

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 23, 2023

TO: All interested persons.

RE: Schreiber Foods, Inc.
TLAP Permit No. WQ0003074000

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 the Erath County Courthouse, 100 West Washington Street, Room 206, Stephenville, 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.

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- (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,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Schreiber Foods, Inc.
TLAP Permit No. WQ0003074000

The Executive Director has made the Response to Public Comment (RTC) for the application by Schreiber Foods, Inc. for TLAP Permit No. WQ0003074000 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 (WQ0003074000) 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 the Erath County Courthouse, 100 West Washington Street, Room 206, Stephenville, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

23 de octubre de 2023

TO: Todas las personas interesadas.

RE: Schreiber Foods, Inc.
TLAP Permiso No. WQ0003074000

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 el Palacio de Justicia del Condado de Erath, 100 West Washington Street, Cuarto 206, Stephenville, 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/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Schreiber Foods, Inc.
TLAP Permiso No. WQ0003074000

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Schreiber Foods, Inc. del permiso de TLAP Permiso No. WQ0003074000. 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 (WQ0003074000) 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 el Palacio de Justicia del Condado de Erath, 100 West Washington Street, Cuarto 206, Stephenville, Texas

MAILING LIST / LISTA DE CORREO
for / para
Schreiber Foods, Inc.
TLAP Permit No. WQ0003074000 / TLAP Permiso No. WQ0003074000

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Paul Batkins, Plant Manager
Schreiber Foods, Inc.
P.O. Box 19010
Green Bay, Wisconsin 54307

Jourdan Mullin, Consultant
Enviro-Ag Engineering
9855 Farm-to-Market Road 847
Dublin, Texas 76446

Paul Bythway, Environmental Engineer
Schreiber Foods, Inc.
400 North Washington Street
Green Bay, Wisconsin 54301

Corey Mullin, Consultant
Enviro-Ag Engineering
9855 Farm-to-Market 847
Dublin, Texas 76446

INTERESTED PERSONS /
PERSONAS INTERESADAS:

See Attached List

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

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

Alyssa Loveday, 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 78711-3

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

REMY , TANDI
4630 N US HIGHWAY 281
STEPHENVILLE TX 76401-8900

SOWLE , KAITLIN
4552 N US HIGHWAY 281
STEPHENVILLE TX 76401-8910

TPDES PERMIT NO. WQ0003074000

**APPLICATION BY
SCHREIBER FOODS, INC.
FOR
TLAP NO. WQ0003074000**

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§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on Schreiber Foods, Inc.'s (Applicant) application for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003074000 and on the ED's preliminary decision. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk received timely comments from Tandi Remy and Kaitlin Sowle. 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 the TCEQ can be found on the TCEQ web site at <http://www.tceq.texas.gov>.

I. BACKGROUND

The applicant has applied to the TCEQ for an amendment of its existing permit. The proposed amendment would authorize the increase of application acres from 50 acres to 61 acres, increase the permitted daily average flow from 132,000 gallons per day (gpd) to 192,000 gpd, and update the organic loading rate measured as biochemical oxygen demand (5-day) and the nitrogen loading rate measured as total nitrogen. Soybean hay, forage sorghum, and small grain crops have been included as alternative crops to the grasses (i.e., coastal Bermuda and ryegrass).

A. Facility Description

The applicant currently operates Schreiber Foods, a specialty dairy food products manufacturer.

Raw milk is brought to the plant in tankers. In the process of converting milk into finished products (such as cream cheese) much of the water is extracted. This water (a.k.a. cow water) is captured and used, together with clean water, for truck and equipment washwater. Process wastewater, consisting of captured washwater along with milk minerals, organics, and cleaning compounds, is collected and routed through a monitoring station which includes a bar screen for solids removal and is then pumped to a dissolved air floatation tank for additional solids removal. Domestic wastewater is treated by a chlorination system prior to being commingled with the process wastewater at the lift station. From the lift station, the commingled effluent is pumped to a storage/treatment system consisting of a 3 million-gallon (MG) aeration lagoon equipped with 200 horsepower (hp) of aeration equipment and two 3 MG aeration lagoons (Aerated Storage Basins No. 1 and 2) equipped with 60 hp of aeration equipment each. Effluent from the lagoons is routed to a center-pivot irrigation system consisting of a 61-acre tract for irrigating crops consisting of Coastal Bermuda Grass, Soybean hay, forage sorghum (primary crops) and Ryegrass and small grain crops (supplemental cool-weather crops).

The plant and land application site are located at 923 County Road 176, near the City of Stephenville, Erath County, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-98.188333,32.262777&level=18>

B. Receiving Water Body Uses

The facility and disposal site are located in the drainage area of Paluxy River/North Paluxy River in Segment No. 1229 of the Brazos River Basin. The designated uses for Segment No. 1229 are primary contact recreation, public water supply, and high aquatic life use. All determinations are preliminary and subject to additional review and revisions.

C. Proposed Effluent limitations

The draft permit authorizes the disposal of treated wastewater (process and domestic) from a specialty dairy foods manufacturing facility at a daily average flow not to exceed 0.132 MGD via irrigation of 61 acres of Coastal Bermuda, Soybean hay, forage

sorghum (primary crops), and Ryegrass and Small Grains (supplemental cool-weather crops).

Final effluent limitations are established in the draft permit as follows:

Pollutant	Daily Average, mg/L	Daily Maximum, mg/L
Flow	192,000 GPD	Report, GPD
Chloride	Record	N/A
Sodium	Record	N/A
Total Phosphorus	Record	N/A
TDS	4000	N/A
TSS	650	N/A
BOD5	Record	N/A
Oil and Grease	N/A	15
Total Nitrogen	Record	N/A
pH	6.0 SU (min.)	9.0 SU (max.)

II. Procedural Background

The TCEQ received the permit application on February 6, 2023, and declared it administratively complete on March 21, 2023. The applicant published the English version of the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in the *Stephenville Empire Tribune* on March 29, 2023, as well as published the Spanish version of the NORI in the *La Prensa Comunidad* on March 28, 2023. The ED completed the technical review of the application on May 30, 2023, and prepared the proposed permit, which if approved, would establish the conditions under which the facility must operate. The Applicant published the English version of the Notice of Application and Preliminary Decision (NAPD) in the *Stephenville Empire Tribune* on August 24, 2023, as well as the Spanish version of the NAPD in the *La Prensa Comunidad* on August 22, 2023. The comment period for this application closed on September 25, 2023.

This application was filed on or after September 1, 2015; therefore, this application is subject to both 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 rules in 30 TAC Chapter 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

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;
- for 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”);
- for Texas statutes: <https://statutes.capitol.texas.gov/>;
- to access the TCEQ website: www.tceq.texas.gov (for downloadable rules in Adobe PDF format, select “Rules and Rulemaking,” then “Current Rules and Regulations,” then “Download TCEQ Rules”);
- for Federal rules in Title 40 of the Code of Federal Regulations (C.F.R.) http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl; and
- for Federal environmental laws: <https://www.epa.gov/laws-regulations>.

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 Chief Clerk), until final action is taken. In addition, 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/>. The permit application for this facility, Statement of Basis/Technical Summary and Executive Director’s Preliminary Decision, and proposed draft permit are available for viewing and copying at the Erath County Courthouse, 100 West Washington Street, Room 206, Stephenville, Texas.

III. COMMENTS AND RESPONSES

COMMENT 1:

Tandi Remy comments that she is concerned with the sewage smell coming from the Schreiber Foods facility. She states that the smell of sewage increased with the addition of the second pond and that the smell is affecting her enjoyment of her home and her business. She seeks a solution to the smell, such as adding trees.

RESPONSE 1:

Part IV of the draft permit, Conditions of the Permit, includes effluent limitations for the organic loading rate at 100 lbs/acre/day. Effluent limitations are also included

for the following parameters which should preclude the occurrence of nuisance conditions related to odor as a result of the wastewater disposal activities at this facility:

Pollutant	Daily Average, mg/L	Daily Maximum, mg/L
Flow	192,000 GPD	Report, GPD
Chloride	Record	N/A
Sodium	Record	N/A
Total Phosphorus	Record	N/A
TDS	4000	N/A
TSS	650	N/A
BOD ₅	Record	N/A
Oil and Grease	N/A	15
Total Nitrogen	Record	N/A
pH	6.0 SU (min.)	9.0 SU (max.)

Additionally, Part V. of the draft permit, Special Provisions, Item M prohibits the occurrence of nuisance conditions resulting from wastewater disposal activities at this facility. Nuisance conditions include, but are not limited to, excessive odor from wastewater disposal activities. Should these conditions and/or other potential violations of the draft permit be observed at the facility, observers are encouraged to report an environmental complaint by calling toll-free, 1-888-777-3186 or calling the TCEQ, Region 4, Dallas/Ft. Worth Office, at (817) 588-5800. On a complaint basis, the regional investigators will investigate the conditions at the facility. If the regional investigator documents a violation of TCEQ regulations or conditions included in the TCEQ permit, then appropriate action will be taken.

COMMENT 2:

Kaitlin Sowle comments that she requests compensation in the form of trees or monetary value to deal with the increased smell.

RESPONSE 2:

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 TCEQ has no jurisdiction to address issues related to compensation of landowners in the wastewater permitting process.

However, the permit does not limit the ability of an individual to seek legal remedies against the applicant regarding any potential trespass, nuisance, or other

causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

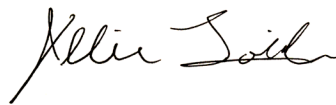
No changes were made to the proposed permit in response to comments.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel
Interim Executive Director

Charmaine K. Backens, Deputy Director
Environmental Law Division



Allie Soileau, Staff Attorney
Environmental Law Division
State Bar No. 24137200
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-6033
Fax: (512) 239-0626

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY