

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 13, 2023

TO: All interested persons.

RE: Wilco MUD WWTP, LLC  
TPDES Permit No. WQ0016146001

### **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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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](mailto: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 the Georgetown Public Library, 402 West 8th Street, Georgetown, 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](http://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  
Wilco MUD WWTP, LLC  
TPDES Permit No. WQ0016146001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Wilco MUD WWTP, LLC for TPDES Permit No. WQ0016146001 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 (WQ0016146001) 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](mailto: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 the Georgetown Public Library, 402 West 8th Street, Georgetown, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS  
*Protegiendo a Texas reduciendo y previniendo la contaminación*

13 de octubre de 2023

TO: Todas las personas interesadas.

RE: Wilco MUD WWTP, LLC  
TPDES Permiso No. WQ0016146001

**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](mailto: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 la Biblioteca Pública de Georgetown, 402 West 8th Street, Georgetown, 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](http://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**  
**Wilco MUD WWTP, LLC**  
**TPDES Permiso No. WQ0016146001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Wilco MUD WWTP, LLC del permiso de TPDES No. WQ0016146001. 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 (WQ0016146001) 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](mailto: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 la Biblioteca Pública de Georgetown, 402 West 8th Street, Georgetown, Texas.



MAILING LIST / LISTA DE CORREO  
for / para  
Wilco MUD WWTP, LLC  
TPDES Permit No. WQ0016146001 / TPDES Permiso No. WQ0016146001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Todd McCullough, Manager  
Wilco MUD 45 WWTP, LLC  
3300 Bee Cave Road, Suite 650-1233  
West Lake Hills, Texas 78746

Michael Bevilacqua, P.E., Project Manager  
Green Civil Design, LLC  
301 Denali Pass, Suite 3  
Cedar Park, Texas 78613

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

Erin R. Selvera  
The Carlton Law Firm, P.L.L.C.  
4301 Westbank Drive, Suite B-130  
Austin, Texas 78746

Nathan E. Vassar  
Lloyd Gosselink Rochelle & Townsend, PC  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701

Yvette Wilkerson  
Lloyd Gosselink Rochelle & Townsend, PC  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701

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

Venkata Kancharla, 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

**TCEQ PERMIT NO. WQ0016146001**

**APPLICATION BY  
WILCO MUD 45 WWTP, LLC  
FOR TPDES PERMIT NO.  
WQ0016146001**

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**BEFORE THE  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY**

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**EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENTS**

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The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comments (RTC) on the application by Wilco MUD 45 WWTP, LLC (Applicant) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016146001. As required by Title 30 Texas Administrative Code (TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments.

The Office of the Chief Clerk received timely comments from Prairie Crossing Wastewater LLC (“Prairie Crossing”), Jonah Water Special Utility District (“Jonah”), 05 Ranch Investments, LLC (“05 Investments”), and Prairie Crossing Municipal Utility Districts 1 & 2 (“Prairie Crossing MUDs”). This response addresses all timely public comments received, whether or not withdrawn.

If you need 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 TCEQ can be found at the following website:  
[www.tceq.texas.gov](http://www.tceq.texas.gov).

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**I. BACKGROUND**

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***A. Description of Facility***

Wilco MUD 45 WWTP, LLC has applied to TCEQ for a new TPDES Permit No. WQ0016146001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 2,000,000 gallons per day.

The wastewater treatment facility (proposed WWTF) will be located approximately 1.56 miles southeast of the intersection of Farm-to-Market Road 3349 and County Road 404, in Williamson County, Texas 76574. The treated effluent will be discharged to Boggy Creek, thence to Brushy Creek in Segment No. 1244 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for Boggy Creek. The

designated uses for Segment No. 1244 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use.

The Cielo Ranch WWTP will be an activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase include a bar screen, an aeration basin, a final clarifier, a sludge holding basin, a tertiary effluent filter, and either a UV disinfection system or a chlorine contact chamber. Treatment units in the Interim II phase include a bar screen, three aeration basins, two final clarifiers, two sludge holding basins, a tertiary effluent filter, and either a UV disinfection system or two chlorine contact chambers and a dechlorination system. Treatment units in the Final phase include two bar screens, six aeration basins, three final clarifiers, four sludge holding basins, two tertiary effluent filters, and either a UV disinfection system or two chlorine contact chambers and a dechlorination system. The facility has not been constructed.

The draft permit authorizes a discharge of treated domestic wastewater at a daily average flow not to exceed 0.30 million gallons per day (MGD) in the Interim I phase, an annual average flow not to exceed 1 MGD in the Interim II phase, and an annual average flow not to exceed 2 MGD in the Final phase.

The effluent limitations in all phases of the draft permit, based on a 30-day average, are 5 mg/L Five-Day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), 5 mg/L total suspended solids (TSS), 2 mg/L Ammonia-Nitrogen (NH<sub>3</sub>-N), 1 mg/L Total Phosphorus (TP), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 mL, and 4.0 mg/L minimum dissolved oxygen (DO). The permittee shall either utilize an Ultraviolet Light (UV) system for disinfection purposes or shall achieve disinfection by chlorination. If the permittee uses chlorination in the Interim I phase, the effluent shall contain a total chlorine residual of at least 1.0 mg/L and shall not exceed a total chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes (based on peak flow). If the permittee uses chlorination in the Interim II and Final phase, the effluent shall contain a total chlorine residual of at least 1.0 mg/L after a detention time of at least 20 minutes (based on peak flow) and the permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/L total chlorine residual.

## ***B. Procedural Background***

The permit application was received on April 11, 2022, and declared administratively complete on June 21, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English in the *Austin American Statesman* on June 27, 2022, and in Spanish in the *El Mundo Newspaper* on June 30, 2022. The ED completed the technical review of the application on March 1, 2023. A Combined NORI and Notice of Application and Preliminary Decision (Combined NORI and NAPD) was published in English in the *Austin American Statesman* on March 23, 2023, and in Spanish in the *El Mundo Newspaper* on March 23, 2023. The Combined NORI and NAPD was issued to correct the requested annual average flow authorization. The public comment period ended on April 24, 2023.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Georgetown Public Library, 402 West 8<sup>th</sup> Street, Georgetown, Texas, and at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk, for the current application until final action is taken).

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

Additionally, the Executive Director forwarded the Wilco MUD 45 WWTP, LLC draft permit to the U.S. Environmental Protection Agency (EPA) on March 13, 2023. EPA approved the Wilco MUD 45 WWTP, LLC draft permit on April 25, 2023.

## ***C. Access to Rules, Laws, and Records***

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

- to access the Secretary of State website: [www.sos.state.tx.us](http://www.sos.state.tx.us);
- for TCEQ rules in 30 TAC: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select "TAC Viewer" on the right, then "Title 30 Environmental Quality");
- for Texas statutes: <http://www.statutes.legis.state.tx.us/>;

- to access the TCEQ website: <https://www.tceq.texas.gov/rules/index.html> (for downloadable rules in Microsoft Word or Adobe PDF formats, select “Rules,” then “Current Rules and Regulations,” then “Download TCEQ Rules”);
- for Federal rules in Title 40 of the Code of Federal Regulations: [www.ecfr.gov](http://www.ecfr.gov);
- and
- for Federal environmental laws: <http://www.epa.gov/lawsregs/>.

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, 1<sup>st</sup> Floor (Office of the Chief Clerk), until final action is taken. Some documents located in the Office of the Chief Clerk may be located on the Commissioners’ Integrated Database at: <https://www14.tceq.texas.gov/epic/eCID/>.

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## II. COMMENTS AND RESPONSES

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### **COMMENT 1:**

Prairie Crossing, Jonah, 05 Investments, and Prairie Crossing MUDs have expressed concern that the application violates the State’s policy on regionalization.

### **RESPONSE 1:**

Texas Water Code (TWC) § 26.081 enumerates the state’s regionalization policy. TWC § 26.081 states that it is the state’s policy 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 prevent pollution and maintain and enhance the quality of the water in the state.” In furtherance of that policy, TWC § 26.0282 authorizes the TCEQ, when considering the issuance of a permit to discharge waste, to deny or alter the terms and conditions of a proposed permit based on need and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems.

Domestic Technical Report 1.1 of the application requires information concerning regionalization of wastewater treatment plants. Applicants requesting a new permit or certain major amendments are required to review a three-mile area surrounding the proposed facility to determine if there is a wastewater treatment plant or sewer collection lines within the area that the permittee can utilize. Applicants are required to contact those facilities to inquire if they currently have the capacity or are willing to expand to accept the volume of wastewater proposed. If an existing wastewater facility does have the capacity and is willing to accept the proposed wastewater, the applicant

must submit an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within three miles versus the cost of the proposed facility or expansion. Finally, applicants are required to provide copies of all correspondence with the owners of existing plants within three miles of the proposed plant regarding regionalization with their system.

According to the information provided in Wilco MUD 45 WWTP, LLC's application, while there are three permitted proposed wastewater treatment facilities within a three-mile radius of the proposed facility site location, none of them are existing wastewater treatment facilities.

**COMMENT 2:**

Prairie Crossing, 05 Investments, and Prairie Crossing MUDs have expressed concern that the applicant may not meet buffer zone requirements that provide adequate protection to prevent nuisance conditions such as noise and odor.

**RESPONSE 2:**

All wastewater treatment facilities have the potential to generate odors. To control and abate odors the TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. Wilco MUD 45 WWTP, LLC can comply with the rule by: 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 its application, Wilco MUD 45 WWTP, LLC intends to comply with the requirement to abate and control nuisance of odor by legal restrictions prohibiting the construction of residences within the part of the buffer zone not owned by the permittee. This requirement is incorporated in the draft permit. Prior to construction of each phase, the permittee shall submit sufficient evidence these legal restrictions that include restrictive easements in accordance with 30 TAC § 309.13(e)(3). Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues such as noise as part of the wastewater permitting process. The commenters may wish to contact the Williamson County Sheriff's Office at (512) 943-1300 or (512) 864-8282 to inquire if there are any applicable local laws or ordinances regarding noise in the area where the proposed facility is located.

**COMMENT 3:**

Prairie Crossing, 05 Investments, and Prairie Crossing MUDs has expressed concern that the Domestic Worksheet 2.1 was not submitted as part of the application for the permit.

**RESPONSE 3:**

The TPDES permit application instructions require that stream transect data for the immediate receiving water be collected and provided by the applicant for new applications, major facilities, and applications adding an outfall. The instructions state that stream transect data is not required for intermittent streams. However, stream transect data should be provided for streams that are defined as intermittent with perennial pools, if meaningful transect data can be collected. In Domestic Worksheet 2.0 submitted with the application, Wilco 45 MUD WWTP, LLC indicated that that Boggy Creek was dry (i.e., no water present) at the time of observation. Therefore, no meaningful Worksheet 2.1 data could be collected.

**COMMENT 4:**

Prairie Crossing, 05 Investments, and Prairie Crossing MUDs has expressed concern that the Domestic Worksheet 2.0 did not identify two existing ponds downstream of the proposed outfall as well previous drought conditions of these two ponds.

**RESPONSE 4:**

As a part of the TPDES permit review process, the Standards Implementation Team assesses the downstream waterbodies that the proposed discharge flow through and assigns them classifications with associated water quality criteria, aquatic life, and human uses. This discharge flows directly into Boggy Creek which was classified as an intermittent waterbody with perennial pools.

Additionally, when the dissolved oxygen modeling review was conducted by TCEQ staff, the two downstream on-channel pools, located approximately 0.5 km and 1.6 km

downstream from WQ0016146001's outfall location respectively, were included in the model and assessed for potential dissolved oxygen impacts.

**COMMENT 5:**

Prairie Crossing, 05 Investments, and Prairie Crossing MUDs are concerned the proposed WWTP will impair the water quality of two ponds along the discharge route and an antidegradation analysis is needed to ensure the two ponds can sustain aquatic life with effluent dominated ponds without eutrophication.

**RESPONSE 5:**

The TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water, with specific exceptions for oil and gas exploration and development activities. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under TWC Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific statues regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards (TSWQS) to be protective of water quality, provided that Wilco MUD 45 WWTP, LLC operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) (IPs) is designed to ensure compliance with the TSWQS in 30 TAC Chapter 307.

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.

As part of the TPDES application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed 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 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. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e., CBOD<sub>5</sub>, NH<sub>3</sub>-N, TSS, 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). Additionally, to ensure the effluent from the Cielo Ranch WWTF will not cause eutrophication, the Executive Director's staff performed a nutrient screening which indicated that because of the given size of the discharge to a stream with several pools, moderate shade, and moderate sensitivity, a total phosphorus limit is added in the draft permit. The Executive Director's staff included a total phosphorus limit of 1 mg/L to preclude eutrophication along the discharge route.

**COMMENT 6:**

Prairie Crossing, Jonah, 05 Investments, Prairie Crossing MUDs request for a public meeting to be held.

**RESPONSE 6:**

The Executive Director acknowledges the public meeting request.

**COMMENT 7:**

Prairie Crossing, Jonah, 05 Investments, Prairie Crossing MUDs request for a contested case hearing to be held.

**RESPONSE 7:**

The Executive Director acknowledges the contested case hearing request.

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

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The Executive Director did not make any changes to the draft permit in response to Public Comments.

Respectfully submitted,

Texas Commission on Environmental  
Quality

Kelly Keel  
Interim Executive Director

Erin Chancellor, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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**IV. CERTIFICATE OF SERVICE**

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I certify that on October 6, 2023, the “Executive Director’s Response to Public Comment” for Permit No. WQ0016146001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.



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Fernando Salazar Martinez  
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Environmental Law Division  
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