

TCEQ DOCKET NO. 2023-0853-MWD

APPLICATION BY	§	BEFORE
NORTHWEST FREEWAY	§	THE TEXAS
MUNICIPAL UTILITY DISTRICT FOR	§	COMMISSION ON
TPDES PERMIT NO. WQ0011913001	§	ENVIRONMENTAL QUALITY

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EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

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I. INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests on the application by Northwest Freeway Municipal Utility District (Applicant) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011913001, authorizing the discharge of treated domestic wastewater at a daily average flow not to exceed 450,000 gallons per day. Dustin Lindsey filed a timely request (Request) for a Contested Case Hearing (Hearing).

II. DESCRIPTION OF THE FACILITY, DISCHARGE ROUTE, AND THE EXECUTIVE DIRECTOR'S TECHNICAL REVIEW

The Applicant's Wastewater Treatment Facility (facility) is located at 17924 Bullis Gap Drive, northeast of the City of Houston, in Harris County, Texas 77447, and is an activated sludge process plant operated in complete mix mode with single stage nitrification. Treatment units include a bar screen, an aeration basin, a final clarifier, a sludge digester, a gravity thickener, and a chlorine contact chamber. The route of the discharge is to Harris County Flood Control District Ditch (HCFD) No. L117-01-00, then to the section of Little Cypress Creek (LCC) that is classified as "intermittent with perennial pools," and then to the section of LCC that is classified as "perennial," in Segment No. 1009 of the San Jacinto River Basin.

The TCEQ has primary authority over water quality in Texas and federal regulatory authority for the TPDES program, which controls discharges of pollutants into Texas surface waterbodies ("water in the state"). The Texas Water Code (TWC) section (§) 26.027, authorizes the TCEQ to issue permits for discharges into *water in the state*, and the ED evaluates applications for discharge permits based on the information provided in the application and can recommend issuance or denial of an application based on its compliance with the TWC and TCEQ rules. Specifically, the ED's review evaluates impacts from the proposed discharge on the receiving waters in the route for the proposed discharge, starting at the discharge point (detention basin), according to 30 TAC Chapter 307, the Texas Surface Water Quality Standards (TSWQS) and the TCEQ's *Implementation Procedures for the Texas Surface Water Quality Standards-June 2010* (IPs).

The Technical Review process for surface water quality is conducted by staff in the ED's Water Quality Division, (WQD staff) on the Standards Implementation Team (Standards Team), and WQD staff in the Water Quality Assessment Section (Modeling Team). With the goal of the Technical Review to maintain a level of water quality sufficient to protect the existing uses of the receiving surface waters, WQD staff reviewed the application in accordance with the TSWQS and TCEQ's IPs.

With a goal of maintaining a level of water quality sufficient to protect the existing uses of the receiving waters, during the Technical Review of the application process WQD Staff reviewed the application according to the TSWQS and TCEQ's *Implementation procedures for the Texas Surface Water Quality Standards-June 2010* (IPs). WQD staff performed multiple analyses during the Technical Review of the proposed permit, including but not limited to a review of the receiving waters of the route for the proposed discharge route by the Standards Team, and Water Quality Modeling runs by the Modeling Team.

The first component of the ED's Technical Review involved WQD staff on the Standards Team reviewing the classifications, designations, and descriptions of the receiving surface waters for the proposed discharge. Reviewing the receiving waters of the discharge route, along with other available information, allows the Standards Team to preliminarily determine the aquatic life uses for the area of the proposed discharge's possible impact and assign the corresponding Minimum Dissolved Oxygen (DO) criterion as stipulated at 30 TAC § 307.5 (TSWQS) and in the TCEQ's IPs. Because the proposed discharge is directly to an unclassified water body, the Standards Team reviewed this permitting action in conformity with 30 TAC §§ 307.4(h) and (l) (TSWQS).

Based on available information, a preliminary determination of aquatic life uses in the area of the discharge's possible impact was performed and the corresponding DO criterion assigned.

HCFCDD No. L117-01-00 is minimal aquatic life use, with a 2.0 mg/L DO criterion, while LCC classified as intermittent with perennial pools) has limited aquatic life use with a 3.0 mg/L DO criterion, and LCC classified as perennial had a high aquatic life use with 5.0 mg/L DO criterion.

Additionally, the designated uses and the DO criterion for the receiving waters of the route for the discharge, according to Appendix A of 30 TAC § 307.10 (TSWQS), is primary contact recreation, high aquatic life use, and 5.0 mg/L DO for the section of LCC that is classified as "perennial," in Segment No. 1009 of the San Jacinto River Basin. Through his Technical Review, the ED provides the proper effluent limitations (limits) to protect these uses.

As with all determinations, reviews, or analyses related to the Technical review of the proposed permit, the above and below can be reexamined and subsequently modified upon receipt of new information or information that conflicts with the bases employed in the applicable review or analysis.

The second component of the ED's Technical Review involved WQD staff on the Modeling Team performing a DO analysis. The draft permit's effluent limits (limits), established by the Modeling Team's results, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as DO, Five-day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), Total Suspended Solids (TSS), and Ammonia Nitrogen (NH<sub>3</sub>-N) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP). The existing effluent limits have been reviewed for consistency with the State of Texas WQMP, and the existing limits are contained in the approved WQMP.

The existing set of effluent limits of 10 mg/L CBOD<sub>5</sub>, 3 mg/L NH<sub>3</sub>-N, and 4.0 mg/L DO is still predicted to be adequate to maintain DO levels above the criteria stipulated by the Standards Implementation Team for LCC classified as perennial and Segment No. 1009 of the San Jacinto River Basin (5.0 mg/L DO).

The entire set of existing limits of the draft permit, based on a 30-day average, are 5.0 mg/l CBOD<sub>5</sub>, 15.0 mg/l TSS, 3.0 mg/l NH<sub>3</sub>-N, 63 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml, and 4.0 mg/l minimum DO. The effluent must 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. An equivalent method of disinfection may be substituted only with prior approval of the ED.

Segment No. 1009 is not currently listed on the state's inventory of impaired and threatened waters (the 2022 CWA § 303(d) list).

One finalized Total Maximum Daily Load (TMDL) Project is available for this segment: Fifteen Total Maximum Daily Loads for Indicator Bacteria in Watersheds Upstream of Lake Houston For Segment Numbers 1004E, 1008, 1008H, 1009, 1009C, 1009D, 1009E, 1010, and 1011 (Project No. 82). An addendum to the original Project No. 82 TMDL subsequently added six other assessment units to the original TMDL project. On April 6, 2011, the TCEQ adopted the TMDL project, and the EPA approved the TMDL on June 29, 2011. The TMDL project addresses elevated levels of bacteria in multiple segments and assessment units in these watersheds. The waste load allocation (WLA) for wastewater treatment facilities was established as the permitted flow for each facility multiplied by one-half the geometric mean criterion for bacteria. Future growth from existing or new permitted sources is not limited by these TMDLs as long as the sources do not exceed the limits of one-half the bacteria geometric mean criterion for *Escherichia coli*. To ensure that effluent limitations for this discharge are consistent with the WLAs provided in the TMDL, a concentration-based limit for *E. coli* of 63 CFU or MPN per 100 ml has been continued in the draft permit.

The discharge from the draft permit is not expected to impact any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. With respect to the presence of endangered or threatened species, the proposed permit does not require EPA's review.

### III. PROCEDURAL HISTORY

The TCEQ received the application on August 9, 2022, and declared it administratively complete on September 14, 2022. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Harris County, Texas in English in the *Houston Chronicle* on December 7, 2022, and in Spanish in *La Voz* on December 14, 2022. The ED completed the technical review of the application on October 27, 2022, and prepared the proposed permit, which if approved, would establish the conditions under which the proposed facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in Harris County, Texas in English in the *Houston Chronicle* on January 18, 2023, and in Spanish in *La Voz* on January 25, 2023. The public comment period ended on February 24, 2023, and because there were no comments received on the application, there was no applicable deadline for filing a Request for a Hearing or a Request for

Reconsideration (RFR). 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, 84<sup>th</sup> Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

#### IV. ACCESS TO RULES, LAWS AND RECORDS

- All administrative rules: Secretary of State Website: [www.sos.state.tx.us](http://www.sos.state.tx.us)
- TCEQ rules: Title 30 of the Texas Administrative Code: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)
- TCEQ website: [www.tceq.texas.gov](http://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](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/complaints.html> (select “use our online form”) or by sending an email to the following address: [complaint@TCEQ.texas.gov](mailto: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, for the current application until final action is taken). Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners’ Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). The permit application has been available for viewing and copying at the Robinson-Westchase Neighborhood Library located at 3223 Wilcrest, Houston, Texas 77042, 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 NAPD.

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 (Region 12) in Houston, TX at (713) 767-3500 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 seventh bullet point in the third subsection of Background Information (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.

#### V. EVALUATION OF HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission’s consideration of hearing requests (Requests). The

Commission implemented HB 801 by adopting procedural rules in 30 TAC chapters 39, 50, and 55. Senate Bill 709 revised the requirements for submitting public comment and the commission's consideration of Requests. This application was declared administratively complete on September 14, 2022; therefore, it is subject to the procedural requirements adopted pursuant to both HB 801 and SB 709

**A. LEGAL AUTHORITY TO RESPOND TO HEARING REQUESTS**

“The executive director, the public interest counsel, and applicant may submit written responses to [hearing] requests . . . .”<sup>1</sup>

1. whether the requestor is an affected person;
2. whether issues raised in the hearing request are disputed;
3. whether the dispute involves questions of fact or law;
4. whether the issues were raised during the public comment period;
5. whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter by filing a written withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
6. whether the issues are relevant and material to the decision on the application; and
7. a maximum expected duration for the contested case hearing.<sup>2</sup>

**B. HEARING REQUEST REQUIREMENTS**

To consider a Request, the Commission must first conclude that the requirements in 30 TAC §§ 55.201 and 55.203, are met as follows.

A request for a contested case hearing by an affected person must be in writing, filed with the chief clerk within the time provided . . . , based only on the requester's timely comments, and not based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment.<sup>3</sup>

A hearing request must substantially comply with the following:

- (1) give the name, address, telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who is responsible for receiving all official communications and documents for the group;
- (2) identify the person's justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;

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<sup>1</sup> 30 TAC § 55.209(d).

<sup>2</sup> *Id.* at § 55.209(e).

<sup>3</sup> 30 TAC § 55.201(c).

(4) for applications filed;

(B) on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, list any disputed issues of law; and

(5) provide any other information specified in the public notice of application.<sup>4</sup>

**C. REQUIREMENT THAT REQUESTOR BE AN AFFECTED PERSON**

To grant a contested case hearing, the commission must determine, pursuant to 30 TAC § 55.203, that a requestor is an affected person.

(a) For any application, 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. An interest common to members of the public does not qualify as a personal justiciable interest.

(b) Governmental entities, including local governments and public agencies with authority under state law over issues raised by the application, may be considered affected persons.

(c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

(1) whether the interest claimed is one protected by the law under which the application will be considered;

(2) distance restrictions or other limitations imposed by law on the affected interest;

(3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

(4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

(5) likely impact of the regulated activity on use of the impacted natural resource by the person; and

(6) whether the requester timely submitted comments on the application which were not withdrawn; and

(7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.<sup>5</sup>

(d) In making this determination, the commission may also consider, to the extent consistent with case law:

(1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;

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<sup>4</sup> *Id.* at § 55.201(d).

<sup>5</sup> 30 TAC § 55.203(a)-(c).

- (2) the analysis and opinions of the ED; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.<sup>6</sup>

#### D. REFERRAL TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

“When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to State Office of Administrative Hearing (SOAH) for a hearing.”<sup>7</sup> “The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person; and
- (3) is relevant and material to the decision on the application.”<sup>8</sup>

#### E. RIGHT TO A CONTESTED CASE HEARING

There is no right to a contested case hearing on an application, under Texas Water Code, Chapter 26, to renew or amend a permit if the following conditions exist:

- (A) the Applicant is not applying to: (i) significantly the quantity of waste authorized to be discharged; or (ii) change materially the pattern or place of discharge;
- (B) the activity to be authorized by the renewal ...will maintain or improve the quality of waste authorized to be discharged;
- (C) any required opportunity for public meeting has been given;
- (D) timely response to public comments has been given, and
- (E) the applicant's compliance history for the previous five years raises no issues regarding the applicant's ability to comply with a material term of the permit.<sup>9</sup> *See also* Texas Water Code (TWC) § 26.028(d).

### VI. ANALYSIS OF THE HEARING REQUESTS

For this permit application the relevant public comment period ended on February 24, 2023, and because there were no comments received on the application, there was no applicable deadline for filing a Request for a Hearing or a Request for Reconsideration (RFR). The ED’s analyses determined whether the Request followed TCEQ rules, if the requestor qualified as an affected person, what issues may be referred for a possible hearing, the appropriate length of any hearing, and because this is an application for a renewal of a permit, whether there is a right to a contested case hearing. The ED has reviewed the request and respectfully recommends that the request be denied under the following analysis.

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<sup>6</sup> *Id.* at § 55.203(d).

<sup>7</sup> 30 TAC § 50.115(b).

<sup>8</sup> *Id.* at § 55.203(d).

<sup>9</sup> 30 TAC § 55.201(i)(5).

**A. WHETHER THE REQUESTER IS ENTITLED TO A CONTESTED CASE HEARING UNDER 30 TAC § 55.201(i)(5)**

Mr. Lindsey's request should be denied because there is no right to a contested case hearing for this permit renewal under TWC § 26.028(d) and 30 TAC § 55.201(i)(5) as the facts of this permitting action satisfy the conditions outlined in 30 TAC § 55.201(i)(5).

First, the Applicant has applied for a renewal of TPDES Permit No. WQ0011913001 and did not request, and the draft permit does not authorize, an increase in the permitted flow, and the facility and discharge location remain the same between the current permit and proposed renewal. As stated on page no.4 of the permit's Fact Sheet, the only changes made from the existing permit were revisions solely made for greater clarity, and the Sludge Provisions, Special Provisions, and Standard Provisions have been revised based on current TCEQ practices and policies.<sup>10</sup>

Second, the Applicant proposes to treat its wastewater in the exact same manner as under its existing permit, and therefore the activity to be authorized by the renewal will maintain the quality of waste authorized to be disposed of.

Third, in assessing whether to grant a public meeting, the ED looks to 30 TAC § 55.154. Under Section 55.154, a public meeting is required if (1) the ED determines there is a substantial or significant degree of public interest in an application, or (2) a member of the legislature who represents the general area in which the facility is located or proposed to be located requests that a public meeting be held; or (3) when a public meeting is otherwise required by law.<sup>11</sup> 30 TAC § 55.154(c). Here, the Office of the Chief Clerk received one comment letter requesting a public meeting. A single request for a public meeting by an individual member of the public falls short of the requirement for "substantial or significant degree of public interest" justifying holding a public meeting, as such, the ED sent a denial letter to Donnie Watkins on December 22, 2020. There were no requests by members of the legislature, nor was a public meeting otherwise required by law. Accordingly, a public meeting was not held as none was required under Section 55.154(c). There was no comments received on this renewal application and the ED was not required to file a formal Response To Comment.

Lastly, the compliance history of the Applicant for the last five years classifies the customer rating as high with a numeric rating of 0.00, and the site as high with a numeric rating of 0.00. Accordingly, the compliance history raises no issues concerning the ability of the Applicant to comply with a material term of the draft permit. Therefore, pursuant to 30 TAC § 55.201(i)(5) there is no right to a contested case hearing in this case.

The ED recommends finding that Dustin Lindsey is not entitled to a contested case hearing under 30 TAC §§ 55.201(i)(5).

**B. WHETHER THE REQUEST COMPLIED WITH 30 TAC §§ 55.201(C) AND (D).**

1. **Dustin Lindsey** filed a timely, written Request because he filed his Request during the comment period, which provided the requisite contact information

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<sup>10</sup> See Fact Sheet and Executive Director's Preliminary Decision, Draft TPDES Permit No. WQ0011913001, p. 4.

<sup>11</sup> 30 TAC § 55.154(c).



and requested a Hearing. However, in addition to there not being a right to a hearing on a renewal application based on 30 TAC § 55.201(i)(5)(A), Mr. Lindsey's Request did not comply with the TCEQ's Chapter 55 rules referenced below.

Mr. Lindsey's Request failed to raise issues that formed the basis of his Request in timely comments not withdrawn before the RTC was filed, because he did not make any comments on the application to base his Request on, as 30 TAC § 55.201(c) requires.

Mr. Lindsey's Request did not raise any relevant or material issues of disputed fact that were based on any timely comments that 30 TAC § 55.201(d)(4)(B) requires of a hearing request.

Mr. Lindsey's Request also lacked a statement explaining his location and distance relative to the facility and how and why he believes he will be adversely affected by the facility or activity in a manner not common to members of the public, as required by 30 TAC § 55.201(d)(2).

If the Commission finds that there is a right to a contested case hearing on this application, the ED recommends finding that Dustin Lindsey's Request failed to substantially comply with 30 TAC §§ 55.201(c) and 55.201(d).

**C. WHETHER REQUESTOR IS AN AFFECTED PERSON UNDER 30 TAC § 55.203.**

- 1. Dustin Lindsey** filed a Request that failed to effectively identify a personal, justiciable interest affected by the application, describing in plain language in a brief, written statement of how and why Mr. Lindsey believes he will be adversely affected by the facility in a manner not common to members of the public. Mr. Lindsey's Request did not raise any relevant issues, nor explain why he believes he will be adversely affected by this application in a manner not common to members of the public. Lacking that necessary explanation and failing to raise any relevant issues for the Commission to consider, Mr. Lindsey's Request failed to demonstrate a reasonable relationship between the interests claimed and the activity regulated, which decreases the likelihood that Mr. Lindsey will be personally affected in a way not common to the public.

Finally, using Mr. Lindsey's address as a point and that of the existing facility as the other point, and obtaining their corresponding latitude and longitude coordinates from Google Maps, the distance between the two points is 44.2 linear miles, which decreases the likelihood that Mr. Lindsey will be adversely affected by the proposed facility or activity in a manner not common to members of the public.

The ED recommends that the Commission find Dustin Lindsey is not an Affected Person under 30 TAC § 55.203.

**VII. ISSUES RAISED IN THE HEARING REQUEST:**

There were no issues raise in Mr. Lindsey's request, therefore there an no issue of disputed fact for the ED to analyze to determine whether there is relevance or materiality in the issue.

VIII. CONTESTED CASE HEARING DURATION

If the Commission grants a hearing on this application, the ED recommends that the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.

IX. EXECUTIVE DIRECTOR'S RECOMMENDATION

The ED recommends the following actions by the Commission:

1. Find that Dustin Lindsey is not an affected person under 30 TAC §§ 55.203.
2. Deny the Request of Dustin Lindsey.
3. Should the Commission decide to refer this case to SOAH:
  - a. refer the case to Alternative Dispute Resolution for a reasonable time.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, *Interim Executive Director*

Erin Chancellor, *Director*  
Office of Legal Services

Charmaine Backens, *Deputy Director*  
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REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

X. CERTIFICATE OF SERVICE

I certify that on August 14, 2023, the Executive Director's Response to Hearing Requests for TPDES Permit No. WQ0011913001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, electronic delivery, inter-agency mail, or by deposit in the U.S. Mail.



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Michael T. Parr II, *Staff Attorney*  
State Bar No. 24062936

MAILING LIST/LISTA DE CORREO  
Northwest Freeway Municipal Utility District  
TCEQ Docket No./Expediente N.º 2023-0853-MWD;  
Permit No./Permiso N.º WQ0011913001

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