

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

October 26, 2022

TO: All interested persons.

RE: SWWC Utilities, Inc.
TPDES Permit No. WQ0016022001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Manor City Hall, 105 East Eggleston Street, Manor, 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

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Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
SWWC Utilities, Inc.
TPDES Permit No. WQ0016022002

The Executive Director has made the Response to Public Comment (RTC) for the application by SWWC Utilities, Inc for TPDES Permit No. WQ0016022001 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 (WQ0016022001) 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, 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 Manor City Hall, 105 East Eggleston Street, Manor, Texas.

MAILING LIST
for
SWWC Utilities, Inc.
TPDES Permit No. WQ0016022001

FOR THE APPLICANT:

Jeffrey McIntyre, President, Texas Utilities
SWWC Utilities, Inc.
12535 Reed Road
Sugar Land, Texas 77478

Joe Torralva, Design and Construction
Manager, Texas Utilities
SWWC Utilities, Inc.
1620 Grand Avenue Parkway, Suite 140
Pflugerville, Texas 78660

Jason Baze, P.E., Project Manager
Murfee Engineering Company, Inc.
1101 Capital of Texas Highway, Building D
Austin, Texas 78746

INTERESTED PERSONS:

Jonathan M Beall
2503 Flora Cove
Austin, Texas 78746

Anne Stewart Brockenbrough
11318 Jones Road
Manor, Texas 78653

Marilyn Kelinske
6805 Ladera Norte
Austin, Texas 78731

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

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

Melinda Luxemburg, 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. WQ0016022001

APPLICATION BY SWWC UTILITIES, INC. FOR TPDES PERMIT NO. WQ0016022001	§ § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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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 (RTC) on the application by SWWC Utilities, Inc., for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016022001 and the ED's preliminary decision. As required by Title 30 Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comment from Jonathan Beall, representing Wilbarger Creek Conservation Alliance (WCCA), Marilyn Kelinske, and Anne Brockenbrough. This response addresses all 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 Public 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

SWWC Utilities, Inc., submitted an application to the Texas Commission on Environmental Quality (TCEQ) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016022001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day (gpd) in the Interim I phase, a daily average flow not to exceed 500,000 gpd in the Interim II phase, and a daily average flow not to exceed 800,000 gpd in the Final phase.

The Majestic Manor Wastewater Treatment Plant (WWTP) will be an activated sludge process plant operated in the complete mix mode. Treatment units in all phases will include a bar screen, one aeration basin, one final clarifier, one sludge digester/sludge holding tank, an effluent filter, and one chlorine contact chamber. Treatment units in the Interim II and Final phases will increase in size and capacity. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered transporter to Walnut Creek Wastewater Treatment Facility, Permit No. WQ0010543011, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

The plant site will be located approximately 0.42 miles southwest of the intersection of Bella Parkway and Old Texas Highway 20, in Travis County, Texas 78653.

Outfall Location

Outfall Number	Latitude	Longitude
001	30.333492 N	97.538169 W

The treated effluent will be discharged via pipe to Wilbarger Creek, thence to Colorado River Above La Grange in Segment No. 1434 of the Colorado River Basin. The unclassified receiving water use is high aquatic life use for Wilbarger Creek. The designated uses for Segment No. 1434 are primary contact recreation, public water supply, and exceptional aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow are expressed in million gallons per day (MGD). The two-hour (2-hr) peak flow is expressed in gallons per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (cfu) or most probable number (MPN) per 100 milliliters (cfu or MPN/100 mL).

Interim I Phase: during the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.50 MGD facility.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.20 MGD		556 gpm (2-hr peak)	Report MGD	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	8.3	5	10	20	30
	Total Suspended Solids (TSS)	8.3	5	10	20	30
	Ammonia Nitrogen (NH ₃ -N)	3.3	2	5	10	15
	Total Phosphorus (TP)	1.7	1	2	4	6
	<i>E. coli</i> , CFU or MPN per 100 mL	126		-	-	399
	Dissolved Oxygen (DO), min	4.0 mg/L		-	-	-
	Chlorine, Total Residual	1.0 mg/L, min			4.0 mg/L, max	
	pH, standard units (SU)	6.0, min		-	9.0	-

Interim II Phase: during the period beginning upon the completion of expansion to the 0.50 MGD facility and lasting through the completion of expansion to the 0.80 MGD facility.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.50 MGD		1,389 gpm (2-hr peak)	Report MGD	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	21	5	10	20	30
	Total Suspended Solids (TSS)	21	5	10	20	30
	Ammonia Nitrogen (NH ₃ -N)	8.3	2	5	10	15
	Total Phosphorus (TP)	4.2	1	2	4	6
	<i>E. coli</i> , CFU or MPN per 100 mL	126		-	399	-
	Dissolved Oxygen (DO), min	4.0 mg/L		-	-	-
	Chlorine, Total Residual ¹	1.0 mg/L, min			4.0 mg/L, max	
	pH, standard units (SU)	6.0, min		-	9.0	-

Final Phase: During the period beginning upon the completion of expansion to the 0.80 MGD facility and lasting through the date of expiration.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.80 MGD		2,222 gpm (2-hr peak)	Report MGD	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	33	5	10	20	30
	Total Suspended Solids (TSS)	33	5	10	20	30
	Ammonia Nitrogen (NH ₃ -N)	13	2	5	10	15
	Total Phosphorus (TP)	6.7	1	2	4	6
	<i>E. coli</i> , CFU or MPN per 100 mL	126		-	399	-
	Dissolved Oxygen (DO), min	4.0 mg/L		-	-	-
	Chlorine, Total Residual ¹	1.0 mg/L, min			4.0 mg/L, max	
	pH, standard units (SU)	6.0, min		-	9.0	-

¹ The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process.

B. Procedural Background

The permit application was received on July 28, 2021 and declared administratively complete on November 17, 2021. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on December 16, 2021, in the Austin American Statesman newspaper. The Notice of Application and Preliminary Decision (NAPD) was published in English on June 30, 2022, in the Austin American Statesman newspaper. The public comment period ended on August 1, 2022.

This application was filed on or after February 12, 2019; 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 Chapter 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.

C. Access to Rules, Laws and Records

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

- the Secretary of State website: <https://www.sos.state.tx.us>;
- TCEQ rules in Title 30 of the Texas Administrative Code (TAC): www.sos.state.tx.us/tac/ (select “View the current Texas Administrative Code” on the right, then “Title 30 Environmental Quality”);
- Texas statutes: www.statutes.capitol.texas.gov/;
- the TCEQ website: www.tceq.texas.gov (for downloadable rules in Adobe PDF format, select “Rules” then “Current Rules and Regulations,” then “Download TCEQ Rules”);
- Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov; and
- Federal environmental laws: <http://www2.epa.gov/laws-regulations>. Federal environmental laws and executive orders: www2.epa.gov/laws-regulations/laws-and-executive-orders.

Commission records for this application and draft permit are available for viewing and copying at the TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk), until final action is taken.

The permit application for this facility, Statement of Basis/Technical Summary and Executive Director’s Preliminary Decision (Statement of Basis), and proposed draft permit are available for viewing and copying at Manor City Hall, 105 East Eggleston Street, Manor, Texas.

D. Acronyms

CBOD₅- 5-day Carbonaceous Biochemical Oxygen Demand

DO- Dissolved Oxygen

ED- Executive Director

EPA- Environmental Protection Agency

GPM- Gallons per Minute

HB- House Bill
IPs- Procedures to Implement the Texas Surface Water Quality Standards
MGD- Million Gallons per Day
mg/L- Milligrams per Liter
NAPD- Notice of Application and Preliminary Decision
NH₃-N- Ammonia-Nitrogen
NORI- Notice of Receipt of Application and Intent to Obtain a Water Quality Permit
NPDES- National Pollutant Discharge Elimination System
pH- Potential Hydrogen
RTC- Response to Comments
SU- Standard Units
SWQM- Surface Water Quality Monitoring
TAC- Texas Administrative Code
TCEQ- Texas Commission on Environmental Quality
TLAP- Texas Land Application Permit
TP- Total Phosphorus
TSS- Total Suspended Solids
TMDL- Total Maximum Daily Load
TNR- Transportation and Natural Resources
TPDES- Texas Pollutant Discharge Elimination System
TPWD- Texas Parks and Wildlife Department
TSWQS- Texas Surface Water Quality Standards
TWC- Texas Water Code
WWTF- Wastewater Treatment Facility
WWTP- Wastewater Treatment Plant

II. COMMENTS AND RESPONSES

COMMENT 1:

Ms. Kelinske commented that Wilbarger Creek and its tributaries run across her property and in recent years the creek has become cloudy many times and clogged with algae. Fish and frogs that earlier were abundant are no longer found. Ms. Brockenbrough is concerned that adding more wastewater to the creek will impair the water quality even more. Mr. Beall asked how the discharge will affect the health of Wilbarger Creek and asked that TCEQ determine the cause of the existing algae bloom before adding more treated effluent.

RESPONSE 1:

The draft permit was developed to protect aquatic life and human health in accordance with the TSWQS 30 TAC Chapter 307 and was established to be protective of human health and the environment, provided that the applicant operates and maintains the facility according to TCEQ rules and the requirements in the draft permit. As part of

the permit application process, TCEQ must determine the uses of the receiving water and set effluent limits that are protective of those uses. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. Wilbarger Creek has been assigned a High Aquatic Life Use and corresponding 5.0 mg/L DO criterion in the TSWQS. These criteria are designed to ensure that aquatic life will be protected.

The proposed discharge for the Majestic Manor WWTF is to the perennial portion of Wilbarger Creek, which has high aquatic life use designation. To address potential algal blooms, a nutrient screening was conducted for this permit application, and it was determined that nutrient limits were needed. A TP limit of 1.0 mg/L was recommended for all discharge flow phases and incorporated into the draft permit. This TP limit meets the requirement for the Colorado River Watershed Protection Rule, 30 TAC Chapter 311, Subchapter E and should prevent any further or potential degradation from the proposed discharge. In addition, the draft permit includes a 2.0 mg/L ammonia-nitrogen limit for all discharge flow phases.

In accordance with 30 TAC §307.5 and the TCEQ IPs (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Wilbarger Creek and Colorado River Above La Grange, which have been identified as having high and exceptional aquatic life uses, respectively. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

TCEQ staff performed a DO modeling analysis of the proposed discharge using an uncalibrated QUAL-TX model. Based on model results, the effluent limits included in the draft permit for CBOD₅, NH₃-N, and minimum DO for the three proposed flow phases are predicted to be adequate to ensure that instream DO levels will be maintained consistent with these established criteria. As mentioned above, the effluent limits in the draft permit also comply with the requirements of 30 TAC Chapter 311, Subchapter E that requires effluent limits of 5 mg/L TSS, which helps protect water clarity, and 1.0 mg/L TP to protect against excessive algal growth.

COMMENT 2:

Ms. Brockenbrough is concerned that adding more wastewater into the creek will cause increased flooding and erosion on her property. Ms. Brockenbrough states that over the past 25 years the creek has changed from being a seasonal intermittent stream to a continuously flowing stream, often with a high flow, due to added effluent from Manor and Shadow Glen wastewater treatment plants both located upstream of her property. The increased flooding has caused fences to blow out and livestock to escape. Ms. Kelinske is concerned about the increased flooding caused by Wilbarger Creek that occurs with modest rains. She also is concerned about its effect on vegetation and animals.

RESPONSE 2:

TPDES permits establish terms and conditions that are intended to provide water quality pollution control. Therefore, the ED's review of an application for a TPDES permit focuses on controlling the discharge of pollutants into water in the state. TCEQ does not have the authority to regulate flooding in the wastewater permitting process unless there is an associated water quality concern. The draft permit includes effluent limits and other requirements that it must meet even during rainfall events and periods of flooding.

Finally, the draft permit does not authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. As stated in subsection C of

the Background Information (Access to Rules, Laws, and Records), the proposed permit does not limit any landowner's ability to seek private action against the applicant.

For flooding concerns, please contact the local floodplain administrator for Travis County (Call Travis County TNR 512-854-9383; Email TNR.Web@TravisCountyTx.gov).

COMMENT 3:

Ms. Kelinske expressed concern about negative impact on wildlife living on a conservation easement on her property. She stated that with the population growth around, her property has become a haven for wildlife. Ms. Kelinske further expressed concern about using the creek water for horses and livestock due to the contamination of the water.

RESPONSE 3:

The 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.

As stated in Response 1, the draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the applicant operates and maintains the proposed WWTF according to TCEQ rules and the draft permit's requirements. The methodology outlined in the IPs (June 2010) is designed to ensure compliance with the TSWQS.

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that 1) results in instream aquatic toxicity, 2) causes a violation of an applicable narrative or numerical state water quality standard, 3) results in the endangerment of a drinking water supply, or 4) results in aquatic bioaccumulation that threatens human health. The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

Finally, TPWD is the state agency that oversees and protects wildlife and their habitat. TPWD can be contacted by phone at 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744.

COMMENT 4:

Ms. Kelinske opposes any new discharge directly into Wilbarger Creek because the creek already receives discharges from other sources such as Pflugerville and Manor subdivisions. Mr. Beall expressed concern about the capacity of Wilbarger Creek as the creek already receives treated effluent from Shadow Glen and the City of Manor. He stated that Pflugerville's new regional WWTP, which is not online yet, is permitted to discharge 24 MGD. He expressed concern about future negative impacts of Pflugerville's WWTP and stated that TCEQ should err on the side of caution and requested that TCEQ include this effluent discharge in considering the Majestic Manor permit as the stream flow will be predominately treated effluent. Mr. Beall stated that it seems irresponsible to permit additional discharges before the true impacts of Pflugerville's regional plant are clearer. Downstream neighbors, taxpayers, and aquatic environment should not have to suffer so that this wastewater operator can save a little money.

RESPONSE 4:

Part of the technical review process is for TCEQ staff to perform a DO modeling analysis to ensure the permit's effluent limits and other requirements will support the DO criterion and, therefore, protect the aquatic life use of the receiving waterbodies (i.e., Wilbarger Creek).

The model for Wilbarger Creek used to assess whether the DO criteria for the stream is met, is a large model that contains multiple TPDES wastewater outfalls (including but not limited to the City of Manor [TPDES permit Nos. WQ0012900001 and WQ001412901] and City of Pflugerville [TPDES permit Nos. WQ0011845005 and WQ0014642001]). When running the model, all contributing dischargers are entered at their full permitted flow. Furthermore, to ensure that DO modeling results and corresponding effluent limit recommendations are conservative and protective under all conditions, Wilbarger Creek was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. This combination of conditions is unlikely to occur for any significant period of time, so it represents a very conservative, worst-case modeling scenario. Even under these conservative model assumptions, instream DO levels were predicted to be maintained above the criterion established for Wilbarger Creek (5.0 mg/L).

The City of Pflugerville currently has two TPDES permits that discharge to Wilbarger Creek (TPDES Permit Nos. WQ0011845005 and WQ0014642001). Permit No. WQ0011845005 (issued July 25, 2022) authorizes a daily average flow of 6.0 MGD for the Interim phase and 15.75 MGD for the final phase. Permit No. WQ0014642001 (issued December 6, 2019) authorizes a daily average flow of 0.15 MGD, 0.475 MGD, and 0.95 MGD for the Interim phases and 3.0 MGD for the final phase.

The Wilbarger Creek Regional WWTF referenced by Mr. Beall (<https://www.pflugervilletx.gov/city-government/capital-improvement-program-cip/projects-overview/wilbarger-creek-regional-wastewater-treatment-facility>) does not currently hold a TPDES wastewater permit that authorizes the daily average discharge of 24 MGD. If the City does apply for such a permit, the application will undergo a full technical review by TCEQ to determine if the discharge conditions proposed in the application would be sufficient to protect the human health and aquatic life uses of the receiving waterbodies.

COMMENT 5:

Ms. Brockenbrough requested that TCEQ test the water in Wilbarger Creek downstream from the proposed Majestic Manor WWTF before approving the permit. She believes a TMDL study is needed. Ms. Kelinske asks if studies have been done to understand the effect on vegetation and animals when increased flooding occurs due to effluent mixed with stormwater overflow over hundreds of acres of land adjacent to the banks of the creek. Ms. Kelinske also asks how long this effect would last. Mr. Beall asks if TCEQ has a good water quality baseline of Wilbarger Creek, and if so, how old is it? Mr. Beall requests a current baseline be taken during the last year. Samples should be taken above and below the discharge points on the 5 existing and proposed WWTP on Wilbarger Creek: Pflugerville, Shadow Glen, Manor, Majestic Manor, and Elgin.

RESPONSE 5:

TMDL projects are conducted on water bodies that have been found to be impaired for some specific constituent(s) or other water quality-related parameter(s). Such impairments are documented in the Texas 303(d) list (Category 5) portion of the Texas Integrated Report of Surface Water Quality, which is updated every two years. Wilbarger Creek is not listed as impaired on the 303(d) list and no TMDL projects have been developed for the Wilbarger Creek watershed, nor are any currently underway or planned.

The SWQM program of the TCEQ conducts an updated assessment of water quality in water bodies throughout the state (including Wilbarger Creek) every two years, comparing observed water quality from sampling data against various applicable water quality criteria. TCEQ has water quality information that is collected at an active SWQM Station approximately 2.25 miles downstream of the Majestic Manor WWTF. In addition,

there are other active SWQM stations further upstream and downstream on Wilbarger Creek, in which current water quality data is being collected.

COMMENT 6:

Ms. Kelinske, Ms. Brockenbrough, and Mr. Beall request that higher treatment standards be required for facilities discharging into Wilbarger Creek. Mr. Beall asks that TCEQ consider using the highest possible treatment standards to include the most protective and available techniques:

- A limit of total nutrients of 0.1 mg/l phosphorus and 4 mg/l nitrogen.
- Discharge the treated effluent to wet ponds, wetlands, and sheet flow over a vegetated buffer to significantly improve stream inputs and to mitigate negative effects from chlorination of the discharge.
- Use land application permits – or no discharge permits.
- Beneficial reuse – irrigation, wetlands, or other beneficial reuse to preserve potable water resources.

RESPONSE 6:

TCEQ does not have the authority to mandate the method of disposal of treated effluent if an applicant adheres to the rules and provisions of TWC Chapter 26 and 30 TAC Chapters 217, 305, 307, and 309.

A TLAP authorizes the disposal of treated effluent by means of surface irrigation, subsurface irrigation, or evaporation. The effluent must be treated to the pollutant concentrations prescribed in 30 TAC § 309.4. If SWWC Utilities Inc. changes the proposed method of disposal this would require further review by the TCEQ and additional public notice.

Treated effluent may also be used for beneficial use pursuant to 30 TAC Chapter 210, relating to “Use of Reclaimed Water,” however this authorization requires that either a TPDES or TLAP permit be obtained first.

The current draft permit contains an NH₃-N of 2.0 mg/L for all proposed flow phases, which is the minimum required by the Colorado River Watershed Protection Rule (30 TAC Chapter 311, Subchapter E).

COMMENT 7:

Mr. Beall expressed concern about malfunctions of treatment plants due to power outages, floods, mechanical failures, etc. resulting in exceedances of permit limits, even in a well-run plant. Mr. Beall stated that it would have a severe impact on Wilbarger Creek because it is so small. Using land application, beneficial reuse etc. will provide a buffer if a plant has problems.

RESPONSE 7:

The draft permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements. For example, a permittee must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater. In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic wastewater permit must be approved by TCEQ. All these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, the SWWC Utilities Inc. will be required to report any unauthorized discharge to TCEQ within 24 hours and the SWWC Utilities Inc. will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

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 11 Office at 512-339-2929. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>.

COMMENT 8:

Mr. Beall stated that the actual discharge point is not clear from the notice and that it seems like an unreasonable burden to require people to obtain and read the application to find the discharge point.

RESPONSE 8:

The ED acknowledges the comment.

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

No changes were made to the draft permit in response to comments.

Respectfully submitted,

Texas Commission on Environmental
Quality

Toby Baker
Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division



Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-5778
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on October 19, 2022, the "Executive Director's Response to Public Comment" for Permit No. WQ0016022001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

A handwritten signature in black ink, appearing to read "Anthony Tatu", written over a horizontal line.

Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869