

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

September 13, 2023

TO: All interested persons.

RE: Greenwood Ventures Group LLC
TPDES Permit No. WQ0016148001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Lockhart City Hall, 308 West San Antonio Street, Lockhart, 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
Greenwood Ventures Group LLC
TPDES Permit No. WQ0016148001

The Executive Director has made the Response to Public Comment (RTC) for the application by Greenwood Ventures Group LLC for TPDES Permit No. WQ0016148001 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>

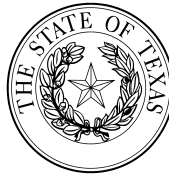
In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0016148001) and click the "Search" button. The search results will display a link to the RTC.

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 Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

13 de septiembre de 2023

TO: Todas las personas interesadas.

RE: Greenwood Ventures Group LLC
TPDES Permiso No. WQ0016148001

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una "**persona afectada**". Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de

reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/erg

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Greenwood Ventures Group LLC
TPDES Permiso No. WQ0016148001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Greenwood Ventures Group LLC del permiso de TPDES No. WQ0016148001. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0016148001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas.

MAILING LIST / LISTA DE CORREO
for / para
Greenwood Ventures Group LLC
TPDES Permit No. WQ0016148001 / TPDES Permiso No. WQ0016148001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Shaun Vembutty, Manager
Greenwood Ventures Group LLC
101 Parklane Boulevard, Suite 102
Sugar Land, Texas 77478

Lauren Crone, P.E.
LJA Engineering, Inc.
7500 Rialto Boulevard
Building 2, Suite 100
Austin, Texas 78735

Daniel Ryan, P.E.
LJA Engineering, Inc.
7500 Rialto Boulevard
Building 2, Suite 100
Austin, Texas 78735

INTERESTED PERSONS /
PERSONAS INTERESADAS:

See attached list.
Ver lista adjunta.

FOR THE EXECUTIVE DIRECTOR /
PARA EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Fernando Salazar Martinez, Staff
Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Sonia Bhuiya, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /
PARA ABOGADOS DE INTERÉS
PÚBLICO
via electronic mail /
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL
via electronic mail
por correo electrónico:

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

ADKINS , JUSTIN C
GUADALUPE BLANCO RIVER AUTHORITY
2225 E COMMON ST
NEW BRAUNFELS TX 78130-3157

ANDRE , LARRY & OUROUKOU
121 LAKEVIEW CIR
LOCKHART TX 78644-3040

BAUMBACH , MR KEN
222 HIDDEN HOLW
LOCKHART TX 78644-3909

BAUMBACH , KRISTI
222 HIDDEN HOLW
LOCKHART TX 78644-3909

BENNETT , GREG
901 SPANISH OAKS BLVD
LOCKHART TX 78644-3556

BERGLUND , ADAM
704 LAZY LN
SAN MARCOS TX 78666-9460

BONN , TOM D JUDGE
007 RANCH LOCKHART TEXAS
551 WESTWOOD RD
LOCKHART TX 78644-3964

BRASHEARS , MRS RIANNE GAIL
221 HIDDEN HOLW
LOCKHART TX 78644-3909

BURNETTE HAMILTON , BRANDI
309 BUGTUSSLE LN
LULING TX 78648-4432

CALDWELL , MELANIE
PO BOX 335
PRAIRIE LEA TX 78661-0335

CAREY , LESLIE LYN
907 CORKWOOD TRL
SAN ANTONIO TX 78256-1650

CLIFFORD , MICHAEL
APT 605
512 EBERHART LN
AUSTIN TX 78745-4486

CLIFFORD , MICHAEL
5104 MAULDING PASS
AUSTIN TX 78749-1637

CLIFFORD , MIKE
GEAA
1809 BLANCO RD
SAN ANTONIO TX 78212-2616

CLIFFORD , MIKE
GEAA
PO BOX 15618
SAN ANTONIO TX 78212-8818

CYRIER , JOHN
1301 WESTWOOD RD
LOCKHART TX 78644-4343

CYRIER , RACHELLE
1301 WESTWOOD RD
LOCKHART TX 78644-4343

DOYLE , JERRY & LINDA
832 FM 671
LOCKHART TX 78644-3983

EDMONDSON , MARTIN
DOUBLE M RANCH
162 PAINT BRUSH TRL
LOCKHART TX 78644-4565

GLAVY , MR NATHAN M
GREATER EDWARDS AQUIFER ALLIANCE
1809 BLANCO RD
SAN ANTONIO TX 78212-2616

GLAVY , MR NATHAN M
GREATER EDWARDS AQUIFER ALLIANCE
PO BOX 15618
SAN ANTONIO TX 78212-8818

GRAHAM , DONALD
905 GRAHAM RD
LOCKHART TX 78644-4091

HARRIS , CRAIG
1960 WESTWOOD RD
LOCKHART TX 78644-4566

HAYERDA , STEPHANIE
1018 SPANISH OAKS BLVD
LOCKHART TX 78644-3555

HAYES , FRANKLIN
1400 BRANDI CIR
KYLE TX 78640-4977

HEARD , JAMES POWER
450 JEWEL LN
LOCKHART TX 78644-4656

HEARD , POUER
450 JEWEL LN
LOCKHART TX 78644-4656

HELLUMS , JENNIFER
810 SPANISH OAKS BLVD
LOCKHART TX 78644-3480

HELLUMS , LADALIA
1035 WESTWOOD RD
LOCKHART TX 78644-4588

HINOJOSA , MARK
155 SPANISH OAKS BLVD
LOCKHART TX 78644-3561

HUGHES , THOMAS
2345 WESTWOOD RD
LOCKHART TX 78644-4676

HUGHES , WHITNEY
2345 WESTWOOD RD
LOCKHART TX 78644-4676

HUMPHREY , THERESA
1358 FM 713
LOCKHART TX 78644-4238

HUNTER , MR C J
690 SPANISH OAKS BLVD
LOCKHART TX 78644-3558

KANE , NICOLE MARIE
NICOLE MARIE KANE TRUST
3653 MINERAL SPRINGS RD
LOCKHART TX 78644-3588

LINDSEY , LARRY
1635 WESTWOOD RD
LOCKHART TX 78644-4000

LOCKHART , BOBBY WAYNE
8619 STATE PARK RD
LOCKHART TX 78644-4339

LU , OLIVIA LEGISLATIVE COORDINATOR
OFFICE OF SENATOR JUDITH ZAFFIRINI
STE 1E.14
PO BOX 12068
AUSTIN TX 78711-2068

MATTHEWS , TAMMY
689 SIERRA DR
LOCKHART TX 78644-4768

MCCARTER , PAULA T
125 SPANISH OAKS BLVD
LOCKHART TX 78644-3561

MCKINNEY , MICHAEL
832 FM 671
LOCKHART TX 78644-3983

MCKINNEY , MICHAEL
607 WILLIAMS WAY
NEW BRAUNFELS TX 78130-5269

MELVIN , SEAN
405 E MARKET ST
LOCKHART TX 78644-2872

MOORE , GARG & GEORGIA
1045 WESTWOOD RD
LOCKHART TX 78644-4588

NEDELL , LIETH
335 SPANISH OAKS BLVD
LOCKHART TX 78644-3603

O'KEEFE , MR JASON S
2516 MINERAL SPRINGS RD
LOCKHART TX 78644-3920

O'KEEFE , MELISSA
2516 MINERAL SPRINGS RD
LOCKHART TX 78644-3920

PARKER CONDIE , MRS VIRGINIA
SAN MARCOS RIVER FOUNDATION
1061 MARTINDALE FALLS RD
MARTINDALE TX 78655-2536

PARKER CONDIE , MRS VIRGINIA
SAN MARCOS RIVER FOUNDATION
PO BOX 1393
SAN MARCOS TX 78667-1393

PEACE , ANNALISA
GREATER EDWARDS AQUIFER ALLIANCE
1809 BLANCO RD
SAN ANTONIO TX 78212-2616

PEACE , ANNALISA
GREATER EDWARDS AQUIFER ALLIANCE
PO BOX 15618
SAN ANTONIO TX 78212-8818

PRICE , CECILIA D
737 ACORN RD
LOCKHART TX 78644-2084

PRICE , JOSHUA
737 ACORN RD
LOCKHART TX 78644-2084

RITCHEY , MARTIN
2045 WESTWOOD RD
LOCKHART TX 78644-4567

ROSE , VICTORIA
SAVE OUR SPRINGS ALLIANCE
STE D401
4701 W GATE BLVD
AUSTIN TX 78745-1479

RUSSELL , TERRI ANNE
1875 MINERAL SPRINGS RD
LOCKHART TX 78644-4663

SPILLER , JULIA
233 SPILLER LN
LOCKHART TX 78644-4830

STEPHENS , COLBY & ERIN A
SOLA FE RANCH LLC
680 WESTWOOD RD
LOCKHART TX 78644-4699

STEPHENS , COLBY
680 WESTWOOD RD
LOCKHART TX 78644

STEPHENS , ERIN
680 WESTWOOD RD
LOCKHART TX 78644-4699

THERIOT , EDWARD A
CALDWELL COUNTY
120 LAKEVIEW CIR
LOCKHART TX 78644-3040

TOBIAS , JOCELYN A
1400 BRANDI CIR
KYLE TX 78640-4977

VINKLAREK , SUSAN
8901 BROOK HILL LN
FORT WORTH TX 76244-7683

ZAFFIRINI , THE HONORABLE JUDITH STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 21
PO BOX 12068
AUSTIN TX 78711-2068

ZAFFIRINI , THE HONORABLE JUDITH STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 21
PO BOX 627
LAREDO TX 78042-0627

ZAVALETA-VERA , LUIS
755 SIERRA DR
LOCKHART TX 78644-4781

ZEA , CARMEL
590 WESTWOOD RD
LOCKHART TX 78644-4344

ZEA , DANIEL
590 WESTWOOD RD
LOCKHART TX 78644-4344

TCEQ PERMIT NO. WQ0016148001

**APPLICATION BY GREENWOOD
VENTURES GROUP, LLC
FOR NEW TPDES PERMIT
NO. WQ0016148001**

**§
§
§
§**

**BEFORE THE
TEXAS COMMISSION
ON
ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (RTC) on the application by Greenwood Ventures Group, LLC, for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016148001 and the Executive Director's preliminary decision. As required by Title 30 Texas Administrative Code (TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments.

The Office of Chief Clerk received timely comments from Larry Edward and Ouroukou Andre; Ken Baumbach; Kristi Baumbach; Greg Bennett; Adam Berglund; Melanie Caldwell; Tom D. Bonn; Leslie Lyn Carey; Jerry and Linda Doyle; Rianne Gail Brashears; Brandi Burnette Hamilton; Jennifer Hellums; Mark Hinojosa; John Cyrier; Rachelle Cyrier; Justin C. Adkins on behalf of Guadalupe-Blanco River Authority (GBRA); Mike Clifford, Nathan M. Glavy, and Annalisa Peace on behalf of Greater Edwards Aquifer Alliance (GEAA); Martin Edmonson; Donald Graham; Stephanie Haverda; Franklin Hayes; Pouer Heard; Thomas and Whitney Hughes; C.J. Hunter; Larry Lindsey; Bobby Wayne Lockhart; Nicole Marie Kane; Tammy Matthews; Paula T. McCarter; Michael McKinney; Lieth Nedell; Jason S. O'Keefe; Melissa O'Keefe; Sean Melvin on behalf of Plum Creek Watershed Partnership (PCWP); Cecilia D. Price; Joshua Price; Martin Ritchey; Virginia Parker Condie and Victoria Rose on behalf of San Marcos River Foundation (SMRF); Julia Spiller; Colby and Erin A. Stephens; Edward A. Theriot; Jocelyn A. Tobias; Susan Vinklerek; and Luis Zavaleta-Vera.

This response addresses all timely public comments received, whether or not withdrawn. However, if anyone would like 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 at our website at www.tceq.texas.gov.

I. BACKGROUND

A. Description of Facility

Greenwood Ventures Group, LLC (Greenwood), submitted an application to the TCEQ on April 20, 2022 for a new TPDES Permit No. WQ0016148001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 325,000 gallons per day (gpd) in the Interim I phase, a daily average flow not to exceed 650,000 gpd in the Interim II phase, and a daily average flow not to exceed 975,000 gpd in the Final phase. The proposed wastewater treatment facility will serve the Lockhart Tract Residential Subdivision.

The Lockhart Landing Wastewater Treatment Plant (proposed WWTF) will be an activated sludge process plant operated in the extended aeration mode. Treatment units for the Interim I phase will include one aeration basin, one final clarifier, one sludge digester, and a chlorine contact chamber. Treatment units for the Interim II phase will include two aeration basins, two final clarifiers, two sludge digesters, one chlorine contact chamber and a dechlorination chamber. Treatment units for the Final phase will include three aeration basins, three final clarifiers, three sludge digesters, a chlorine contact chamber and a dechlorination chamber. The facility has not been constructed.

The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

If this permit is issued, the facility will be located approximately 1.87 miles southwest of the intersection of County Road 214 and U.S. Highway 183, in Caldwell County, Texas 78644.

Outfall Location

Outfall Number	Latitude	Longitude
001	29.79306 N	97.699724 W

The treated effluent will be discharged to an unnamed tributary, thence to a second unnamed tributary, thence to West Fork Plum Creek, thence to Plum Creek in Segment No. 1810 of the Guadalupe River Basin. The unclassified receiving water uses are minimal aquatic life for unnamed tributary and limited aquatic life use for West Fork Plum Creek (intermittent with pools), and high aquatic life use for West Fork Plum

Creek (perennial). The designated uses for Segment No. 1810 are primary contact recreation, aquifer protection, and high aquatic life use. The aquifer protection use applies to the contributing, recharge, and transition zones of the Edwards Aquifer but does not apply to this facility's discharge, which is located downstream from these zones. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow are expressed in million gallons per day (MGD). The two-hour (2-hr) peak flow is expressed in gallons per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (cfu) or most probable number (MPN) per 100 milliliters (cfu or MPN/100 mL).

Interim I Phase: during the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.65 MGD facility.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.325 MGD		-	903 gpm (2-hr peak)	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	27	10	15	25	35
	Total Suspended Solids (TSS)	41	15	25	40	60
	Ammonia Nitrogen (NH ₃ -N)	5.4	2	5	10	15
	Total Phosphorus (TP)	2.7	1	2	3	4
	<i>E. coli</i> , CFU or MPN per 100 mL	126		N/A	N/A	399
	Dissolved Oxygen (DO), min	5.0 mg/L		-	-	-
	Chlorine, Total Residual ¹	1.0 mg/L, min			4.0 mg/L, max	
	pH, standard units (SU)	6.0, min		-	9.0	-

¹ The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/L total chlorine residual, 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), and shall monitor total chlorine residual daily by grab sample after the dechlorination process.

Interim II Phase: during the period beginning upon the completion of expansion to the 0.65 MGD facility and lasting through the date of completion of expansion to the 0.975 MGD facility.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.65 MGD		1,806 gpm (2-hr peak)	Report MGD	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	54	10	15	25	35
	Total Suspended Solids (TSS)	81	15	25	40	60
	Ammonia Nitrogen (NH ₃ -N)	11	2	5	10	15
	Total Phosphorus (TP)	5.4	1	2	3	4
	<i>E. coli</i> , CFU or MPN per 100 mL	126		-	399	-
	Dissolved Oxygen (DO), min	5.0 mg/L		-	-	-
	Chlorine, Total Residual ²	1.0 mg/L, min			4.0 mg/L, max	
	pH, standard units (SU)	6.0, min		-	9.0	-

Final Phase: During the period beginning upon the completion of expansion to the 0.975 MGD facility and lasting through the date of expiration.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.975 MGD		2,708 gpm (2-hr peak)	Report MGD	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	81	10	15	25	35
	Total Suspended Solids (TSS)	122	15	25	40	60
	Ammonia Nitrogen (NH ₃ -N)	16	2	5	10	15
	Total Phosphorus (TP)	8.1	1	2	3	4
	<i>E. coli</i> , CFU or MPN per 100 mL	126		-	399	-
	Dissolved Oxygen (DO), min	5.0 mg/L		-	-	-
	Chlorine, Total Residual ³	1.0 mg/L, min			4.0 mg/L, max	
	pH, standard units (SU)	6.0, min		-	9.0	-

² The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/L total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process.

³ The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/L total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process.

B. Technical Review

Staff in the ED's Water Quality Division, (WQD staff) performed multiple analyses for the Technical Review of the draft permit, including but not limited to, a Receiving Water Assessment (RWA) and a nutrient screening performed by WQD staff on the Standards Implementation Team (Standards Team) and Water Quality Modeling runs by WQD staff in the Water Quality Assessment Section (Modeling Team) that used an "uncalibrated QUAL-TX" model. A receiving water assessment (RWA) of the first and second order unnamed tributaries was conducted on August 30, 2022, by Standards Implementation Team staff. The RWA informed the determination of the aquatic life uses of the two tributaries and corresponding minimum dissolved oxygen (DO) criterion as stipulated in the Texas Surface Water Quality Standards (TSWQS) (30 TAC § 307.5) and the TCEQ's *Implementation Procedures for the Texas Surface Water Quality Standards* (June 2010) (IPs). For every new discharge, the Standards Team performs antidegradation analysis of the proposed discharge. 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) of the TSWQS and determined that the unclassified receiving water uses are minimal aquatic life use for unnamed tributary 1 and unnamed tributary 2 with a corresponding DO criteria of 2.0 mg/L, limited aquatic life use for West Fork Plum Creek (intermittent with pools) with a corresponding DO criterion of 3.0 mg/L, and high aquatic life use for West Fork Plum Creek (perennial) with a corresponding DO criterion of 5.0 mg/L. As with all determinations, reviews, or analyses related to the technical review of the draft permit, the above and below can be reexamined and subsequently modified upon receipt of new information or information that conflicts with the bases or assumptions employed in the applicable review, or analysis.

The designated uses for Segment No. 1810, as stated in the 2018 TSWQS-Appendix A (30 TAC § 307.10) are primary contact recreation, aquifer protection, and high aquatic life use. The aquifer protection use applies to the contributing, recharge, and transition zones of the Edwards Aquifer but does not apply to this facility's discharge which is located downstream from these zones. The Standards Team, in accordance with the TSWQS and the TCEQ's IPs, performed an Antidegradation Review of the receiving waters with the Tier 1 review preliminarily determining that existing water quality uses will not be impaired by the proposed discharge. The Tier 2 review

preliminarily determined that no significant degradation of water quality is expected in West Fork Plum Creek (perennial portion) and Plum Creek, which have been identified as having high aquatic life use. The Standards Team recommended a 1.0 mg/L Total Phosphorus (TP) limit to preclude degradation of the receiving waters. Numerical and narrative criteria protecting existing uses will be maintained with no significant degradation of water quality expected in waterbodies within the discharge route with exceptional, high, or intermediate aquatic life uses. Segment No. 1810 is not currently listed on the State's inventory of impaired and threatened waters (the 2020 CWA § 303(d) list).

The draft permit's water quality-related effluent limitations (limits), established by WQD staff for the proposed Interim I flow phase of 0.325 MGD, Interim II flow phase of 0.65 MGD, and Final flow phase of 0.975 MGD, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as dissolved oxygen (DO), Five-day Carbonaceous Biochemical Oxygen Demand (CBOD₅), and ammonia nitrogen (NH₃-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).

Based on the Water Quality Assessment Team's results, effluent limits for all flow phases of 10.0 mg/L CBOD₅, 2.0 mg/L NH₃-N, and minimum of 5.0 mg/L DO for all flow phases is predicted to ensure that DO will be maintained above the criterion established by the Standards Team for the unnamed tributary 1 (2.0mg/L), unnamed tributary 2 (2.0 mg/L), West Fork Plum Creek (intermittent) (3.0 mg/L), and West Fork Plum Creek (perennial) (5.0 mg/L). Coefficients and kinetics used in the model are standardized default values. The effluent limits recommended above have been reviewed for consistency with the WQMP. The proposed limits are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

The effluent limits and conditions in the draft permit meet requirements for secondary treatment and disinfection according to 30 TAC Chapter 309 (Subchapter A: Effluent Limits) and comply with the TSWQS (30 TAC §§ 307.1 - .10, effective July 22, 2010), and the EPA-approved portions of the TSWQS (effective March 6, 2014). In a case such as this, end-of-pipe compliance with pH limits between 6.0 and 9.0 standard units reasonably assures instream compliance with pH criteria in the TSWQS when the discharge authorized is from a minor facility and the unclassified waterbodies have

minimal or limited aquatic life uses. This technology-based approach reasonably assures instream compliance with TSWQS due to relatively smaller discharge volumes authorized by these permits. TCEQ sampling conducted throughout Texas indicating instream buffering quickly restores pH levels to ambient conditions, informs this conservative approach.

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 draft permit does not require EPA's review.

C. Procedural Background

The TCEQ received the application on April 20, 2022, with additional information received on May 20, 2022. The application was declared administratively complete on June 14, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on June 30, 2022, in the *Lockhart Post-Register* newspaper and in Spanish on June 23, 2022, in the *El Mundo* newspaper. The Executive Director completed its technical review of the application on December 1, 2022, and prepared the draft permit, which if approved, would establish the conditions under which the proposed facility must operate. The Notice of Application and Preliminary Decision (NAPD) was published in English on December 22, 2022, in the *Lockhart Post-Register* newspaper and in Spanish in the *El Mundo* newspaper on December 15, 2022. A public meeting was held in Lockhart on March 28, 2023. At the request of Senator Zaffirini, a second public meeting was held in Lockhart on June 13, 2023. The public comment period ended at the close of the second public meeting.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas.

This application was filed on or after September 1, 2015; therefore, it 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 Chapter 39, 50, and 55.

D. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- the Secretary of State website: <http://www.sos.state.tx.us>;
- TCEQ rules in Title 30 of the Texas Administrative Code (TAC): www.sos.state.tx.us/tac/ (select “View the current Texas Administrative Code” on the right, then “Title 30 Environmental Quality”);
- Texas statutes: www.statutes.capitol.texas.gov/;
- the TCEQ website: www.tceq.texas.gov (for downloadable rules in Adobe PDF format, select “Rules” then “Current Rules and Regulations,” then “Download TCEQ Rules”);
- Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov; and
- Federal environmental laws: <http://www.epa.gov/laws-regulations>. Federal environmental laws and executive orders: www.epa.gov/laws-regulations/laws-and-executive-orders.

Commission records for this application and draft permit are available for viewing and copying at the TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk), 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. The permit application has been available for viewing and copying at the at Lockhart City Hall, 308 W. San Antonio Street, Lockhart, Texas 78644, since publication of the NORI.

The Executive Director has determined that the draft permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, 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 11) in Austin, TX at (512) 339-2929 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 Subsection D 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.

II. COMMENTS AND RESPONSES

COMMENT 1:

Larry Edward and Ouroukou Andre, Gregg Bennet, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Franklin Hayes, Jennifer Hellums, C.J. Hunter, Nicole Marie Kane, Larry Lindsey, Bobby Wayne Lockhart, Paula T. McCarter, Jason O’Keefe, Melissa O’Keefe, Colby and Erin A. Stephens, Edward A. Theriot, Susan Vinklarek, San Marcos River Foundation (SMRF), and Greater Edwards Aquifer Alliance (GEAA) expressed general opposition to the proposed wastewater treatment facility.

RESPONSE 1:

The Executive Director acknowledges these comments.

COMMENT 2:

Larry Edward and Ouroukou Andre, Kristi Baumbach, Rianne Gail Brashears, Rachelle Cyrier, Jerry and Linda Doyle, Martin Edmonson, Brandi Burnette Hamilton, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Mark Hinojosa, Nicole Marie Kane, Tammy Matthews, Michael McKinney, Lieth Nedell, Jason O’Keefe, Melissa O’Keefe, Cecilia D. Price, Joshua Price, Julia Spiller, Erin A. Stephens, and Luis Zavaleta-Vera expressed concern over the possible adverse impacts from the proposed facility on human health.

RESPONSE 2:

The health concerns of residents, as well as those of the public, are considered in reviewing an application for a domestic wastewater discharge permit. The TCEQ takes the concerns and comments expressed by the public relating to human health into consideration in deciding whether to issue a wastewater discharge permit.

As specified in the Texas Surface Water Quality Standards (TSWQS), Water in the State must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact with water, consumption

of aquatic organisms, consumption of water or any combination of the three. Water in the state must also be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. The draft permit includes provisions to ensure that the TSWQS will be maintained.

Furthermore, conventional domestic sewage does not typically contain toxic compounds in measurable quantities that might result in toxic effects in the receiving waterbodies, unless there are significant industrial users contributing to the waste stream. According to the Greenwood application, there will not be any industrial users and the proposed development will be a residential development.

COMMENT 3:

Larry Edward and Ouroukou Andre, Kristi Baumbach, Rianne Gail Brashears, Rachelle Cyrier, Jerry and Linda Doyle, Martin Edmonson, Brandi Burnette Hamilton, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Mark Hinojosa, Nicole Marie Kane, Tammy Matthews, Michael McKinney, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Julia Spiller, Erin A. Stephens, Luis Zavaleta-Vera, and the Guadalupe-Blanco River Authority (GBRA) expressed concern over the possible adverse impacts from the proposed facility on impact to the receiving water.

GBRA commented that granting a discharge permit that does not protect water quality, adversely affects GBRA, and thwarts its legislative directive to preserve the water within its district.

RESPONSE 3:

The TCEQ takes the concerns and comments expressed by the public relating to water quality and protecting the State's rivers and lakes into consideration in deciding whether to issue a wastewater discharge permit. Similarly, the TCEQ oversees the protection of water quality with federal regulatory authority, such as the Texas Pollutant Discharge Elimination System (TPDES) program, over discharges of pollutants into Texas surface waterbodies. The TCEQ has legislative authority to protect water quality in Texas and under the Texas Water Code, Chapter 26, to authorize TPDES discharge permits subject to the regulations in 30 Texas Administrative Code (TAC) Chapters 305, 307, and 309, including specific rules for wastewater treatment systems under Chapters 217 and 309.

The TCEQ's Water Quality Division (WQD) staff evaluated the application as an authorization to discharge treated wastewater into water in the State. Thus, the quality of the effluent and the method of achieving that quality must follow the Texas Water Code, the Federal Clean Water Act, and the TSWQS. Further, WQD Staff developed the draft permit to preclude significant degradation of water quality in the waterbodies within the discharge route. The draft permit includes effluent limitations and monitoring requirements designed to ensure protection of the receiving waters in accordance with TCEQ rules and procedures. Effluent limitations in the draft permit for the conventional effluent parameters (i.e., CBOD₅, ammonia nitrogen, and minimum DO) 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).

Likewise, the TPDES program mandates that discharges of treated effluent into water in the state from facilities regulated by TPDES permits meet the requirements of the TSWQS. The TSWQS is a primary mechanism for the TCEQ to protect surface water quality, groundwater quality, human health, aquatic life, the environment, and designated uses of the receiving waters. Development of the draft permit was in accordance with the TSWQS (30 TAC Chapter 307) and the TCEQ IPs to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the draft permit's requirements.

As specified by the methodologies outlined in the TCEQ IPs, TPDES permits issued by the TCEQ must maintain water in the state to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. In addition, permits must prevent adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. The design of the draft permit ensures these water quality standards will be supported.

To achieve the 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 review all applications in accordance with the TSWQS and the TCEQ IPs. The draft permit contains several water quality-specific parameters that limit the potential impact of the discharge on the receiving waters, such as the

effluent limits that were developed by WQD Staff to maintain and protect the existing uses of the receiving waters (primary contact recreation, high aquatic life use, and aquifer protection).

Correspondingly, an Antidegradation Review of the receiving waters was performed by the Standards Team according to the TSWQS and the TCEQ's IPs. The Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. The Tier 2 review has preliminarily determined that no significant degradation of water quality is expected to West Fork Plum Creek (perennial portion) and Plum Creek, which have been identified as high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The Water Quality Assessment Team developed protective effluent limits by performing dissolved oxygen (DO) modeling analyses. DO concentrations in a waterbody are critical for the waterbody's health and protection of aquatic life. To ensure that discharge from the proposed facility does not lower in-stream DO levels below the criteria established by the Standards Team, DO modeling analyses are performed to evaluate whether the draft permit's effluent limits are predicted to ensure the DO concentrations in the discharge route will be maintained above the criteria established by the Standards Team.

The effluent limits contained in the draft permit are designed to maintain the water quality and aquatic life uses of the receiving water bodies and be protective of human health. Specifically, the effluent limits contained in the draft permit, based on a 30-day average, are 10 mg/L CBOD₅, 15 mg/L TSS, 2.0 mg/L NH₃-N, 1.0 mg/L TP, 126 colony forming units or most probable number of *E. coli* per 100 mL; and the effluent must contain a minimum DO of 5.0 mg/L. The effluent must be free of visible oil, floating solids, or visible foam.

The proposed facility is a minor municipal facility that will discharge first to an unnamed tributary, thence to a second unnamed tributary, thence to West Fork Plum Creek, thence to Plum Creek in Segment No. 1810 of the Guadalupe River Basin. The receiving water uses are minimal aquatic life use for the unnamed tributary and limited aquatic life use for West Fork Plum Creek (intermittent with pools), and high aquatic life use for West Fork Plum Creek (perennial). The designated uses for Segment

No. 1810 are primary contact recreation, aquifer protection, and high aquatic life use. Waterbodies that support exceptional and high aquatic life uses have associated criteria that protect both the aquatic life that live in the waterbodies and terrestrial wildlife that use the waterbodies as a source of water or food. Additionally, minor municipal facilities with conventional domestic sewage do not typically contain toxic compounds in measurable quantities that might result in toxic effects in the receiving waterbodies, unless there are significant industrial users (SIUs) contributing wastewater. The proposed facility does not have SIUs, and the proposed discharge will have to meet a high DO criterion for West Fork Plum Creek to support an aquatic community with high-existing aquatic life use. The draft permit's limits will protect the uses and quality of the receiving waters and the aquatic life and terrestrial wildlife that depend on it.

WQD staff developed and designed the draft permit to be protective of the uses of all water bodies that could be potentially affected by the proposed discharge. In addition, the discharge is prohibited from causing significant degradation of water quality in any water bodies that exceed fishable/swimmable quality, such as Segment No. 1810. Fishable/swimmable waters are defined as waters that have quality sufficient to support propagation of indigenous fish, shellfish, terrestrial life, and recreation in or on the water. To achieve the goal of supporting a level of water quality sufficient to protect existing water body uses, the draft permit contains several water quality-specific parameter requirements that limit the potential impact of the discharge on the receiving waters. It is the mission of the Executive Director to provide appropriate effluent limitations to protect the uses of the receiving waterbody.

Because Waters in the State must be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three, the WQD Staff wrote the draft permit with provisions to ensure that the TSWQS will be maintained, ensuring the proposed discharge is protective of aquatic life, human health, and the environment.

COMMENT 4:

Larry Edward and Ouroukou Andre, Kristi Baumbach, Rianne Gail Brashears, Rachele Cyrier, Jerry and Linda Doyle, Martin Edmonson, Brandi Burnette Hamilton, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Mark Hinojosa, Nicole Marie Kane,

Tammy Matthews, Michael McKinney, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Julia Spiller, Erin A. Stephens, and Luis Zavaleta-Vera expressed concern over the possible adverse impacts from the proposed facility on impact to wildlife, domestic animals, and livestock.

RESPONSE 4:

The Texas Surface Water Quality Standards in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. The draft permit was developed in accordance with the TSWQS to be protective of water quality in the receiving waters including waters located downstream of the permitted outfall, provided that Greenwood operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements.

COMMENT 5:

Guadalupe-Blanco River Authority (GBRA) commented that tighter standards are necessary to preserve the water quality in the area and stream segments. GBRA recommends the Draft Permit be revised to have limits of 5 mg/L CBOD₅ and 5 mg/L TSS.

San Marcos River Foundation (SMRF) recommended the Draft Permit include effluent limits no less stringent than 5 mg/L 5-day Carbonaceous Biochemical Oxygen Demand (CBOD₅), 5 mg/L Total Suspended Solids (TSS), 2 mg/L ammonia nitrogen, and 0.5 mg/L Total Phosphorus (TP). According to SMRF, these effluent limits will protect the water quality in the Plum Creek watershed.

Greater Edwards Aquifer Alliance (GEAA) expressed concern that the effluent discharge levels in the draft permit are insufficient and the lack of testing requirements for total nitrogen or phosphorus, which needs to be added to the permit. GEAA recommends maximum effluent discharge limits of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L NH₃-N, and 0.50 mg/L TP.

Plum Creek Watershed Partnership (PCWP) recommended the Draft Permit include effluent limits of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L NH₃-N, and 1 mg/L TP,

also known as the “5/5/2/1” standard recommended in the Plum Creek Watershed Protection Plan (PCWPP).

Adam Berglund commented that the Draft Permit’s effluent limits should be stricter and stated that it lacks limits for nitrogen.

RESPONSE 5:

The Texas Surface Water Quality Standards require that discharges not cause surface waters to be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals, not degrade receiving waters, and not result in situations that impair existing, attainable, or designated uses. In addition, the methodology outlined in the TCEQ *Procedures for the Implementation of the Texas Surface Water Quality Standards* (June 2010) (IPs), is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

As specified by the methodologies outlined in the TCEQ IPs, TPDES permits issued by the TCEQ must maintain water in the state to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. In addition, permits must prevent adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. The design of the draft permit ensures these water quality standards will be supported and the WQD Staff wrote the draft permit with provisions to ensure that the surface water quality standards will be maintained, ensuring the proposed discharge is protective of aquatic life, human health, and the environment.

Modeling was performed for the evaluation of potential impacts of major oxygen-demanding constituents within the effluent on dissolved oxygen levels of the receiving waters. In order to ensure that dissolved oxygen modeling results and corresponding effluent limit recommendations are conservative and protective under all conditions, the proposed discharge was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. The unnamed tributaries and West Fork Plum Creek were

determined to be intermittent streams. Therefore, it was modeled with a presumption of zero background streamflow (i.e., no dilution), with the only flow present in the stream at the point of outfall being that from the proposed discharge. Each proposed flow phase was modeled at its full proposed flow volume (Interim I phase = 0.325 MGD, Interim II phase = 0.65 MGD, and Final phase = 0.975 MGD). This combination of conditions is a conservative, worst-case scenario that is unlikely to occur. Even under these conservative model assumptions, modeling results indicate the effluent limits included in the draft permit for Carbonaceous Biochemical Oxygen Demand (5-day) (CBOD₅), ammonia nitrogen, and minimum effluent DO for the proposed flow phases are predicted to be adequate to ensure that instream DO levels will be maintained consistent with these established criteria of the receiving waterbodies, and thus the aquatic life use of each of the streams protected.

COMMENT 6:

GEAA, SMRF, and PCWP expressed concern about the nutrient limits in the draft permit. GEAA commented expressing concern that Plum Creek has excessive levels of *E. coli*, nitrates, nitrogen, and phosphorus. SMRF also expressed concerns about the high levels of nutrient pollution, large volume of water, and high levels of *E. coli* in Plum Creek. SMRF recommends more stringent limits on nutrients in the draft permit, such as screening criteria identified by the Plum Creek Watershed Protection Plan (PCWPP).

RESPONSE 6:

Plum Creek (Segment 1810) is not currently listed on the State's inventory of impaired and threatened waters (the 2022 Clean Water Act Section 303(d) list). As stated previously, the draft permit contains an ammonia nitrogen limit of 2.0 mg/L, a Total Phosphorus limit of 1.0 mg/L, and an *E. coli* limit of 126 MPU per 100 mL for all three flow phases.

Consistent with TCEQ's IPs, a nutrient screening was performed for the proposed discharge. The result of the screening indicated that site-specific conditions in the receiving waters may be conducive to algal growth. Therefore, a nutrient limit of 1.0 mg/L of Total Phosphorus was added to the permit to reduce nutrient loading. The Total Phosphorus limit also meets the Plum Creek WPP's recommendation of 1 mg/L.

E. coli limits of 126 colony-forming units or most probable number (MPN) per 100 mL are also included in the draft permit for all flow phases. This limit has been found to be protective of human health in primary contact recreation uses which includes incidental ingestion from activities such as swimming. The 2022 Update of the Plum Creek Watershed Protection Plan cites a 2018 Bacterial Source Tracking Study (BTS) that was conducted to track the sources of *E. coli* within the watershed. The Bacteria Source Tracking Study, “confirmed that wildlife (feral hogs, small mammals, deer, and birds) are a significant source of bacteria and nutrients in Plum Creek Watershed” with results showing 50% or greater of *E. coli* sources identified as coming from wildlife with the second highest contributing source (20-40%) coming from domestic animals and not human sources. This facility will be designed to provide adequate disinfection and, when operated properly, is not expected to cause any adverse impact to the receiving water with respect to bacteria.

Based on model results, the proposed effluent limits of 2 mg/L ammonia nitrogen (NH₃-N), paired along with a 10 mg/L 5-day Carbonaceous Biochemical Oxygen Demand (CBOD₅) and 5.0 mg/L minimum dissolved oxygen (DO), were predicted to be adequate to maintain the numeric criteria for dissolved oxygen levels of all the receiving waterbodies and therefore be protective of aquatic life. The ammonia nitrogen limit contained in the draft permit also meets the Plum Creek WPP’s recommendation of 2 mg/L.

These effluent limits contained in the draft permit are designed to be protective of the quality of the receiving water and its associated habitat. The IPs also provide reasoning for why the Executive Director focuses on phosphorus instead of nitrogen when considering nutrient impacts:

- substantially less data on total nitrogen have been collected in Texas reservoirs, streams, and rivers.
- phosphorus is a primary nutrient in freshwaters, although nitrogen can be limiting during parts of the year.
- nitrogen can be fixed directly from the atmosphere by most of the noxious forms of blue-green algae.
- available waste treatment technologies make reducing phosphorus more effective than reducing nitrogen as a means of limiting algal production.

For these reasons, total nitrogen limits and testing was not a requirement of this draft permit.

The increased level of effluent treatment for WWTFs suggested by the Plum Creek Watershed Protection Plan is voluntary and non-regulatory, and the effluent limitations contained in the draft permit are based on and consistent with TCEQ procedures. The effluent limitations in the draft permit for the conventional effluent parameters (i.e., CBOD₅, ammonia nitrogen, and minimum DO) 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).

COMMENT 7:

GEAA, SMRF, and PCWP commented that the draft permit will cause degradation of Plum Creek. SMRF commented expressing concern that the draft permit will violate both Tier 1 and Tier 2 antidegradation requirements.

RESPONSE 7:

To protect the quality of the receiving water and its associated habitat the draft permit contains the following effluent limits: 10 mg/L CBOD₅, 15 mg/L TSS, 2 mg/L NH₃-N, 1 mg/L Total Phosphorus, and 5.0 mg/L minimum dissolved oxygen (DO) for the Interim I, Interim II, and Final Phases.

In this case, the designated uses for Segment No. 1810 are primary contact recreation, high aquatic life use, and aquifer protection. The aquifer protection use applies to the contributing, recharge, and transition zones of the Edwards Aquifer but does not apply to this facility's discharge which is located downstream from these zones. Since the discharge is directly to an unclassified water body, the permit action was reviewed in accordance with 30 TAC § 307.4(h) and (l) of the 2018 TSWQS and the TCEQ's IPs for the standards. Based on the receiving water assessment and/or other available information, a preliminary determination of the aquatic life uses in the area of the discharge impact has been performed and the corresponding dissolved oxygen criterion assigned.

Unnamed tributaries; minimal aquatic life use; 2.0 mg/L dissolved oxygen.

West Fork Plum Creek (intermittent with pools); limited aquatic life use; 3.0 mg/L dissolved oxygen.

West Fork Plum Creek (perennial); high aquatic life use; 5.0 mg/L dissolved oxygen.

The Standards Team recommends a 1.0 mg/L TP limit to preclude degradation of the receiving waters.

The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the draft permit and regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health. In accordance with 30 TAC § 307.5 and the TCEQ IPs, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected for West Fork Plum Creek (perennial portion) and Plum Creek, which have been identified as high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The Water Quality Assessment Team developed protective effluent limits by performing dissolved oxygen (DO) modeling analyses. DO concentrations in a waterbody are critical for the waterbody's health and protection of aquatic life. In many cases, effluent discharges decrease DO levels in waterbodies. To ensure that the proposed discharge does not lower DO levels below criteria established for those water bodies by the Standards Team. Based on model results, the proposed effluent limits of 10 mg/L CBOD₅, 2 mg/L NH₃-N, and 5.0 mg/L dissolved oxygen were predicted to be adequate to maintain instream dissolved oxygen levels above the criteria set by the Standards Implementation team for each of the receiving water bodies (i.e. >2.0 mg/L for the unnamed tributaries, >3.0 mg/L for West Fork Plum Creek (intermittent portion), and >5.0 mg/L for West Fork Plum Creek (perennial portion)) and thus the aquatic life uses of those waterbodies protected.

COMMENT 8:

SMRF commented expressing concern that the draft permit will violate the Texas Surface Water Quality Standards.

RESPONSE 8:

The TSWQS found in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable, or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.

The draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the draft permit's requirements. The methodology outlined in the IPs is designed to ensure compliance with the TSWQS.

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that 1) results in instream aquatic toxicity, 2) causes a violation of an applicable narrative or numerical state water quality standard, 3) results in the endangerment of a drinking water supply, or 4) results in aquatic bioaccumulation that threatens human health. The Executive Director has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

A Receiving Water Assessment (RWA) is performed by TCEQ staff to collect data on the physical, chemical, and biological components of a receiving water. RWA are often performed during the "critical period" of the year - July 1 to September 30 - when minimum stream flows, maximum temperatures, and minimum DO concentrations typically occur in Texas. The effluent parameters of a proposed TPDES permit must be protective of the receiving water, even during such "critical period" conditions.

COMMENT 9:

SMRF, GEAA, PCWP, John Cyrier, and Donald Graham expressed concern about the impact of the proposed discharge on meeting the implementation goals of the Plum Creek Watershed Protection Plan. Similarly, John Cyrier and Donald Graham stated that the "5/5/2/1" standard recommended in the PCWPP should be adhered to as closely as possible.

RESPONSE 9:

The effluent limitations in the draft permit are based on and consistent with TCEQ procedures. The effluent limitations in the draft permit for the conventional effluent parameters (i.e., CBOD₅, ammonia nitrogen, and minimum DO) 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 PCWPP's suggested effluent limits of 5 mg/L 5-day Carbonaceous Biochemical Oxygen Demand (CBOD₅), 5 mg/L Total Suspended Solids (TSS), 2 mg/L

ammonia nitrogen, and 1 mg/L Total Phosphorus (TP) found in the Plum Creek Watershed Protection Plan are non-regulatory and adoption of such limits by wastewater treatment facilities (WWTFs) is voluntary. Nevertheless, all three phases in the draft permit contain an NH₃-N limit of 2 mg/L and a 1 mg/L TP limit, which are consistent with the PCWPP recommendations.

The 2022 Update to the Plum Creek Watershed Protection Plan include in-stream bacteria (*E. coli*) and nutrient concentrations as issues of concern for the Plum Creek watershed. The draft permit contains an *E. coli* limit of 126 MPU per 100 mL for all three flow phases. This *E. coli* limit is protective of human health in primary contact recreation uses which includes incidental ingestion from activities such as swimming.

The Greenwood WWTF will be designed to provide adequate disinfection and, when operated properly, is not expected to cause any adverse impact to the receiving water with respect to bacteria. The PCWPP cites a 2018 Bacterial Source Tracking Study that was conducted to track the sources of *E. coli* within the watershed. The Bacteria Source Tracking Study, “confirmed that wildlife (feral hogs, small mammals, deer, and birds) are a significant source of bacteria and nutrients in Plum Creek Watershed” with results showing 50% or greater of *E. coli* sources identified as coming from wildlife with the second highest contributing source (20-40%) coming from domestic animals and not human sources.

COMMENT 10:

GEAA, SMRF, and GBRA all expressed concern with the use of chlorine as a disinfectant method.

RESPONSE 10:

TCEQ’s rules require disinfection of domestic wastewater before discharge into water in the state in a manner that is protective of public health and aquatic life.⁴ The rules do not mandate a specific method of disinfection, a permittee may disinfect domestic wastewater through use of 1) chlorination, 2) ultra-violet light, or 3) an equivalent method of disinfection with prior approval from the Executive Director.

For the proposed facility, Greenwood chose chlorine disinfection. The effluent from the proposed facility, must contain a chlorine residual of at least 1.0 mg/L. The permit limit for maximum total chlorine residual is 4.0 mg/L after a detention time of

⁴ 30 TEX. ADMIN. CODE § 309.3(g)(1) (Disinfection).

at least 20 minutes (based on peak flow), which must be monitored five times per week by grab sample.⁵

COMMENT 11:

GEAA commented expressing concern regarding excessive levels of various pharmaceuticals in Plum Creek.

RESPONSE 11:

Neither the TCEQ nor the EPA has promulgated rules or criteria limiting emerging contaminants, which includes Pharmaceuticals and Personal Care Products (PPCPs), in wastewater. The EPA is investigating emerging contaminants and has stated that scientists have not found evidence of adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants. So, while the EPA and other agencies continue to study the presence of PPCPs, there is currently no clear regulatory regime or rules available to address the treatment of pharmaceuticals in domestic wastewater.

COMMENT 12:

GEAA stated that the TCEQ should consider the cumulative impacts of multiple wastewater discharges into a single small waterway.

RESPONSE 12:

The Executive Director evaluates each permit application and action individually to ensure the permit is protective of surface water quality. As a part of the technical review, the Executive Director performed a dissolved oxygen model to assess whether the dissolved oxygen criteria for the stream will be met. A default QUAL-TX model was used to assess to potentially impact of this discharge on the dissolved oxygen criteria for the unnamed tributaries and West Fork Plum Creek. When conducting the modeling analysis, contributions from other upstream or downstream dischargers are considered in order to account for any potential cumulative impacts.

⁵ Greenwood Ventures Group LLC Draft Permit, Effluent Limitations and Monitoring Requirements, page 2; *see also* 30 TEX. ADMIN. CODE § 309.3(g)(2).

Two other dischargers are located in the West Fork Plum Creek watershed, WQ0016220001 and WQ0016177001. However, modeling analysis showed that both of these discharges were located far enough away (i.e., > 6 miles) that the effluent concentrations from both of those dischargers would be back to background levels prior to comingling with the wastewater discharged from Greenwood Ventures Group LLC. As the dissolved oxygen-demanding constituents in the wastewater from upstream dischargers WQ0016220001 & WQ0016177001 would be negligible by the time the water comingled with the discharge from Greenwood Ventures Group LLC (WQ0016148001) including their discharge in the modeling analysis for Greenwood Ventures Group LLC would act as dilution and yield less conservative modeling results. For this reason, discharge from WQ0016220001 & WQ0016177001, and their dilutions contributions, were not included in the dissolved oxygen modeling analysis of Greenwood Ventures Group LLC (WQ0016148001). This was done to ensure that the dissolved oxygen modeling results and corresponding effluent limit recommendations are conservative and protective even the most unfavorable of environmental conditions, specifically warm low-flow conditions.

Additionally, each proposed flow phase of Greenwood Ventures Group LLC was modeled at its full proposed flow volume (Interim I phase = 0.325 MGD, Interim II phase = 0.65 MGD, & Final phase = 0.975 MGD) and full concentration limit (10 mg/L CBOD₅, 2 mg/L NH₃-N, and 5.0 min. DO). Even under these conservative model assumptions, modeling results indicate the effluent limits included in the draft permit for Carbonaceous Biochemical Oxygen Demand (5-day) (CBOD₅), ammonia nitrogen, and minimum effluent DO for the proposed flow phases are predicted to be adequate to ensure that instream DO levels will be maintained consistent with these established criteria of the receiving waterbodies, and thus the aquatic life uses of each of the streams protected.

COMMENT 13:

Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Cecilia D. Price, Joshua Price, Julia Spiller, and Luis Zavaleta-Vera expressed concerns about drinking water.

Tom D. Bonn, Greg Bennett, Paula T. McCarter, and Erin A. Stephens submitted comments expressing concern about the proposed facility's impact on the area's water supply.

RESPONSE 13:

TWC § 26.401(b) provides that “it is the goal of groundwater policy in this state that the existing quality of groundwater not be degraded.” Under TWC § 26.401(c)(1), it is the State of Texas's policy that “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.” TCEQ has the responsibility to regulate the discharges of pollutants into water in the state. The Executive Director has determined that if a permit is protective of surface water quality, groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the limits in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater. Furthermore, 30 TAC § 309.13(c) states that a wastewater treatment facility may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. The proposed facility complies with these requirements. Also, the draft permit meets the TSWQS requirements, and TCEQ does not anticipate that constituents in the discharge will have an adverse effect on the receiving water or its designated uses.

As part of the application process, the Executive Director determines the uses of the receiving waters and set effluent limits that are protective of those uses. To achieve the goal of maintaining a level of water quality sufficient to protect existing water uses, the draft permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters. In accordance with 30 TAC § 307.5 and the TCEQ Procedures for the Implementation of the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protecting existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected for West Fork Plum Creek (perennial portion) and Plum Creek, which have been identified as high aquatic life use. Existing uses will be maintained and protected.

The preliminary determination can be reexamined and may be modified if new information is received.

The Water Quality Division (WQD) determined that the draft permit fully complies with the TSWQS, ensuring that the proposed discharge is protective of human health, water quality, aquatic life, and the environment. Further, the WQD has made the determination that if the surface water quality is protected, groundwater quality in the vicinity will not be impacted by the discharge. Thus, the limits of the draft permit intended to maintain the existing uses and preclude degradation of the surface waters protect against degradation of groundwater.

COMMENT 14:

Melanie Caldwell, GEAA, and SMRF commented recommending the proposed wastewater treatment facility reuse its wastewater.

RESPONSE 14:

TWC § 26.027 authorizes the TCEQ to issue permits for discharges into waters in the state but does not give TCEQ the authority to mandate the method of disposal of treated effluent if the applicant adheres to the rules and provisions under TWC Chapter 26 and 30 TAC Chapters 217, 305, 307 and 309. Instead, WQD staff evaluate applications for TPDES permits based on the information provided in the application. The sole responsibility of proposing the manner of treatment and disposal of the effluent is the Applicant's. The Executive Director can only recommend issuance or denial of an application based on the application's compliance with the TWC and TCEQ regulations after reviewing the proposed wastewater treatment technologies and the effect(s) of the proposed discharge on the uses of the receiving waterbodies.

COMMENT 15:

Jennifer Hellums commented requesting additional details about the monitoring requirements regarding the quality of the discharged effluent.

RESPONSE 15:

If the permit is issued, Greenwood will be required to analyze the treated effluent prior to discharge and to provide monthly reports to the TCEQ that include the results of the analyses. Greenwood may either collect and analyze the effluent samples itself, or it may contract with a third party for either or both the sampling and analysis. However, all samples must be collected and analyzed according to 30 TAC

Chapter 319, Subchapter A, Monitoring and Reporting System. Greenwood is required to notify the agency if the effluent does not meet the permit limits according to the requirements in the permit. In addition, the TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint.

If the facility is found to be out of compliance with the terms or conditions of the permit, the Applicant may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 11 Office in Austin at (512) 339-2929. Citizen complaints may also be filed on-line at <http://www2.tceq.texas.gov/oce/complaints/index.cfm>. If Greenwood fails to comply with all requirements of the permit, they may be subject to enforcement action.

COMMENT 16:

Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Jennifer Hellums, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Julia Spiller, and Luis Zavaleta-Vera all commented expressing concern about compliance with the permit.

RESPONSE 16:

The draft permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements. For example, a permittee must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater. In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic wastewater permit must be approved by TCEQ. All these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, Greenwood will be required to report any unauthorized discharge to TCEQ within 24 hours, and the Applicants will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1 (888) 777-3186 or the TCEQ Region 11 Office at

(512) 339-2929. Citizen complaints may also be filed on-line at:

<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>.

COMMENT 17:

Jason O’Keefe and Erin A. Stephens expressed criticism of TCEQ’s oversight of water.

RESPONSE 17:

The TCEQ is the agency of the state given primary responsibility for implementing the constitution and laws of this state relating to the conservation of natural resources and the protection of the environment.⁶ The TCEQ has general jurisdiction over the state’s water quality program including issuance of permits, enforcement of water quality rules, standards, orders, and permits, and water quality planning.⁷ Chapter 26 of the Texas Water Code and TCEQ rules relating to water quality are geared towards the protection of public health, aquatic life, and the environment. Accordingly, the stated policy of both the Water Code and the Texas Surface Water Quality Standards 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.⁸

The Executive Director has reviewed the permit application in accordance with the applicable law, policy, and procedures, and the TCEQ’s mission to protect the State’s public health and natural resources consistent with sustainable economic development. The TCEQ’s goal is clean air, clean water, and the safe management of waste.

⁶ TEX. WATER CODE § 5.012.

⁷ TEX. WATER CODE § 5.013(a)(3).

⁸ TEX. WATER CODE § 26.003, 30 TEX. ADMIN. CODE § 307.1.

TCEQ regional offices conduct both periodic and regular inspections of wastewater facilities based on complaints received. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Individuals are encouraged to report any environmental concerns at the site by contacting the TCEQ's Region 11 Office in office at (512) 339-2929, by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186, or by e-mail at complaint@tceq.texas.gov.

COMMENT 18:

Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Thomas and Whitney Hughes, Tammy Matthews, Lieth Nedell, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Julia Spiller, and Luis Zavaleta-Vera expressed concern over adverse impacts to wildlife and livestock.

RESPONSE 18:

As specified in the Texas Surface Water Quality Standards, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, which includes wildlife, livestock, and domestic animals resulting from contact with water, consumption of aquatic organisms, consumption of water or any combination of the three. Water in the state must be maintained to preclude adverse toxic effects on human health resulting from primary contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. The draft permit includes provisions to ensure that the Texas Surface Water Quality Standards will be maintained.

COMMENT 19:

Erin A. Stephens and Michael McKinney stated that an impact evaluation be conducted prior to issuing the Draft Permit.

RESPONSE 19:

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements

which include an Environmental Assessment and either a Finding of No Significant Impact or Environmental Impact Statement. However, these requirements pertain to a proposed federal action. An environmental impact statement and compliance with NEPA are not required as part of the TPDES permitting process.

COMMENT 20:

Colby Stephens asked why a hydrology report was not prepared.

RESPONSE 20:

The dissolved oxygen (DO) modeling review is one of the reviews conducted to ensure that the proposed effluent limits in the draft permit are protective of the aquatic life uses of the receiving waterbodies. The DO modeling analysis determines the water quality based effluent limits for the major oxygen related constituents in a proposed wastewater discharge. These limits are developed with the purpose of maintaining the relevant DO criteria for the receiving waters and protecting aquatic life uses.

In the case of the draft permit for Greenwood Ventures Group LLC (WQ0016148001), the modeling review determined that effluent limits of 10 mg/L CBOD₅, 2 mg/L ammonia nitrogen, and 5.0 mg/L minimum DO were sufficient to maintain dissolved oxygen levels within the unnamed tributaries and West Fork Plum Creek above the criteria stipulated by the Standards Implementation Team.

COMMENT 21:

John Cyrier requested that the length of the permit be reduced from five to three years.

RESPONSE 21:

Under the federal National Pollutant Discharge Elimination System program (NPDES), NPDES permits are effective for a fixed term not to exceed 5 years.⁹ The agency practice of TCEQ, which assumed the administration of the NPDES regulatory program from the Environmental Protection Agency,¹⁰ is to issue Texas Pollutant Discharge Elimination System (TPDES) permits for 5-year terms in accordance with the

⁹ 40 C.F.R. § 122.46 (Duration of permits).

¹⁰ For more information about the TPDES program, see https://www.tceq.texas.gov/permitting/wastewater/pretreatment/tpdes_definition.html

federal regulations. Any TPDES compliance issues will be addressed through the TCEQ's enforcement process.

COMMENT 22:

Tom D. Bonn, Brandi Burnette Hamilton, Ken Baumbach, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Thomas and Whitney Hughes, Tammy Matthews, Lieth Nedell, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Julia Spiller, Jocelyn A. Tobias, and Luis Zavaleta-Vera expressed concerns about adverse impacts to their property.

RESPONSE 22:

The TCEQ was charged by the Texas Legislature to maintain the quality of water in Texas, consistent with public health and enjoyment; thus, TCEQ's jurisdiction in a wastewater permit application is limited to water quality issues, and it does not have authorization to consider quality of life, as long as water quality is maintained. The draft permit, however, does not allow the permit holder to create or maintain a nuisance that interferes with a landowner's use and enjoyment of their property. The permit does not limit the ability of a landowner to seek relief from a court in response to activities that interfere with a landowner's use and enjoyment of their property.

COMMENT 23:

Leslie Lyn Carey, Larry Lindsey, Erin A. Stephens, and Edward A. Theriot all commented expressing concerns about the proposed WWTP's impact on recreational activities on their property.

RESPONSE 23:

As specified in the Texas Surface Water Quality Standards, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact with water, consumption of aquatic organisms, consumption of water, or any combination of the three. Water in the state must also be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. The draft permit includes provisions to ensure that the Texas Surface Water Quality Standards will be maintained.

COMMENT 24:

Larry Edwards and Ouroukou Andre, John Cyrier, Mark Hinojosa, Larry Lindsey, Edward A. Theriot, Jocelyn A. Tobias all commented expressing concern about the proposed WWTP's site location.

Ken Baumbach, Kristi Baumbach, Tom D. Bonn, Brandi Burnette Hamilton, Martin Edmonson, Rianne Gail Brashears, Jennifer Hellums, Tammy Matthews, Jason O'Keefe, Melissa O'Keefe, Joshua Price, Julia Spiller, Erin A. Stephens, all commented expressing concern about erosion and effect on the land in the surrounding area.

Ken Baumbach commented expressing concern that the proposed facility's location is in a flood plain zone.

Tom D. Bonn commented suggesting that the discharge be enclosed via pipe to avoid flooding.

RESPONSE 24:

TWC § 26.121 authorizes discharges into waters of the state, provided the discharger obtains a permit from the TCEQ. TCEQ does not have the authority to mandate a different discharge location or different type of wastewater treatment plant. TCEQ evaluates applications for wastewater treatment plants, based on the information provided in the application.

TCEQ does not have jurisdiction to address flooding or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The draft permit includes effluent limits and other requirements that Greenwood must meet even during rainfall events and periods of flooding. The proposed Lockhart Landing WWTP shall be subject to plans and specifications review prior to construction.¹¹ Part of this review requires adherence to 30 TAC § 217.35, relating to "One Hundred-Year Flood Plain Requirements." However, as Greenwood indicated in the application that the proposed facility will be above the 100-year frequency flood level and not located in a floodplain area, the requirements under 30 TAC § 217.35 are inapplicable in this case.

For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ

¹¹ Greenwood Ventures Group LLC Draft Permit, Other Requirements, Item No. 6, page 34.

Resource Protection Team at (512) 239-4691. For Caldwell County Floodplain Management, call the Caldwell County Sanitation Department at (512) 398-1803.

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." The TCEQ does not have jurisdiction over zoning.

If Greenwood updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

COMMENT 25:

SMRF commented expressing concern about the adequacy of the notice provided for the Draft Permit. Larry Edward and Ouroukou Andre, Greg Bennett, Mark Hinojosa, Thomas and Whitney Hughes, C.J. Hunter, Jason O'Keefe, Martin Ritchey, Erin A. Stephens, and Edward A. Theriot all commented about the lack of transparency from the Applicant in disclosing information regarding the development.

RESPONSE 25:

As stated in the Background Information (Procedural Background), the NORI was published in English in the *Lockhart Post-Register* newspaper on June 30, 2022, and in Spanish in *El Mundo* on June 23, 2022, pursuant to 30 TAC §§ 39.418 and 39.426. The Notice of Application and Preliminary Decision (NAPD) was published in English on December 22, 2022, in the *Lockhart Post-Register* newspaper and in Spanish in *El Mundo* newspaper on December 15, 2022, pursuant to 30 TAC §§ 39.419, 29.426, and 55.154. A public meeting was held in Lockhart on March 28, 2023. At the request of Senator Zaffirini, a second public meeting was held in Lockhart on June 13, 2023. The public comment period ended at the close of the second public meeting. The permit application, ED's preliminary decision, and draft permit have been all made available for viewing and copying at Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas.

The Copies of the NORI, NAPD, and Notice of Hearing were mailed out to each person on the landowners list. Additionally, a copy of the permit application (including location maps) and the NAPD notice with a URL link to the TCEQ on-line location map (showing the location of the facility) are available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk) Lockhart City Hall, 308 West San Antonio Street, Lockhart, Texas. Additionally, during regular business hours, the public may review or copy the public file for this application, which includes the application, its attachments, the comment letters, this Response to Public Comment, and any other communications made during the review of this application, at TCEQ's Office of the Chief Clerk.

In this case, the TCEQ received the application for a new permit on April 20, 2022, and the TCEQ Application Review and Processing Team performed an administrative review of the application, which includes verifying that the landowners map and landowners list was prepared according to TCEQ policies and regulations. The application was deemed administratively complete on June 14, 2022. The TCEQ Water Quality Division staff then performed a technical review of the application and multiple analyses, including but not limited to, a Receiving Water Assessment performed by WQD staff on the Standards Implementation Team and Water Quality Modeling runs by WQD staff in the Water Quality Assessment Section that used an "uncalibrated QUAL-TX" model. The application was deemed technically complete on October 25, 2022.

The Executive Director issued their preliminary decision on December 8, 2022, stating that this permit, if issued, meets all statutory and regulatory requirements. 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 or assumptions employed in the applicable review, or analysis.

COMMENT 26:

SMRF stated that the map in Appendix B on the application where it states that the wastewater will flow into "N Fork Plum Creek" within one mile of the discharge point. SMRF is concerned that this was not identified in the discharge route in the provided notices for the draft permit.

RESPONSE 26:

According to the United States Geological Survey topographic map provided in the application, the Standards Team identified the immediate receiving waterbody as an unnamed tributary of West Fork Plum Creek. The discharge route is thence to a second unnamed tributary thence to West Fork Plum Creek thence to Plum Creek (Segment No. 1810).

COMMENT 27:

Adam Berglund, Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Jason O’Keefe, Melissa O’Keefe, Cecilia D. Price, Joshua Price, Martin Ritchey, Julia Spiller, and Luis Zavaleta-Vera expressed about spills or malfunctions at the proposed facility.

RESPONSE 27:

Spills are not expected to occur at this facility if it is maintained and operated in accordance with TCEQ rules and the provisions in the draft permit. Permit Condition 2(g) prohibits unauthorized discharge of wastewater or any other waste.¹² Greenwood is required to ensure that the proposed facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. If an unauthorized discharge occurs, Greenwood is required to report it to TCEQ within 24 hours. Finally, Greenwood is subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

The draft permit requires the Greenwood wastewater treatment facility be operated by a chief operator or an operator holding a Class C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

¹² Greenwood Ventures Group LLC Draft Permit, Permit Conditions, Item 2(g), p. 10.

COMMENT 28:

Adam Berglund, Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Jason O’Keefe, Melissa O’Keefe, Cecilia D. Price, Joshua Price, Martin Ritchey, Julia Spiller, and Luis Zavaleta-Vera asked about the qualifications of the operator at the proposed facility.

RESPONSE 28:

The draft permit requires the Greenwood wastewater treatment facility be operated by a chief operator or an operator holding a Class C license or higher. To become a Class C licensed operator and operate a wastewater treatment facility, candidates must meet the education, work experience, examination, and registration requirements located in 30 TAC Chapter 30 (Occupational Licenses and Registrations), Subchapter A (Administration of Occupational Licenses and Registrations) and Subchapter K (Public Water System Operators and Operation Companies). The minimum requirements a Class C operator must meet can also be found in the following webpage: <https://www.tceq.texas.gov/licensing/licenses/waterlic>.

The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

COMMENT 29:

Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Jason O’Keefe, Melissa O’Keefe, Cecilia D. Price, Joshua Price, Martin Ritchey, Julia Spiller, and Luis Zavaleta-Vera all commented expressing concerns about nuisance and hazardous odors.

RESPONSE 29:

To control and abate odors, the TCEQ rules require domestic WWTFs to meet buffer zone requirements for the abatement and control of nuisance odor according to

30 TAC § 309.13(e), which provides options for applicants to satisfy the nuisance odor abatement and control requirements. The options are: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor control.

According to the application, the proposed facility intends to comply with the requirement to abate and control nuisance odors by locating the treatment units at least 150 feet from the nearest property line and by legal restrictions prohibiting residences within the buffer zone. These requirements and legal restrictions are incorporated in the draft permit. Therefore, nuisance odors are not expected to occur because of the permitted activities at the proposed facility if the Applicant operates the proposed facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

COMMENT 30:

Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Martin Ritchey, Julia Spiller, and Luis Zavaleta-Vera expressed concern about light and noise pollution.

RESPONSE 30:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider noise or light from a facility when determining whether to approve or deny a permit application.

The scope of the Agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of their property. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Regional Office (Region 11) in Austin, TX at (512) 339-2929. Complaints may be filed electronically by using the methods described 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.

COMMENT 31:

Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Martin Ritchey, Julia Spiller, and Luis Zavaleta-Vera all commented expressing concern about adverse air quality impacts. The commenters expressed concern about release of chemicals, such as hydrogen sulfide gas, into the air.

RESPONSE 31:

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to 30 TAC § 106.532, WWTFs have undergone this review and are permitted by rule, provided the WWTF only performs the functions listed in the rule.

In the application, Greenwood indicated that the treatment process of the proposed WWTF would use the activated sludge process. This treatment process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's Texas Clean Air Act §§ 382.057 and 382.05196 and is therefore permitted by rule.

COMMENT 32:

Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Lieth Nedell, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Martin Ritchey, Julia Spiller, and Luis Zavaleta-Vera expressed concern about the amount of electricity required to operate the proposed facility.

RESPONSE 32:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to

consider the amount of electricity required to operate the proposed facility when determining whether to approve or deny a permit application.

The scope of the Agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of their property. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Regional Office (Region 11) in Austin, TX at (512) 339-2929. Complaints may be filed electronically by using the methods described 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.

COMMENT 33:

Adam Berglund, Brandi Burnette Hamilton, Kristi Baumbach, Martin Edmonson, Rianne Gail Brashears, Stephanie Haverda, Pouer Heard, Jennifer Hellums, Tammy Matthews, Paula T. McCarter, Lieth Nedell, Jason O'Keefe, Melissa O'Keefe, Cecilia D. Price, Joshua Price, Martin Ritchey, Julia Spiller, and Luis Zavaleta-Vera all commented expressing concern about the additional increase of traffic associated with the activities of the proposed facility and its impact on existing roads. Similarly, Edward and Ouroukou Andre, Greg Bennett, Tom D. Bonn, C.J. Hunter, Nicole Marie Kane, Larry Lindsey, Paula T. McCarter, Jason O'Keefe, Erin A. Stephens, and Edward A. Theriot all expressed concern regarding the lack of infrastructure, such as roads, in the area to support the proposed facility and development.

RESPONSE 33:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider additional traffic, road safety issues, or road repair cost when determining whether to approve or deny a permit application.

COMMENT 34:

Tom D. Bonn commented that the proposed facility and discharge may attract feral hogs and concerns about the hogs' fecal matter, specifically *E. coli*, contaminating the creek.

RESPONSE 34:

Greenwood must ensure that the proposed facility and all of its systems of collection, treatment, and disposal are properly operated and maintained at all times. Consequently, health impacts from pests should not occur. Nearby residents' quality of life is protected by the fact that Greenwood is only authorized to discharge according to the limitations, monitoring requirements, and other conditions listed in the draft permit. Additionally, the draft permit does not limit any landowner's ability to seek private action against the applicant regarding any potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health or property or interference with the normal use and enjoyment of property.

If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they are encouraged to contact the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Regional Office (Region 11) in Austin, TX at (512) 339-2929. Complaints may be filed electronically by using the methods described 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.

COMMENT 35:

Michael McKinney commented that the proposed site is located in an American Indian site.

RESPONSE 35:

As part of the administrative review portion of the application process, Applicants are required to submit Supplemental Permit Information Forms (SPIFs) that would provide information to various agencies, including the Texas Historical Commission. The Texas Historical Commission did not submit any comments on the draft permit.

III. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

No changes were made to the draft permit in response to comments.

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

CERTIFICATE OF SERVICE

I certify that on September 6, 2023, the “Executive Director’s Response to Public Comment” for Permit No. WQ0016148001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.



Fernando Salazar Martinez
Staff Attorney
Environmental Law Division
State Bar No. 2413608