

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

February 15, 2023

TO: All interested persons.

RE: North Texas Municipal Water District
TCEQ Permit No. WQ0005323000

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Charles J. Rike Memorial Library, 203 Orange Street, Farmersville, 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
North Texas Municipal Water District
TCEQ Permit No. WQ0005323000

The Executive Director has made the Response to Public Comment (RTC) for the application by North Texas Municipal Water District for TCEQ Permit No. WQ0005323000 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 (WQ0005323000) 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 Charles J. Rike Memorial Library, 203 Orange Street, Farmersville, Texas.

MAILING LIST
for
North Texas Municipal Water District
TCEQ Permit No. WQ0005323000

FOR THE APPLICANT:

Jerry Allen, Environmental Manager
North Texas Municipal Water District
P.O. Box 2408
Wylie, Texas 75098

Travis Markham, Program Manager
North Texas Municipal Water District
P.O. Box 2408
Wylie, Texas 75098

Ryan Pierce, Program Manager
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INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Ryan Vise, Deputy Director
Texas Commission on Environmental
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External Relations Division
Public Education Program MC-108
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Michael Parr, Staff Attorney
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Brian Sierant, Technical Staff
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
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Public Interest Counsel MC-103
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FOR THE CHIEF CLERK
via electronic mail:

Laurie Gharis, Chief Clerk
Texas Commission on Environmental
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Office of Chief Clerk MC-105
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Austin, Texas 78711-3087

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JOSEPHINE TX 75189-3949

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513 WINDROW DR
JOSEPHINE TX 75189-3847

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GARLAND TX 75040-8421

COONES , RUSSELL
5961 FM 547
FARMERSVILLE TX 75442-6775

D'ONOFRIO , STEPHEN
22476 COUNTY ROAD 850
FARMERSVILLE TX 75442-6601

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NEVADA TX 75173-7037

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PROSPER TX 75078-0538

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FITZGERALD , BRITNI
414 SILO CIR
JOSEPHINE TX 75189-5186

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1316 COTTON GIN CT
JOSEPHINE TX 75189-3843

GARCIA , MRS ANDREA
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KING , MRS NEHA
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DALLAS TX 75206-5460

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JOSEPHINE TX 75189-7407

MALEH , MARCY
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JOSEPHINE TX 75189-5317

PARKER , LARRY
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RAMSEY , JASON
21711 PRIVATE ROAD 5455
FARMERSVILLE TX 75442-8315

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FARMERSVILLE TX 75442-6801

TCEQ PERMIT NO. WQ0005323000

APPLICATION	§	BEFORE
BY NORTH TEXAS	§	THE TEXAS
MUNICIPAL WATER DISTRICT FOR	§	COMMISSION ON
TCEQ PERMIT NO. WQ0005323000	§	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 on the application by North Texas Municipal Water District (**Applicant**) for a new TCEQ permit, proposed TCEQ permit No. WQ0005323000 (**proposed permit**), and on the ED's preliminary decision on the application. As required by Title 30 of the 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 the Chief Clerk (**OCC**) received timely comments from Tina Aguilar, Diana Aldana, Olivia Beaz, Sharon Beebe, Trish Clarke, Russell Coones, Linda Dedmon, Stephen D'Onofrio, Scott and Jennifer Drafft, Melissa Fain, Britni Fitzgerald, Monica Fornasoro, Linsey Futrell, Rebecca Gipson, Kaleb Hamil, Sheree Henry, Bryana Hernandez, Joseph Hooks, Dana Huntoon, Shawn Hurst, Sheila Hurst, Rose Hutchison, Cecil King, Neha King, Peter Koelsch, Samantha Larson, Dianna Lawrence, Wilson Lee, Michael Lorra, William Magedson, Marcy Maleh, Austin Martin, Alejandro Medina, Preston Nutt, Larry Parker, Jason Ramsey, Jan Richburg, Jane Ridgway, Caroline Rose, Charles Ruple, Michael Stubbe, Ron Sydnor, Margie Veselka, Jim Wall, Bethanie Wallgren, Megan Whitaker, Ricky Whitaker and Robert Williams. This response addresses all timely public comments received, whether withdrawn or not. For 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 on the TCEQ web site at <http://www.tceq.texas.gov>.

BACKGROUND

The Applicant applied for the proposed permit, which authorizes the processing, storage, and disposal at a monofill of Water Treatment Plant Residuals (**WTP residuals**), which is material generated during the treatment of water for potable use, and not sewage sludge, biosolids, or an industrial solid waste. Monofills are a landfill that is intended to be used for a single type of waste. This means that the monofill must be dedicated to disposal of waste that is comprised of that specific single waste material.

Description of Proposed Facility and Permit

The Applicant's Wylie Water Treatment Plant and the WTP residuals disposal monofill (**proposed facility**) is a 310-acre monofill authorized for the disposal of only dewatered WTP residuals at a max rate of 100,000 dry tons per year and will be located approximately 0.25 mile north of the intersection of County Road 644 and Farm-to-Market Road 547, in Collin County, Texas 75442. The proposed facility will be located in the drainage basin of Lake Tawakoni in Segment No. 0507 of the Sabine River Basin; however, there will not be a discharge from the proposed facility, and the proposed permit does not authorize a discharge of pollutants into water in the state. The proposed permit authorizes the Applicant to process, store, and dispose of WTP residuals in accordance with the limitations, requirements, and other conditions of the proposed permit, which if

granted, is subject to the rules of the Commission and other Orders of the Commission and laws of the State of Texas. Nothing in the proposed permit exempts the Applicant from compliance with applicable rules and regulations of the TCEQ. The Applicant must handle and dispose of all WTP residuals in accordance with all applicable state and federal regulations to protect public health and the environment. Additionally, the proposed permit does not authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations.

Procedural Background

The TCEQ received the application on May 19, 2021, and declared it administratively complete on September 15, 2021. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Collin County, Texas on September 29, 2021, in English in *The Dallas Morning News* and in Spanish in *Al Dia*. The ED completed the technical review of the application on February 14, 2022, and prepared an initial draft permit, the proposed permit that if approved, would establish the conditions under which the proposed facility must operate. The Applicant published a Combined Notice of Application and Preliminary Decision (NAPD) and NORI in Collin County, Texas on June 15, 2022, in English in *The Dallas Morning News* and in Spanish in *Al Dia* to correct inaccuracies in the original NORI. The public comment period ended on July 15, 2022. Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84th Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

The ED has determined that the proposed permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, animal life, vegetation and human health. However, if you would like to file a complaint about the proposed facility concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ Regional Office (Region 4) in Fort Worth, TX at (817) 588-5800 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described below at the seventh bullet point under “Access to Rules, Laws, and Records.” If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the proposed facility is out of compliance with TCEQ rules, enforcement actions may arise.

Access to Rules, Laws, and Records

- All administrative rules: Secretary of State Website: www.sos.state.tx.us
- TCEQ rules: Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: www.statutes.capitol.texas.gov
- TCEQ website: www.tceq.texas.gov (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”)
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.) http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- **Environmental or citizen complaints may be filed electronically at:** <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/compla>

[ints.html](#) (select “use our online form”) or by sending an email to the following address: complaint@TCEQ.texas.gov

Commission records for the proposed facility are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk (OCC), for the current application until final action is taken). Some documents located at the OCC may also be located in the TCEQ Commissioners’ Integrated Database at www.tceq.texas.gov/goto/cid. The permit application has been available for viewing and copying at the Charles J. Rike Memorial Library located at 203 Orange Street, Farmersville, Texas 75442, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED’s preliminary decision are available for viewing and copying at the same location since publication of the Combined NAPD/NORI.

COMMENTS AND RESPONSES

COMMENT 1:

Nearly all the comments received by the OCC on this application contained concerns about the nature or type of waste that the proposed permit would authorize for disposal at the Applicant’s monofill. Nearly all the comments included concerns about wastewater treatment plant sludge (biosolids) or industrial sludge. Similarly, concerns were raised that all surface disposal of material involved in treating water involves the same type of waste and practices. Diana Aldana expressed concern that this will be a trash disposal site. Joseph Hooks and Wilson Lee expressed concern that this will be a sludge treatment facility or processing plant. Stephen D’Onofrio has concerns about the health effects and medical issues with biosolids. Michael Stubbe has expressed concern that waste is heavy with chemicals and solids that will be dumped and absorbed in the soil that feeds local ponds and creeks that flow through properties. Olivia Beaz commented referencing a cancer report related to sewage sludge.

RESPONSE 1:

The ED understands these concerns, acknowledges the comments, and apologizes that there was confusion with this application.

The first notice for this application, the NORI, that was mailed to adjacent landowners and published by the Applicant on September 29, 2021, in English in *The Dallas Morning News* and in Spanish NORI in *Al Dia*, contained misleading information because the NORI stated that the Applicant had applied for a Sewage Sludge or Biosolids Surface Disposal Permit.

That statement was incorrect, as the Applicant did not apply for that type of permit. The type of permit the Applicant applied for was correctly stated in second public notice of the application, a combined NORI/NAPD, which was published in the same newspapers to correct the previous inaccurate statement.

The ED would like to make clear that the Applicant did not apply for a Sewage Sludge or Biosolids Surface Disposal Permit, and the only material authorized for disposal at the Applicant’s monofill is WTP residuals.

Instead, the Applicant applied for a permit to dispose of WTP residuals, which are not sewage sludge or industrial solid waste. The TCEQ rules at 30 TAC § 312.8(105), define WTP residuals as material generated during the treatment of either surface water or

groundwater for potable use. Likewise, the TCEQ rules at 30 TAC § 290.38(71), define a water treatment plant or public water system as a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses for water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term drinking water must also include all water supplied for human consumption or used by any institution catering to the public.

WTP residuals contain pollutants from the source water (concentrated when removed from drinking water) and from treatment chemicals (including impurities and disinfection by-products). Source water pollutants removed from potable drinking water include solids, metals, and microorganisms. Pollutants from treatment chemical formulations include active treatment chemical ingredients such as aluminum, calcium, and ammonia compounds, and formulation impurities. Water treatment chemical impurities can concentrate into detectable levels in residuals and recycle streams over time (*Cornwell, 2002*). Disinfection by-products include bromate, chlorite, haloacetic acids, and trihalomethanes.

However, the issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights, and nothing in the proposed permit limits the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property. In addition, the scope of TCEQ's regulatory jurisdiction does not limit the ability of nearby landowners to seek relief from a court in response to trespass, nuisance, 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.

The Applicant has a duty to comply with all conditions of the proposed permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

If the proposed facility or the Applicant create any nuisance conditions, the TCEQ may be contacted by the methods described above, in the section entitled "Access to Rules, Laws, and Records" on pages 2 and 3.

COMMENT 2:

Kaleb Hamil, Sheree Henry, Margie Veselka, Trish Clarke, Russell Coones, Linda Dedmon, Rebecca Gipson, Joseph Hooks, Dana Huntoon, Sheila Hurst, Cecil King, Neha King, Peter Koelsch, Samantha Larson, Wilson Lee, Michael Lorra, Marcy Maleh, Austin Martin, Preston Nutt, Charles Ruple, Jim Wall, Megan Whitaker, Ricky Whitaker all commented expressing opposition to the proposed permit and expressed concerns about quality of life and the potential negative impacts on the environment, and on the health, safety, welfare of the surrounding public, including the wildlife and farm production of the proposed disposal site and that the site will make living in the area undesirable. Tina Aguilar, Diana Aldana, Sharon Beebe, Trish Clarke, Russell Coones, Stephen D'Onofrio, Britni Fitzgerald, Rebecca Gipson, Bryana Hernandez, Shawn Hurst, Rose Hutchison, Neha King, Peter Koelsch, Samantha Larson, Wilson Lee, Austin Martin, Alejandro Medina,

Preston Nutt, Larry Parker, Jan Richburg, Jane Ridgway, Charles Ruple, Ron Sydnor, Margie Veselka, Jim Wall, and Bethanie Wallgren expressed concerns over the proximity of the proposed facility to families, churches, schools and number of agricultural operations and wildlife ranch. Olivia Beaz commented, expressing concerns that inadequately dispersed air pollution and land pollution from the proposed facility can trigger numerous different health mortalities, such as cancer and even reproductive health issues.

RESPONSE 2:

The health concerns of area residents, as well as those of the public, are considered in reviewing applications for permits that authorize the processing, storage and disposal of water treatment plant residuals. The TCEQ takes the concerns and comments expressed by the public, relating to human health, water quality, and protecting the State's rivers and lakes, into consideration in deciding whether to issue such a permit.

Chapter 26 of the Texas Water Code and TCEQ's water quality rules are written for the protection of public health, aquatic life, and the environment. Accordingly, the stated policy of both the Water Code and the TSWQS is:

To maintain the quality of water in the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, and the operation of existing industries, taking into consideration the economic development of the state; to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.¹

The proposed permit requires the Applicant to "take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health."

Additionally, the WTP residuals to be disposed of at the proposed facility must meet all applicable requirements under 30 TAC Chapter 312, Chapter 312 does not establish requirements for the proximity of the disposal site, or buffer zones, from agricultural operations or wildlife ranches. WTP residuals are material generated during the treatment of either surface water or groundwater for potable use and should not pose any threats to the health, safety, or quality of life in the surrounding area.

COMMENT 3:

Trish Clarke, Russell Coones, Linda Dedmon, Rebecca Gipson, Joseph Hooks, Dana Huntoon, Shawn Hurst, Sheila Hurst, Cecil King, Neha King, Peter Koelsch, Samantha Larson, Wilson Lee, Michael Lorra, Marcy Maleh, Austin Martin, Preston Nutt, Charles Ruple, Jim Wall, Megan Whitaker, Ricky Whitaker, Sharon Beebe, Melissa Fain, Monica Fornasoro, Linsey Futrell, Sheree Henry, Dana Huntoon, Dianna Lawrence, Wilson Lee, Larry Parker, Jan Richburg, Jane Ridgway, Caroline Rose, Michael Stubbe, Bethanie Wallgren, and Robert Williams commented, expressing concerns about the proposed facility's negative impacts to their quality of life, impacts from higher traffic volumes, damage to roads as a result of the truck hauling WTP residuals, the value of their properties, which might cause severe economic impact and will affect the growth of the community. Linda Dedmon and Austin Martin expressed concerns that the proposed facility will contribute to an unsightly area or an eyesore and make the area undesirable to

¹ Texas Water Code § 26.003 and 30 TAC § 307.1.

live in. Jason Ramsey commented expressing concerns over noise pollution from the proposed facility.

RESPONSE 3:

The ED acknowledges the significance of these concerns; however, while the ED encourages the participation of all citizens in the environmental permitting process, there are certain concerns of citizens that the TCEQ cannot address in the review of a WTP residuals disposal permit, as the scope of the ED's jurisdiction in an application is limited to the issues set out by statute.

The TCEQ does not have the statutory authority to address the issues raised by the commenters as part of the wastewater permitting process. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. Section 26.027 of the Texas Water Code authorizes the TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state's rivers, lakes, and coastal waters. The ED, through the Water Quality Division, has no jurisdiction to address property values, higher traffic volumes, road maintenance, quality of life concerns, noise pollution, or aesthetics of a facility.

However, the issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights. Alternatively, nothing in the proposed permit limits the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property.

Nor does the proposed permit limit the ability of a nearby landowner to seek relief from a court in response to activities that may or do interfere with the use and enjoyment of their property. If the Applicant's activities create any nuisance conditions, the TCEQ may be contacted to investigate whether a permit violation has occurred. Potential permit violations may be reported to the TCEQ Regional Office (Region 4) in Ft. Worth, TX at (817) 588-5800 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the third subsection of Background Information page 2 (Access to Rules, Laws, and Records).

COMMENT 4:

Sharon Beebe, Melissa Fain, Monica Fornasodoro, Bryana Hernandez, Joseph Hooks, Dana Huntoon, Rose Hutchison, Cecil King, Neha King, Samantha Larson, Wilson Lee, Michael Lorra, Marcy Maleh, Austin Martin, Alejandro Medina, Larry Parker, Ron Sydnor and Robert Williams all commented, expressing concerns that the proposed facility will have odors. In addition, Marcy Maleh expressed concerns that the proposed facility will cause an increase in flying bugs, mosquitoes, flies, and more.

RESPONSE 4:

The proposed permit only authorizes the disposal of WTP residuals, which are residues or silt material removed from water during the treatment process for public drinking water. Accordingly, there should not be any odors or conditions that take place that would attract vectors such as flying bugs, mosquitoes, and flies, which may be

present with the beneficial land application of sewage sludge or biosolids. Both state (TCEQ) and federal (United States Environmental Protection Agency (USEPA)) rules do not require vector attraction reduction methods for the land use or disposal of WTP residuals.

COMMENT 5:

Linda Dedmon, Wilson Lee, and Jim Wall commented, expressing concerns that chemicals used for treatment and the coagulants found in WTP residuals treatment residuals are hazardous and dangerous. Dana Huntoon, Wilson Lee, and Robert Williams expressed concerns about the use of chemical ferric sulfate that may be hazardous if used in large amounts and will adversely affect the neighborhood and the surface water and groundwater.

RESPONSE 5:

The Applicant has stated that the first step at the proposed facility's process to produce drinking water is the removal of particles such as silt and clay from the source water using an iron coagulant (ferric sulfate). The iron coagulant (ferric sulfate) is a chemical certified for use in drinking water treatment by American National Standards Institute, National Science Foundation, and meets American Water Works Association standards for use in the drinking water treatment."

COMMENT 6:

Russell Coones, Rebecca Gipson, and Charles Ruple commented, expressing concerns about the per-and polyfluoroalkyl substances (PFAS) contamination and the dangers to humans and livestock.

RESPONSE 6:

The ED acknowledges the significance of these concerns; however, the USEPA has not promulgated any rules related to PFAS; and although the USEPA is currently studying the occurrence of PFAS in biosolids, the study does not include WTP residuals, as currently there are no documented instances of PFAS contamination in WTP residuals.

COMMENT 7:

Sheree Henry, Wilson Lee, Jane Ridgway, and Ron Sydnor commented expressing concern about possible contaminants running off or breaching from the proposed facility and the potential for flooding into public areas. Michael Lorra commented expressing concerns about the impact of that amount of water will have on properties downstream of existing waterways and floodplains.

RESPONSE 7:

The proposed permit does not authorize any discharge, nor the discharge of process water from the dewatering process or a discharge of the WTP residuals outside of the bermed, monofill containment area. If such a discharge were to happen it would be a violation of the proposed permit and subject the Applicant to enforcement actions.

COMMENT 8:

Wilson Lee, Jim Wall, Michael Lorra, Austin Martin, and Jason Ramsey all commented, expressing concerns about the impacts the proposed facility will have on the groundwater of the surrounding area and the possible contamination to groundwater.

Bethanie Wallgren commented, questioning how it can be absolutely ensured that a water source 80 feet downstream won't be contaminated. Jim Wall commented, expressing concerns about the barrier utilized to prevent seepage because the application states it will be compacted clay.

RESPONSE 8:

Although not required for the disposal of water treatment residuals, the liner of compacted clay is sufficient to prevent seepage into groundwater that is 80 feet below. In addition, the material proposed for disposal is generated during the treatment of either surface water or groundwater for potable use and is not expected to contaminate groundwater.

COMMENT 9:

Scott and Jennifer Dafft commented, questioning if any TCEQ personnel has physically visited the site of the proposed facility.

RESPONSE 9:

To date, no TCEQ personnel has visited the site.

COMMENT 10:

Bethanie Wallgren commented, questioning whether there are other examples of monofill like the one proposed by the Applicant. Scott and Jennifer Dafft commented, questioning whether the TCEQ has ever received an application for disposal of WTP residuals on a site the size of the proposed facility and what the largest site, prior to the proposed facility, is for an application for disposal of WTP residuals.

RESPONSE 10:

To date, there are six WTP residuals monofills and one combination of a wastewater treatment plant sludge and WTP residuals monofill. These monofills vary from 19 acres to 220 acres. The largest WTP residuals-only disposal site is a 20-acre monofill located in Nueces County and it has a maximum disposal rate of 51,000 dry tons per year. The largest disposal site that includes WTP residuals with a combination of wastewater treatment plant sludge is a 220-acre monofill located in Hudspeth County and it has a maximum disposal rate of 450,702 dry tons per year.

COMMENT 11:

Scott and Jennifer Dafft commented, questioning how the contaminated water from the processing of WTP residuals will be dealt with.

RESPONSE 11:

The water treatment process associated with the monofill would not produce any contaminated water, but instead results in recovered raw water from Lavon Lake. The drinking water treatment process uses iron coagulant that is added to lake water to remove particles, such as clay and silt, to clarify the lake water. These particles, or the WTP residuals, are removed from the lake water and settle to the bottom of a treatment tank. The Applicant stated in the application that the clarified lake water remains at the top of the treatment tank and is captured to be disinfected with ozone & chlorine to become drinking water, and the leftover water in the bottom of the treatment tank

containing the WTP residuals is planned to be pumped to the monofill. The WTP residuals will then be removed from the recovered lake water, and the lake water will be used for irrigation. The Applicant stated in the application that the amount of lake water removed from the WTP residuals will vary as it is dependent on production of drinking water at the Wylie Water Treatment Plant, and the production of drinking water is expected to be higher during periods of dry weather and lower during periods of wet weather.

COMMENT 12:

Scott and Jennifer Dafft commented, questioning whether the TCEQ expects the Applicant to apply for a wastewater discharge permit allowing the discharge of contaminated water into the flood plain.

RESPONSE 12:

The only plans of the Applicant that TCEQ is aware of is the Applicant's plans to construct stormwater detention ponds that will be used at the monofill. Additionally, over the life of the monofill, the location and size of the stormwater detention ponds will vary because of changes to the site layout of the active monofill area. The Ponds will be located to capture rainfall falling on the active site of the monofill and must be sized for a 25-year, 24-hour storm.

COMMENT 13:

Scott and Jennifer Dafft commented, questioning whether the Soil Conservation Service will be involved in the planning of the proposed facility to ensure all silt will be contained on site. The Daffts also questioned how the silt will be eliminated from runoff that runs onto neighboring properties and into creeks, rivers, and reservoirs.

RESPONSE 13:

The Soil Conservation Service is not involved in planning to ensure all silt is contained on site. The Applicant must manage the proposed facility according to the provisions of the proposed permit, which addresses stormwater management and erosion control.

COMMENT 14:

Scott and Jennifer Dafft commented, questioning what the plan is to convert the inactive portion from cultivated ground into a permanent grass, whether an independent certified agronomist will be involved in this transformation into grass, and whether standard practices to establish a healthy stand will be used, which includes annual fertilization, regular herbicide application and frequent mowing.

RESPONSE 14:

The proposed permit requires that vegetative cover must be maintained year-round on all areas within the monofill that have reached the maximum elevation of disposal to prevent erosion conditions from occurring. When a disposal area has reached the maximum elevation of disposal, the soil is expected to have sufficient moisture and nutrients to grow a natural permanent grass cover. The proposed permit does not require that an independent certified agronomist be involved in the transformation into a grass cover.

COMMENT 15:

Scott and Jennifer Dafft commented, questioning if berms and a fence will be built around the proposed facility before disposal activities commence.

RESPONSE 15:

The proposed permit requires that waste control facilities must be isolated from storm water run-on by berms or diversion terraces. The Applicant stated in the application that a berm will be constructed around the perimeter of the active site of the monofill prior to the disposal of WTP residuals. The active site of the monofill will be surrounded by a perimeter berm, and the active site will vary in location and size over the life of the monofill. Some berms will be constructed around the perimeter of the property.

Additionally, the Applicant must restrict public access to the site by having a fence and locked gate, as well as sign postings prior to the disposal of WTP residuals.

COMMENT 16:

Scott and Jennifer Dafft commented, questioning under the East Parcel, if the “small creek at the eastern edge of the parcel” can be identified. The Daffts are unaware of any small creek on the western edge of their property.

RESPONSE 16:

Attachments 1 and 2, which are maps provided by the Applicant and enclosed at the end of this document, show a water course that is an unnamed tributary of Cowskin Creek (See Attachments 1 and 2 below).

COMMENT 17:

Scott and Jennifer Dafft commented, questioning if there will be a series of retention/settling ponds to slow the velocity of runoff water as it exits onto neighboring properties and eliminate washouts and silt entering creeks, rivers, and reservoirs.

RESPONSE 17:

Stormwater detention ponds will be used and because the active site layout of the proposed facility will change over time, the location and size of the stormwater detention ponds will vary over the life of the monofil. The stormwater detention ponds will be located so that they capture rainfall on the active site of the monofill and will be sized for a 25-year, 24-hour storm.

COMMENT 18:

Scott and Jennifer Dafft commented, questioning that because the application requested an increase to 100,000 tons deposited annually (roughly 2,000 tons per week), where the loads originate from and how many loads per day are expected.

RESPONSE 18:

The Applicant stated that the current plan is to send WTP residuals to the monofill through a pipeline, which will result in minimal additional traffic on nearby roads. However, if a pipeline is not constructed, the Applicant would use trucks originating from the Wylie Water Treatment Plant located in Wylie, Texas, to transport water treatment plant residuals to the monofill. The Applicant has stated that based on current volumes, it

estimates there could be up to 50 trucks per day on average if the pipeline is not constructed. However, the TCEQ does not have jurisdiction over traffic or road maintenance on public roads. If the public becomes aware of damage to county roads, the Collin County is responsible for acting. If the damage were to occur on site at the proposed facility, the Applicant must act.

COMMENT 19:

Scott and Jennifer Dafft commented, questioning what the proposed route is for the pipeline from Wylie to the proposed facility and what the size of the pipe will be and if Eminent Domain will be used to acquire any part of the pipeline right-of-way.

RESPONSE 19:

Because the proposed permit is for the disposal of WTP residuals, the proposed route and size of the pipeline from Wylie to the proposed facility is not a part of this application or proposed permit.

COMMENT 20:

Scott and Jennifer Dafft commented, questioning if the proposed facility will operate 24 hours a day or will have limited hours of operation.

RESPONSE 20:

Hours of operation are not part of the application and the TCEQ does not have jurisdiction over the operating hours of the proposed facility.

COMMENT 21:

Scott and Jennifer Dafft commented, questioning what the estimated cost of this project will be when completed.

RESPONSE 21:

The estimated cost of the proposed disposal site when completed, is not under the jurisdiction of the TCEQ's review of the proposed permit.

CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT

No changes to the proposed permit were made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Erin Chancellor, Interim Executive Director

Charmaine Backens, Acting Director
Office of Legal Services

Guy Henry, Acting Deputy Director,
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REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

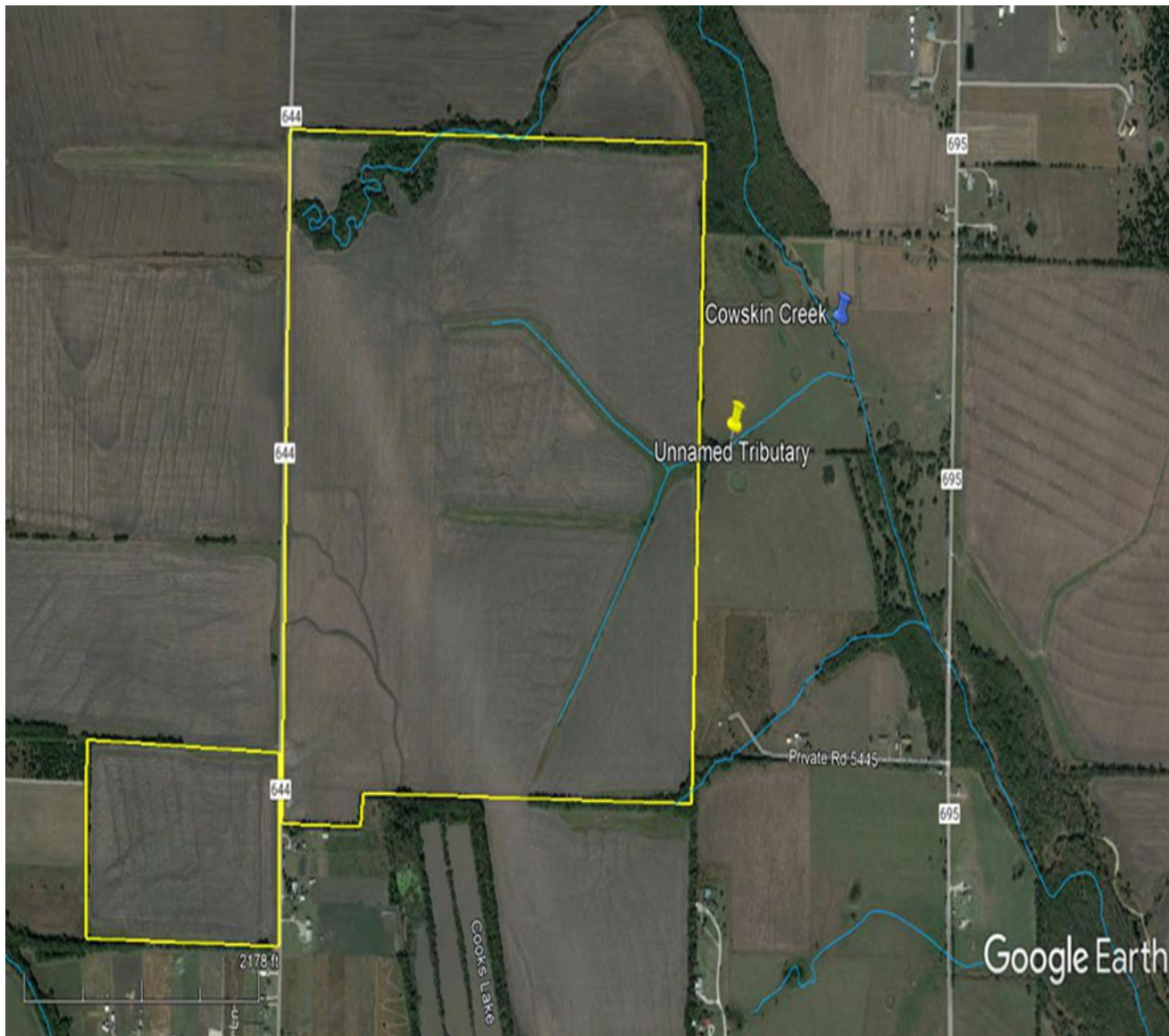
I certify that on February 13, 2023, the Executive Director's Response to Public Comment for Permit No. WQ0005323000 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Michael T. Parr II, *Staff Attorney*

State Bar No. 24062936

Attachment 1



Attachment 2

