

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 2, 2023

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-105  
Austin, Texas 78711-3087

RE: Application by Camden Parc Municipal Utility District of Rockwall County for  
TPDES Permit No. WQ0016036001; TCEQ Docket No. 2023-0954-MWD

Dear Ms. Gharis:

Enclosed for filing with the Texas Commission on Environmental Quality (Commission) is the Executive Director's Response to Hearing Requests.

Please do not hesitate to contact me at [Kathy.humphreys@tceq.texas.gov](mailto:Kathy.humphreys@tceq.texas.gov) if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kathy J. Humphreys".

Kathy Humphreys, Staff Attorney – Environmental Law Division

Enclosure

cc: Mailing List

**TCEQ DOCKET NO. 2023-0954-MWD**

<b>APPLICATION BY CAMDEN PARC</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>MUNICIPAL UTILITY DISTRICT</b>	<b>§</b>	
<b>OF ROCKWALL COUNTY, FOR</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>NEW TPDES</b>	<b>§</b>	
<b>PERMIT NO. WQ0016036001</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

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**EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS AND  
REQUESTS FOR RECONSIDERATION**

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The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests (Response) on the application by Camden Parc Municipal Utility District of Rockwall County (Applicant or Camden Parc) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016036001. Attached for Commission consideration are the Executive Director’s Satellite Maps (Attachment A).

**I. Executive Summary**

The Executive Director received three Hearing Requests and four Requests for Reconsideration. After evaluating the Hearing Requests, the Executive Director has determined David Milan, Karen Milan, and North Texas Municipal Water District (NTMWD) have demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that David Milan, Karen Milan, and NTMWD are affected persons because they meet the criteria set out in 30 Texas Administrative Code (TAC) § 55.203. According to David Milan and Karen Milan’s hearing request, they own property approximately 900 feet from the proposed wastewater treatment facility (WWTF), and Sabine Creek flows through their property. David Milan and Karen Milan expressed concern about odors (RTC Response 2), the impact of the discharge on their cattle (RTC Response 8), and regionalization (RTC Comment 12); thus they identified a personal justiciable interest affected by the application. In its hearing request, NTMWD stated that it is “a conservation and reclamation district under Article XVI, Section 59 of the Texas Constitution that was created by the Texas Legislature in 1951 to serve regional water and waste needs in the area north and east of Dallas.” NTMWD stated

that the draft permit is not needed because of the availability of NTMWD's regional system. (RTC Response 12).

The Executive Director recommends referring the following issues to the State Office of Administrative Hearings:

**Issue 1.** Whether the draft permit adequately controls nuisance odors (RTC Response 2);

**Issue 2.** Whether the proposed discharge will protect water quality and the environment (RTC Response 8); and

**Issue 3.** Whether the draft permit complies with TCEQ's regionalization policy (RTC Response 12).

The Executive Director recommends the Commission not refer the other issues raised and deny all Requests for Reconsideration.

## **II. Description of the Proposed Wastewater Treatment Facility**

Camden Parc applied to the TCEQ for a new permit that would authorize the discharge of treated domestic wastewater via Outfall 001 at a daily average flow not to exceed 0.55 million gallons per day. If the permit is issued 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 aeration basins, two final clarifiers, two aerobic sludge digesters, and one chlorine contact chamber. The facility has not been constructed.

The effluent limitations in the draft permit, based on a 30-day average, are 10 mg/l five-day Carbonaceous Biochemical Oxygen Demand (5-day) (CBOD<sub>5</sub>), 15 mg/l Total Suspended solids (TSS), 3 mg/l Ammonia-Nitrogen (NH<sub>3</sub>-N), 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum Dissolved Oxygen (DO). The effluent shall contain a Total Chlorine Residual of at least 1.0 mg/l after a detention time of at least 20 minutes based on peak flow. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual. The pH must be in the range of 6.0 to 9.0 standard units.

If the permit is issued, the WWTF will 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. 0507 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. Procedural Background**

The TCEQ received the application on August 24, 2021, and declared it administratively complete on December 14, 2021. 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 26, 2022, in the *Royce City Herald-Banner* and 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.

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

## **IV. The Evaluation Process for 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. SB 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

### **Response to Requests**

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

1. whether the requestor is an affected person;
2. which issues raised in the hearing request are disputed;
3. whether the dispute involves questions of fact or of 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 in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director'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.

30 TAC § 55.209(e).

### **Hearing Request Requirements**

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be

made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments, and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment. 30 TAC § 55.201(c).

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. 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 shall be responsible for receiving all official communications and documents for the group;
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. for applications filed on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised 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 executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and
5. provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

## **Requirement that Requestor be an Affected Person/“Affected Person” Status**

In order to grant a contested case hearing, the Commission must determine that a requestor is an “affected” person. 30 TAC § 55.203 sets out who may be considered 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 general public does not qualify as a personal justiciable interest.
- b. Except as provided by 30 TAC § 55.103, 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;
  6. whether the requestor 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.

30 TAC § 55.203(c).

In making affected person determinations, 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;
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).

### **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 SOAH for a hearing." 30 TAC § 50.115(b). 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 whose hearing request is granted; and
3. is relevant and material to the decision on the application.

30 TAC § 50.115(c).

## **V. Analysis of the Requests**

### **A. Analysis of the Hearing Requests**

The Executive Director analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.



## **B. Whether the Individual Requesters Meet the Affected Person Requirements**

As discussed above, the Executive Director recommends that the Commission find that David Milan, Karen Milan, and NTMWD are affected persons because they demonstrated a personal justiciable interest not in common with the general public.

## **C. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing**

The Executive Director analyzed the issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the Executive Director's Response to Comments. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.<sup>1</sup> The issues raised for this application and the Executive Director's analysis and recommendations follow.

### **Issue 1. Whether the draft permit adequately controls nuisance odors. (RTC Comment 2)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by David Milan and Karen Milan, who the Executive Director recommend the Commission find are affected persons.

The Executive Director recommends the Commission refer this issue to SOAH.

### **Issue 2. Whether the proposed discharge will be protective of wildlife and the environment in accordance with the Texas Surface Water Quality Standards. (RTC Comment 8)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by David Milan and Karen Milan, who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission refer this issue to SOAH.

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<sup>1</sup> Tx. Govt. Code § 2003.047(e-1); 30 TAC § 55.211(c)(2)(A)(ii).

**Issue 3. Whether the draft permit complies with TCEQ's regionalization policy. (RTC Comment 12)**

This issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. The issue was raised by David Milan, Karen Milan, and NTMWD who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission refer this issue to SOAH.

**Issue 4. Whether the proposed facility will cause flooding. (RTC Comment 11)**

This issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. This issue was raised by David Milan and Karen Milan who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission not refer this issue to SOAH.

**Issue 5. Whether the proposed facility will negatively impact property values. (RTC Comment 2)**

This issue involves a disputed question of fact, was raised during the comment period, and was not withdrawn. However, it is not relevant and material to the issuance of the draft permit. This issue was raised by David Milan and Karen Milan who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission not refer this issue to SOAH.

**Issue 6. Whether the developer is attempting to circumvent county requirements for housing density.**

This issue involves a of fact; however, it was not raised during the comment period and it is not relevant and material to the issuance of the draft permit.

The Executive Director recommends the Commission not refer this issue to SOAH.

**Issue 7. Whether development will cause an undue burden on infrastructure, road, police, fire and public safety.**

This issue involves a of fact; however, it was not raised during the comment period and it is not relevant and material to the issuance of the draft permit. This issue was raised by David Milan and Karen Milan who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission not refer this issue to SOAH.

#### **Issue 8. Whether the applicant will be able to properly maintain the WWTF.**

This issue involves a of fact; however, it was not raised during the comment period. This issue was raised by David Milan and Karen Milan who the Executive Director recommends the Commission find are affected persons.

The Executive Director recommends the Commission not refer this issue to SOAH.

### **VI. Requests For Reconsideration**

TCEQ's rules provides that the request for reconsideration must expressly state that the person is requesting reconsideration of the executive director's decision and provide reasons why the decision should be reconsidered. 30 TAC § 55.201(e). None of the Requests For Reconsideration meet this standard. The Commission received timely Requests for Reconsideration from Jana Estep, Jared Hutchins, Katerina Hutchins, and Shakina Watts.

After reviewing the Requests for Reconsideration, the Executive Director did not see any cause for changing the draft permit. Even if the Commission disagrees, the requests will become moot if the Commission grants any of the hearing requests. Because the Executive Director recommends granting two of the hearing requests and continues to support the draft permit, the Executive Director recommends the Commission deny all Requests for Reconsideration.

### **VII. Contested Case Hearing Duration**

If there is a contested case hearing on this application, the Executive Director 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.

### **VIII. Conclusion**

The Executive Director recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find David Milan, Karen Milan, and North Texas Municipal Water District are affected persons.
2. Deny all Requests for Reconsideration.
3. If referred to SOAH, that the duration of the hearing be 180 days from the

preliminary hearing to the presentation of a proposal for decision to the Commission.

4. If referred to SOAH, concurrently refer the matter to Alternative Dispute Resolution.
5. If referred to SOAH, refer the following issues as raised by an affected person identified by the Executive Director:

**Issue 1.** Whether the draft permit adequately controls nuisance odors. (RTC Comment 2)

**Issue 2.** Whether the proposed discharge will negatively impact cattle. (RTC Comment 8)

**Issue 3.** Whether the draft permit complies with TCEQ's regionalization policy. (RTC Comment 12)

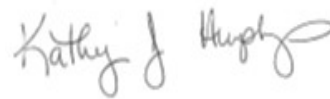
Respectfully submitted,

Texas Commission on Environmental  
Quality

Kelly Keel  
Interim Executive Director

Erin E. Chancellor  
Director Office of Legal Services

Charmaine Backens  
Deputy Director  
Environmental Law Division



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Kathy Humphreys  
Staff Attorney  
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REPRESENTING THE EXECUTIVE  
DIRECTOR OF THE TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY

### **CERTIFICATE OF SERVICE**

I certify that on October 2, 2023, the “Executive Director’s Response to Hearing Requests” for Camden Parc Municipal Utility District of Rockwall County for TPDES Permit No. WQ0016036001, was filed with the TCEQ’s Office of the Chief Clerk, and a copy was served to all persons listed on the mailing list provided by the Office of the Chief Clerk via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



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Kathy Humphreys  
Staff Attorney

# Attachment A



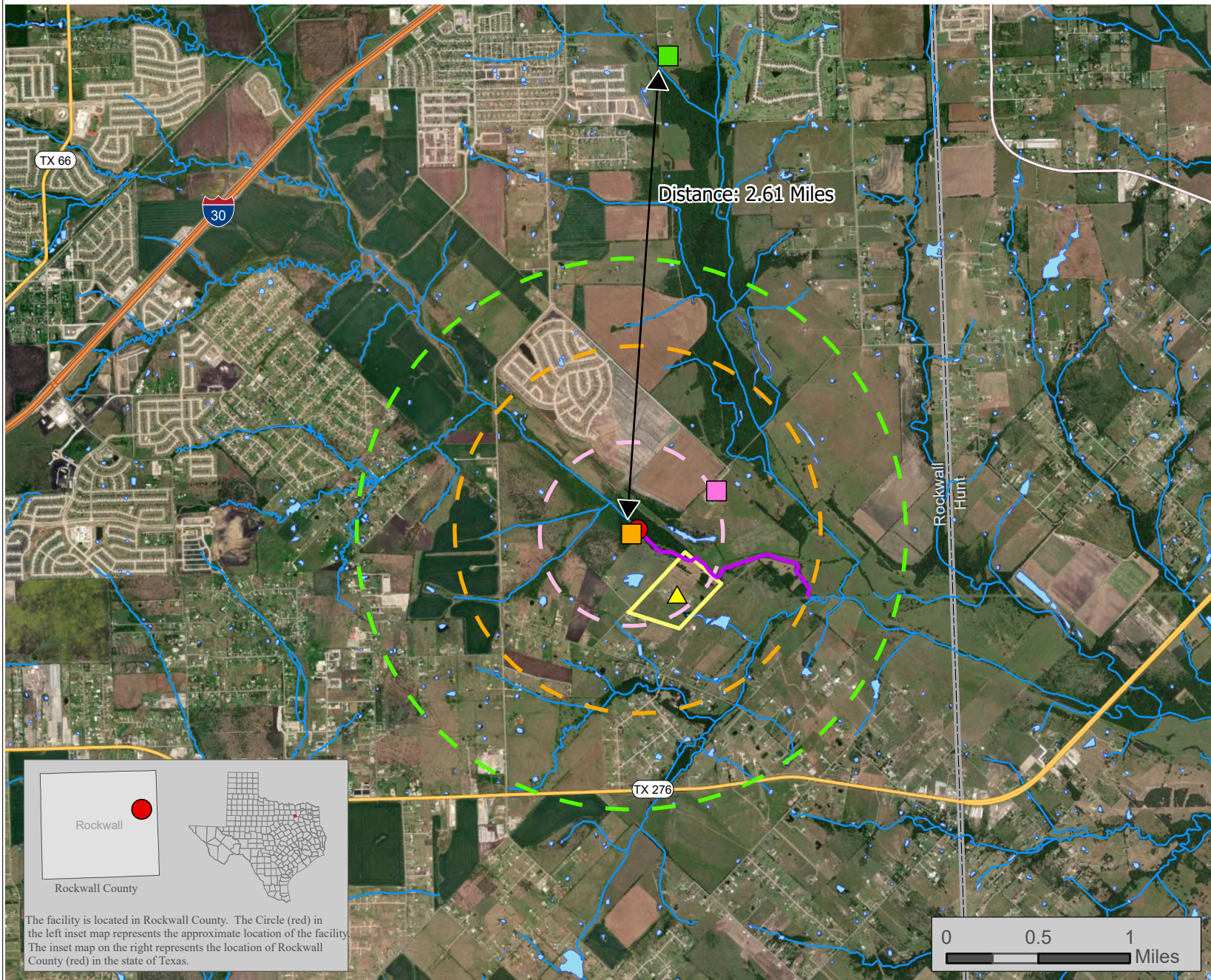
# Camden Parc MUD of Rockwall County - TPDES Permit No. WQ0016036001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



*Protecting Texas by  
Reducing and  
Preventing Pollution*

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 9/14/2023  
CRF 0092121  
Cartographer: AlOrtiz

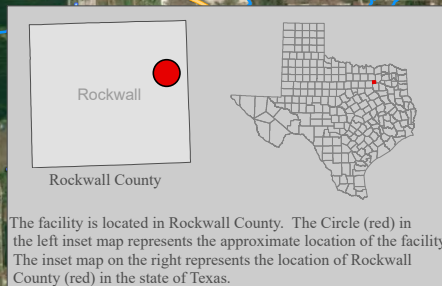


- Outfall
- ▲ David Milan
- Proposed WWTP Facility
- Sabine Creek WWTP
- Royse City WWTP
- David Milan Property Boundary
- 1 Mile from Proposed WWTP Facility
- 0.5 Miles from Proposed WWTP Facility
- 1.5 Miles from Proposed WWTP Facility
- 1 Mile Discharge Route

Distance from David Milan to:  
WWTP Facility: 0.41 Miles  
Outfall: 0.41 Miles

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



The facility is located in Rockwall County. The Circle (red) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Rockwall County (red) in the state of Texas.



# Camden Parc MUD of Rockwall County - TPDES Permit No. WQ0016036001

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



*Protecting Texas by  
Reducing and  
Preventing Pollution*

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 9/25/2023  
CRF 0092121  
Cartographer: AlOrtiz

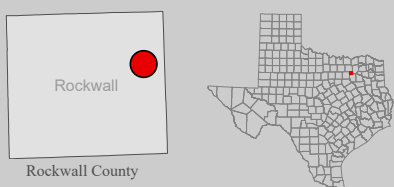
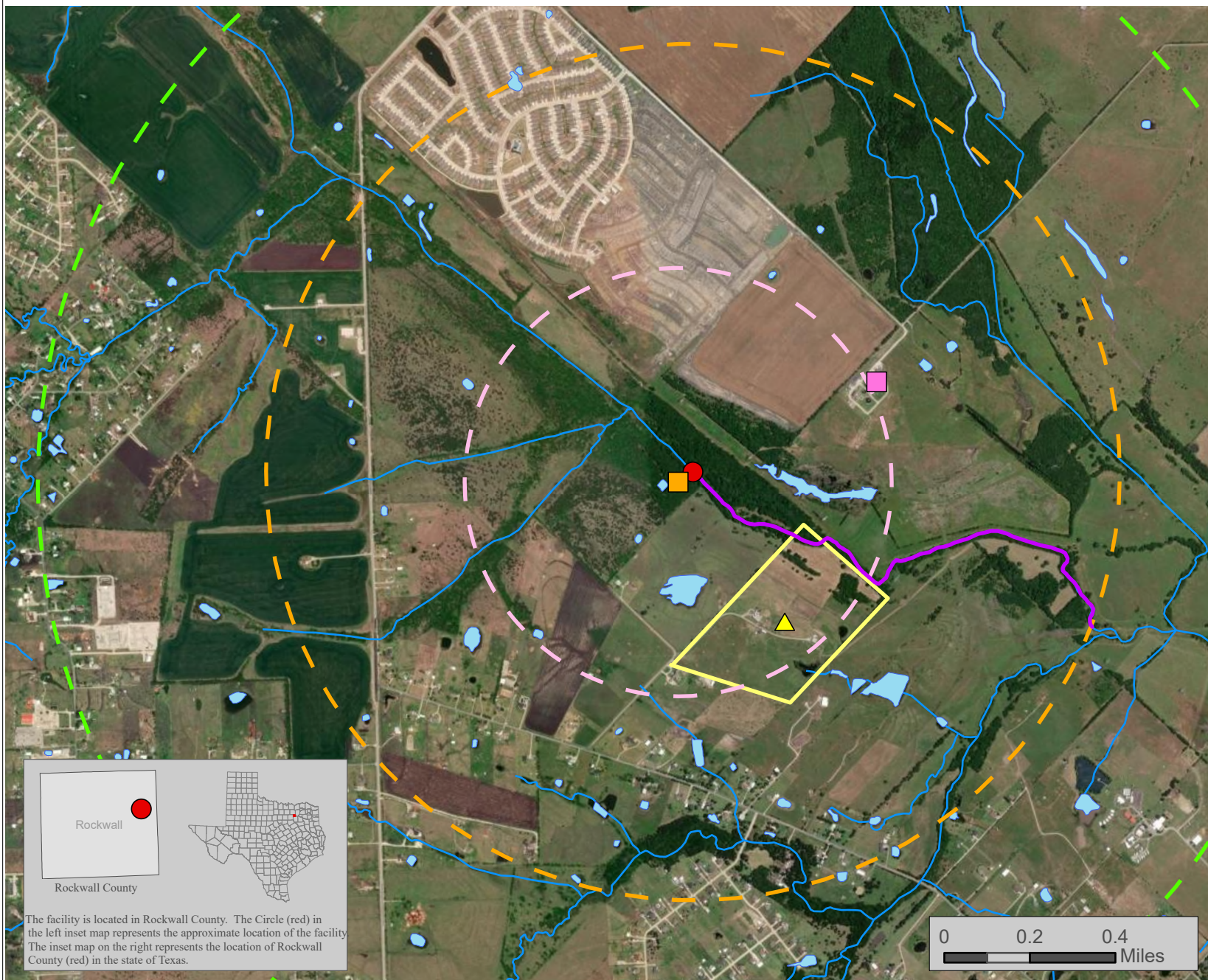


- Outfall
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MAILING LIST

Camden Parc Municipal Utility District of Rockwall County  
TCEQ Docket No. 2023-0954-MWD; TPDES Permit No. WQ0016036001

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via electronic mail:

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FOR ALTERNATIVE DISPUTE RESOLUTION

via electronic mail:

Kyle Lucas  
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Alternative Dispute Resolution, MC-222  
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FOR THE CHIEF CLERK

via eFilings:

Docket Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711

REQUESTER(S)/INTERESTED PERSON(S):

See attached list.

REQUESTER(S)

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Jared Hutchins  
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Royse City, TX 75189-6219

Lauren J Kalisek  
Lloyd Gosselink Rochelle & Townsend PC  
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David Milan  
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Royse City, TX 75189-5328

Shakina Watts  
3022 Dew Drop Dr  
Royse City, TX 75189-3142

PUBLIC OFFICIALS - INTERESTED PERSON(S)

The Honorable Justin Holland  
State Representative  
Texas House of Representatives  
District 33  
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Rockwall, TX 75032-5808

The Honorable Justin Holland  
State Representative  
Texas House of Representatives  
District 33  
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INTERESTED PERSON(S)

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Dallas Bowles  
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Royse City, TX 75189-2447

Desteny Callahan & Marc Webb  
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Debra Campbell  
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Royse City, TX 75189-2443

Alexis Carpenter  
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Royse City, TX 75189-2420

Craig Carson  
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Royse City, TX 75189-5416

Craig Carson  
C & E Mfg Inc  
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Garland, TX 75040-6512

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Cynthia Corona  
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Royse City, TX 75189-3134

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James H Freeman  
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Dubelza Galvan  
Lloyd Gosselink  
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Ste 1900  
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Alan Hampel  
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Cindy & Jerry Holley  
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Royse City, TX 75189-2415

Dalton & Laverne Kennimer  
730 N Munson Rd  
Royse City, TX 75189-5350

Anita Laidlaw  
2319 Brookside Dr  
Royse City, TX 75189-3134

Candy & James S Livingston  
2035 Clearcreek Way  
Royse City, TX 75189-2421

William Lyon  
2027 Clearcreek Way  
Royse City, TX 75189-2421

Martha & Robert Manteuffel  
4127 Down Rush Dr  
Royse City, TX 75189-2444

Ross S Martin Winstead PC  
2728 N Harwood St Ste 500  
Dallas, TX 75201-1516

Kay McKown  
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Royse City, TX 75189-5360

Karen Milan  
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Royse City, TX 75189-5328

Frank New  
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Brenan Phelps  
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Royse City, TX 75189-5356

Jacob & Teresa Pietersen  
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John Pirozzolo  
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Royse City, TX 75189-5802

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