutes.capitol.texas.gov/>
- TCEQ website: <http://www.tceq.texas.gov> (for downloadable rules in portable document format, select “Rules and Rulemaking,” then “Download TCEQ Rules”)
- Federal rules in title 40 of the Code of Federal Regulations: <http://www.ecfr.gov>
- Federal environmental laws: <https://www.epa.gov/laws-regulations>

TCEQ records for this application are available at the TCEQ’s Office of the Chief Clerk until the TCEQ takes final action on the application. Some documents located at the Office of the Chief Clerk may also be located in the Commissioners’ Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). The application, draft permit, and Statement of Basis/Technical Summary and ED’s Preliminary Decision are also available for viewing and copying at Fort Bend County Libraries – Sienna Branch, 8411 Sienna Springs Boulevard, Missouri City, Texas.

## **II. COMMENTS AND RESPONSES**

### **COMMENT 1:**

Ricky Lee Collins expressed general opposition to the draft permit, requested a contested case hearing, and suggested TCEQ issue a letter to nearby residents with instructions as how to oppose the application.

### **RESPONSE 1:**

The Executive Director acknowledges the comment and request for a contested case hearing. Notice of this application has been mailed to all landowners located adjacent to the proposed facility or along the discharge route for one mile downstream in accordance with TCEQ rules. This Response to Comments document will be mailed to everyone who submitted public comments and to those persons who are on the

mailing list for this application. The mailing also provides instructions for requesting a contested case hearing or reconsideration of the ED's decision. Following the close of all applicable comment and request periods, the ED will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn.

**COMMENT 2:**

Mr. Collins expressed concern regarding the location of the treatment facility. He mentioned that this property (WWTP) will be located very close to a residential area, the American Canal, and the City of Pearland Water treatment plant.

**RESPONSE 2:**

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." The TCEQ does not have jurisdiction over zoning. Based on the information provided in the application, the Executive Director determined that Green Raindrops, Inc. has complied with TCEQ rules.

If Green Raindrops, Inc. updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

**COMMENT 3:**

Mr. Collins expressed concerns regarding negative impact on fish, wildlife, and recreational swimming.

**RESPONSE 3:**

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable, or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The treated effluent will be discharged to Mustang Bayou, thence to New Bayou, thence to Chocolate Bay of the Bays and Estuaries in Segment No. 2432 of the Bays and Estuaries. The unclassified receiving water use is high aquatic life use for Mustang Bayou. The designated uses for Segment No. 2432 are primary contact recreation, high aquatic life use, and oyster waters. The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the



proposed permit and regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of this permit application.

**COMMENT 4:**

Mr. Collins expressed concern regarding contamination of the lake water due to floods, hurricanes, or broken lines.

**RESPONSE 4:**

The Executive Director acknowledges the comment. However, the TCEQ does not have jurisdiction to address flooding or hurricane issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters.

Per permit conditions, the permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood. For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at (512) 239-4691.

Per permit conditions, the permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. The proposed permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ. All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, Green Raindrops, Inc. will be required to report an unauthorized discharge to the TCEQ within 24 hours. Finally, Green Raindrops, Inc. will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

**COMMENT 5:**

Mr. Collins expressed concern regarding the RV Parks impact on the roadways and bridge.

**RESPONSE 5:**

The Executive Director acknowledges the comment; however, TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues such as roadways.

However, the permit does not limit the ability of an individual to seek legal remedies against Green Raindrops, Inc. 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.

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

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker  
Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division



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