

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 16, 2024

TO: All interested persons.

RE: Love's Travel Stops & Country Stores, Inc.
TPDES Permit No. WQ0015618001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Northwest Amarillo Public Library, 6100 Southwest 9th Avenue, Amarillo, 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,



Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Love's Travel Stops & Country Stores, Inc.
TPDES Permit No. WQ0015618001

The Executive Director has made the Response to Public Comment (RTC) for the application by Love's Travel Stops & Country Stores, Inc. for TPDES Permit No. WQ0015618001 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 (WQ0015618001) 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 Northwest Amarillo Public Library, 6100 Southwest 9th Avenue, Amarillo, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

16 de febrero de 2024

TO: Todas las personas interesadas.

RE: Love's Travel Stops & Country Stores, Inc.
TPDES Permiso No. WQ0015618001

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 la Biblioteca Pública del Noroeste de Amarillo, 6100 Southwest 9th Avenue, Amarillo, 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
Love's Travel Stops & Country Stores, Inc.
TPDES Permiso No. WQ0015618001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Love's Travel Stops & Country Stores, Inc. del permiso de TPDES No. WQ0015618001. 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 (WQ0015618001) 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 la Biblioteca Pública del Noroeste de Amarillo, 6100 Southwest 9th Avenue, Amarillo, Texas.

MAILING LIST / LISTA DE CORREO

for / para

Love's Travel Stops & Country Stores, Inc.

TPDES Permit No. WQ0015618001/ TPDES Permiso No. WQ0015618001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Kevin Nickell
Senior Environmental Manager
Love's Travel Stop & Country Stores, Inc
10601 North Pennsylvania Avenue
Oklahoma City, Oklahoma 73120

Amelia Jordan
Senior Project Engineer
APEX Companies, LLC
6666 South Sheridan Road, Suite 250
Tulsa, Oklahoma 74136

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

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

Thomas Starr, 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

DESHONG , MURPHY D
7614 CATSKILL AVE
AMARILLO TX 79121-1918

JENSEN , CHRISTOPHER L
SPOUSE SHRADER SMITH PLLC
STE 500
701 S TAYLOR ST
AMARILLO TX 79101-2405

JENSEN , CHRISTOPHER L
SPOUSE SHRADER SMITH PLLC
PO BOX 15008
AMARILLO TX 79105-5008

LATIMER , MR JACKSON
POTTER COUNTY ATTORNEY'S OFFICE
STE 301
500 S FILLMORE ST
AMARILLO TX 79101-2439

TCEQ PERMIT NO. WQ0015618001

APPLICATION BY	§	BEFORE THE
Love's Travel Stops & Country	§	TEXAS COMMISSION
Stores, Inc.	§	
FOR AMENDMENT OF TPDES PERMIT	§	ON
NO.	§	
WQ0015618001	§	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 the Love's Travel Stops & Country Stores, Inc's application and ED's preliminary decision for a major amendment with renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015618001. As required by 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 Chief Clerk received two timely comments from Christopher L. Jensen (submitted on behalf of Emeline Sobieski, James L. Sobieski, and James B. Sobieski) and Murphy D. DeShong. Corrections were made to the application, and an additional comment period was initiated. Also, two additional comments were received from Jackson Latimer on behalf of the Potter County Commissioner's Court and two more comments from Murphy D. DeShong. These responses address all such timely public comments received, whether withdrawn or not. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Participation and Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at <https://www.tceq.texas.gov/>.

I. BACKGROUND

(A) Description of Facility

Love's Travel Stops & Country Stores, Inc., 10601 North Pennsylvania Avenue, Oklahoma City, Oklahoma 73120, has applied to the TCEQ for a major amendment with renewal of TPDES Permit No. WQ0015618001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 0.015 million gallons per day (MGD) to a daily average flow not to exceed 0.0225 MGD. The existing wastewater treatment facility Love's Travel Stops & Country Store #250.

The plant site is located at 14701 West Interstate Highway 40, in Potter County, Texas 79124. The Loves Travel Stop #250 Wastewater Treatment Facility is an activated sludge process plant operated in the complete mix mode. Treatment units in the Interim phase include a bar screen, an aeration basin, a final clarifier, a chlorine contact chamber, and an aerobic digester. Treatment units in the Final phase will include the addition of a common solids separate basin with fine screens, an equalization tank, two anoxic basins, and a membrane bioreactor basin.

The effluent limitations in the Interim and Final phases of the draft permit, based on a 30--day average, are 10 mg/L five-day carbonaceous biochemical oxygen demand (CBOD₅), 15 mg/L total suspended solids (TSS), 2 mg/L ammonia-nitrogen (NH₃-N), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 mL and 5.0 mg/L minimum dissolved oxygen (DO). 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.

The treated effluent is discharged to a roadside drainage, thence to a playa, thence to a drainage, thence to a playa, thence to Spring Draw, thence to Palo Duro

Creek, thence to Upper Prairie Dog Town Fork Red River (unclassified), thence to Lake Tanglewood, thence to Upper Prairie Dog Town Fork Red River in Segment 0229 of the Red River Basin. The unclassified receiving water use is limited aquatic life use for the roadside ditch, playas, and drainage. The designated uses for Segment No. 0229 are primary contact recreation and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

(B) Procedural Background

The permit application for a major amendment with renewal was received on April 26, 2023, and declared administratively complete on June 6, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English in the *Amarillo Globe-News* June 21, 2023, and published in Spanish in the *El Mensajero* June 21, 2023. ED staff completed the technical review of the application on July 26, 2023, and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) for a Water Quality Permit was published in English in the *Amarillo Globe-News* on August 30, 2023, and published in Spanish in the *El Mensajero* September 6, 2023. The public comment period ended for the first time on October 6, 2023. After corrections were made to the landowners list, the public comment period was reopened and a Combined NORI/NAPD was published in English in the *Amarillo Globe-News* December 13, 2023, and published in Spanish in the *El Mensajero* December 13, 2023. The public comment period ended for the second time on January 12, 2024.

This application was administratively complete on or after September 1, 2015. Therefore, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and Senate Bill 709, 84th Legislature, 2015.

(C) Access to Rules, Statutes, and Records

- Secretary of State website for all Texas administrative rules: <http://www.sos.state.tx.us/texreg/index.shtml>
- TCEQ rules in title 30 of the Texas Administrative Code: <http://www.sos.state.tx.us/tac/index.shtml> (select “View the current *Texas Administrative Code*,” then “Title 30 Environmental Quality”)
- Texas statutes: <https://statutes.capitol.texas.gov/>
- TCEQ website: <http://www.tceq.texas.gov> (for downloadable rules in portable document format, select “Rules and Rulemaking,” then “Download TCEQ Rules”)
- Federal rules in title 40 of the Code of Federal Regulations: <http://www.ecfr.gov>
- Federal environmental laws: <https://www.epa.gov/laws-regulations>

TCEQ records for this application are available at the TCEQ’s Office of the Chief Clerk until the TCEQ takes final action on the application. Some documents located at the Office of the Chief Clerk may also be located in the Commissioners’ Integrated Database at www.tceq.texas.gov/goto/cid. The application, draft permit, and Statement of Basis/Technical Summary and ED’s Preliminary Decision are also available for viewing and copying at Downtown Amarillo Public Library, 413 SE 4th Avenue, Amarillo, Texas. If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 1 Office directly at 806-353-9251. Citizen complaints may also be filed by sending an email to complaint@tceq.texas.gov or online at the TCEQ web site (select “Reporting,” then “Make an Environmental Complaint”). If the facility is found to be out of compliance, it may be subject to an enforcement action.

II. COMMENTS AND RESPONSES

COMMENT 1

Jackson Latimer (Potter County Commissioner’s Court), Christopher L. Jensen (Emeline Sobieski, James L. Sobieski, and James B. Sobieski), and Murphy D. DeShong have concerns on the property rights relating to the discharge route for this permit.

Specifically, the permittee has not gained permission for the effluent to cross the playa (Section 109 owned by Mr. Sobieski) or the public property of Randall and Potter County.

RESPONSE 1

The Texas Water Code (TWC) § 26.011 states that the TCEQ shall establish the level of quality to be maintained in, and shall control the quality of, water in the state. TWC § 26.001(5) defines water in the state as “groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.” TPDES permits are intended to provide water quality pollution control, as directed by federal and state law.

The front page of the draft TPDES permit states that the permit, if granted, does not grant to the Applicant the right to use private or public property for conveyance of wastewater along the discharge route described in the draft permit. That includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does the draft permit allow the Applicant to invade any personal rights nor violate any federal, state, or local laws or regulations. It is the Applicant’s responsibility to acquire any property rights that are necessary to use the discharge route.

The draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action, in response to activities that may, or actually do, result in injury or adverse effects on human health and

welfare, animal life, vegetation, or property.

COMMENT 2

Christopher L. Jensen (Emeline Sobieski, James L. Sobieski, and James B. Sobieski) and Murphy D. DeShong have also expressed concerns about violations in the past by the permittee and believes the past violations should cause the permit to be denied. Specifically, the permittee should be considered a repeat violator per Texas Administrative Code (TAC) Title 30 Chapter § 60.2(f)(1).

RESPONSE 2

30 TAC § 60.2(d) describes the classifications of violations detailed on the compliance history report as either minor, moderate, or major. 30 TAC § 60.2(f) describes a repeat violator as someone who, on multiple, separate occasions, committed major violations of the same nature and the same environmental media.

Here, the Applicant's compliance history report was pulled on June 27, 2023. While the Applicant has violated its permit in the past, the compliance history report showed that those violations were classified as moderate. So the Applicant is not a repeat violator under 30 TAC § 60.2(f) because the past violations were moderate, not major. Additionally, the compliance history report reflects that both Love's Travel Stops & Country Stores, Inc., as well as Love's Travel Stops & Country Store #250, have a satisfactory compliance history classification.

If Love's Travel Stops & Country Store #250 is reported to be in violation of any applicable state or federal rules, the TCEQ Region 1 office is required to conduct a comprehensive compliance investigation. If the facility is found to be out of compliance with the terms or conditions of the permit, then Love's Travel Stops & Country Stores, Inc. may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ's rules, they may

report those experiences to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 1 office in Amarillo at 806-353-9251. Citizen complaints may also be filed online at

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

COMMENT 3

Christopher L. Jensen (Emeline Sobieski, James L. Sobieski, and James B. Sobieski) and Murphy D. DeShong expressed concerns about the improperly described route of the discharge. Specifically, the applicant has stated the effluent does not discharge to a city, county, or state highway right-of-way, and a map in the application shows the route crossing an RV park and through a field.

RESPONSE 3

In section 10.C of the Administrative Report included in the application, the applicant disclosed that treated wastewater would be discharged to a city, county, or state highway right-of-way. The applicant stated that they had received authorization from Potter County, and they were waiting on authorization from Randall County.

The landowner's map included in the application does not reflect a line crossing the property of any of the landowners along the first mile of the discharge route. Rather, the discharge route runs south along the Arnot Road (roadside drainage) until turning east to run along County Road 34 (roadside drainage).

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

COMMENT 4

Murphy D. DeShong commented that while the Notice of Receipt of Application and Intent to Obtain Permit (NORI) and the Notice of Application and Preliminary

Decision (NAPD) published on November 10, 2023, listed the Northwest Amarillo Public Library as the location for viewing and copying the draft permit and other documents, the Northwest Amarillo Public Library was closed for remodeling. So documents pertaining to this application could not be viewed or copied.

RESPONSE 4

Because the Northwest Amarillo Library was closed to the public, the ED provided the applicant with a new combined NORI/NAPD on December 5, 2023. The new combined NORI/NAPD listed the Downtown Amarillo Public Library as the location for viewing and copying the draft permit and other documents. The applicant published the new combined NORI/NAPD on December 13, 2023. In accordance with 30 TAC § 55.152(a)(2), the comment period did not end until January 12, 2024, 30 days after the new combined NORI/NAPD was published.

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

The ED did not make any changes to the draft permit in response to public comment. The permittee was directed to submit page 10 of 24 of the Administrative Report and a new map displaying the route of the discharge.

Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

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