

TCEQ Docket No. 2023-0954-MWD

APPLICATION FROM CAMDEN PARC	§	BEFORE THE TEXAS
MUNICIPAL UTILITY DISTRICT OF	§	COMMISSION ON
ROCKWALL COUNTY FOR A NEW	§	ENVIRONMENTAL QUALITY
TEXAS POLLUTANT DISCHARGE	§	
ELIMINATION SYSTEM PERMIT NO.	§	
WQ0016036001		

CAMDEN PARC’S RESPONSE TO HEARING REQUESTS

Camden Parc Municipal Utility District of Rockwall County (Camden Parc) files this Response to Hearing Requests (Response) in the above-referenced matter and respectfully shows the following.

I. Background

Camden Parc filed its application with the Texas Commission on Environmental Quality (TCEQ) on August 24, 2021. On December 14, 2021, TCEQ declared the application administratively complete. The English Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) was published on December 23, 2021, in the *Royce City-Herald Banner* and on December 24, 2021, in the *Rockwall County Herald-Banner*. The Spanish NORI was published in the *Rockwall County Herald-Banner* on December 23, 2021.

The Executive Director completed the technical review of the application on April 21, 2022, and prepared a draft permit. The English Notice of Application and Preliminary Decision (NAPD) was published on May 26, 2022, in the *Royce City-Herald Banner* and on May 27, 2022, in the *Rockwall County Herald-Banner*. The Spanish Notice of Application and Preliminary Decision (NAPD) was published on May 27, 2022, in the *Rockwall County Herald-Banner*. A public meeting was held in Rockwall Texas, on March 23, 2023. The public comment period ended on March 23, 2023, at the close of the public meeting. The Notice of

Public Meeting was published in English on February 17, 2023, in the *Rockwall County Herald-Banner* and on February 16, 2023, in the *Royce City-Herald Banner*. The Executive Director's Response to Comments was mailed on June 15, 2023. The Hearing Request/Request for Reconsideration period ended on July 17, 2023. Based on the information submitted in the hearing requests and a review of the information available in the Chief Clerk's file on this application, Camden Parc respectfully requests that the Hearing Requests of David Milan, Karen Milan, and North Texas Municipal Water District (NTMWD) be denied.

II. Facility Description

Camden Parc applied to the TCEQ for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.55million gallons per day. If the permit is approved, the Camden Parc Wastewater Treatment Facility will be an activated sludge process plant operated in the conventional mode with nitrification. Treatment units will include a bar screen, two aerations basins, two final clarifiers, two aerobic sludge digesters, and one chlorine contact chamber.

The wastewater treatment plant (WWTP) would be located approximately 0.85 miles northeast of the intersection of Farm-to-Market Road 548 and north Munson Road in Rockwall County, Texas, 75891. The treated effluent will be discharged to Parker Creek, thence to South fork of the Sabine River, thence to Lake Tawakoni in Segment No. 507 of the Sabine River Basin. The unclassified receiving water uses are limited aquatic life use for both Parker Creek and South Fork Sabine River. The designated uses for Segment No. 0507 are primary contact recreation, public water supply, and high aquatic life uses.

III. Requests for Hearing

A. Applicable Law

The application was filed after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th Leg., R.S. (2015). Under Title 30 Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issued raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201 (d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) identify the person's personal 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 proposed 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 proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) 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, and list and disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

B. Affected Person

Under 30 TAC § 55.203(a), 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 general public does not qualify as a personal justiciable interest. Relevant factors to be considered in determining whether a person is affected include:

- (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 the property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203(c).

C. Determining Whether a Person is an Affected Person

Under § 55.203(d), to determine whether a person is an affected person for purposes of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

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

- (2) the analysis and opinions of the executive director; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission shall grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the Executive Director's Response to Comments, and that are relevant and material to the Commission's decision on the application. Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201(d).

D. Are the Issues Raised Referrable to SOAH for a Contested Case Hearing

Camden Parc avers that the issues raised by the requestors do not involve disputed questions of fact. Camden Parc's application meets the requirements of 30 TAC § 309.13(e), which provides the three options for an applicant to satisfy the nuisance odor abatement and control requirements. As demonstrated in the application and discussed in further detail at the public meeting held on March 23, 2023, Camden Parc will abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line.

In addition to items previously stated, the application addresses the health and environmental concerns raised during the comment period and the application meets the requirements of 30 TAC § 307.5 and the Texas Commission on Environmental Quality (the Commission or TCEQ) *Procedures for the Implementation of the Texas Surface Water Quality*

Standards (TSQWS). The TSQWS provide criteria for the protection of human health, terrestrial, and aquatic life. The Commission Staff determined that the draft permit meets the requirements of TSQWS.

Camden Parc maintains that the draft permit complies with TCEQ's regionalization policy. Camden Parc's initiated discussions for wastewater service for the tract with NTMWD in March of 2021 prior to filing an application with TCEQ. In March of 2021, NTMWD provided written correspondence to the engineer working on the Camden Parc project and NTMWD directed Camden Parc to speak with the City of Royse City and the City of Fate regarding wastewater service since Royse City is a Member City of NTMWD. Camden Parc sent letters to the Member Cities that would be required to enter into an agreement with Camden Parc in order for NTMWD to serve the tract. On May 7, 2021, the City of Fate provided a letter to Camden Parc in which Fate denied the service request. Royse City would not respond to the service requests sent by Camden Parc. The application was filed with TCEQ 132 days after Camden Parc requested service from Royse City and Fate.

IV. Conclusion

For the reasons discussed above, Camden Parc avers that there are no disputed questions of fact and that the draft permit meets the requirements of applicable law. The environmental concerns raised in public comment have been addressed in the permit as well as the public meeting that was held in March. The applicant has sufficiently demonstrated that the draft permit complies with TCEQ's regionalization policy in that applicant communicated with NTMWD and the Member Cities and waited 132 days prior to filing the draft permit application. Camden Parc respectfully requests that the Commission deny the hearing requests.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2023, the foregoing document was filed with the TCEQ Chief Clerk, and copies were served to all parties on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.

/s/ Scott Eidman
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TCEQ DOCKET NO. 2023-0954-MWD**

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