



November 20, 2023

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

**Re.: Docket No. 2023-1268-MWD, City of Kyle, CN 600334510
Application for Amendment with Renewal of TPDES Permit No. WQ0011041002**

Dear Ms. Gharis:

The City of Kyle (City) submits the following response to the requests for public hearing on the City's application for a major amendment with renewal of TPDES Permit No. WQ0011041002.

Effluent Discharge Quality – The City's existing discharge permit has effluent limits of 4.5 million gallons per day (MGD) annual average flow, 10 mg/L 5-day carbonaceous biochemical oxygen demand (CBOD₅), 15 mg/L total suspended solids (TSS), 2 mg/L ammonia-nitrogen (NH₃-N), and 5 mg/l dissolved oxygen (DO). These discharge limits expire, and additional stringent discharge permit levels will come into effect when the City expands its plant to 9 MGD.

The existing plant cannot meet the stringent permit limits without constructing additional facilities. When new facilities are constructed, the permit initiates phosphorous limit and tightens permit limits with every expansion.

The new permit limits were proposed by the TCEQ staff, and the City accepted the new limits. After the March 2023 Public Meeting, the TCEQ proposed more stringent limits, and the City accepted the stringent limits. We concur with the TCEQ that the proposed stringent limits protect the receiving water quality.

The timing of the issuance of the discharge permit is critical for the City to construct new treatment units to further improve the receiving water quality. The City has already hired an engineer, obtained the required funding, and needs this permit amendment to proceed with the design and construction of facilities to meet the stringent discharge permit requirements.

We request that this discharge permit be issued as soon as possible so that the City can proceed with the design and construction of the new expansion to improve the receiving water quality.

Water Quality and Quantity Impacts – TCEQ staff conducted water quality modeling of Plum Creek in Segment No. 1810 of the Guadalupe River Basin considering all current and proposed discharges and conditions of the creek and calculated the effluent limits that would be protective of the receiving water quality. The City accepted the limits proposed by TCEQ. Based on the comments received at the Public Meeting, the TCEQ proposed more stringent discharge limits and the City has accepted the stringent limits.

Past Violations – A private operator constructed and operated the City's original treatment plant. Unfortunately, the operator did not perform any maintenance on the plant which led to the past violations. To improve water quality, the City itself wanted to own and operate the plant and tried to purchase the plant from the operator, but the operator refused to sell the plant to the City.

The City filed a lawsuit against the operator to take over the ownership and operation of the plant. After winning the lawsuit, the City took over the ownership and operation of the plant. Due to the unexpectedly high growth in the City, the plant was overloaded, and no treatment units could be taken offline for maintenance. The City operated the facility with limitations on maintenance and the facility did experience excursions especially during wet weather. Soon after acquiring the plant, the City initiated the planning, permitting, financing, hiring an engineering firm for the design, bidding and construction of the treatment plant expansion, and subsequently completed the construction. The expanded plant went into operation in June 2022 and the City was able to take out the old plants offline for the much-needed maintenance. The expanded facility has reported zero violations since it started operation after the expansion and maintenance.

The City is still growing at a fast pace but wants to make sure its facilities are operated and maintained properly to protect water quality while sustaining a healthy economy. We are concerned that a lack of capacity may again put the City in a situation where it may not be able to provide maintenance for all needed components. Timely design and construction of the next expansion is important to maintain the treatment plant to protect the water quality in Plum Creek.

The new expansion not only provides the capacity but also will significantly improve the quality of the effluent to protect Plum Creek. Therefore, we respectfully request TCEQ to issue this permit without any delay to improve the water quality in Plum Creek.

Incorporation of Water Reuse – The City has a separate authorization from TCEQ for water reuse and is already reusing some of its effluent. The City recently completed a comprehensive reclaimed water plan, is aggressively looking for reuse customers, and is planning to expand its reuse system. Amount of water reuse can't be forced on a customer – water reuse is limited by whatever the customer demands and ultimately uses. The City is also planning to study the viability of direct and indirect potable reuse options. The City has taken a big step in identifying reclaimed water uses and will continue its efforts for the beneficial reuse of its treated effluent.

We are concerned that any delay in the issuance of this permit coupled with Kyle's rapid growth might take us back to having no flexibility to provide the necessary maintenance and protect the plant due to the lack of capacity to take treatment units offline to perform the preventive maintenance that is essential for proper operation.

We respectfully request that this permit amendment be approved immediately so that the City can continue the design and construction of the plant expansion, which will allow us to meet our growing demands for wastewater treatment capacity to sustain the area's economic health and at the same time improve the water quality in Plum Creek.

If you need any other information, or if you have further questions, please let me know and I will be glad to assist in any way that I can.

Best regards,



Bryan Langley, City Manager
City of Kyle