

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*

December 12, 2023

TO: All interested persons.

RE: River Oaks Land Partners II, LLC  
Permit No. WQ0015559001

### **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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Liberty Hill Public Library, Liberty Hill, in Williamson County, 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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P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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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](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,

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**  
**River Oaks Land Partners II, LLC**  
**Permit No. WQ0015559001**

The Executive Director has made the Response to Public Comment (RTC) for the application by River Oaks Land Partners II, LLC for Permit No. WQ0015559001 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 (WQ0015559001) 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 Liberty Hill Public Library, Liberty Hill, in Williamson County, Texas.

MAILING LIST  
for  
River Oaks Land Partners II, LLC  
Permit No. WQ0015559001

FOR THE APPLICANT:

Grant Rollo, Vice President  
River Oaks Land Partners II, LLC  
14001 West State Highway 29, Suite 203  
Liberty Hill, Texas 78642

Aaron Laughlin, P.E., Project Manager  
Steger Bizzell  
1978 South Austin Avenue  
Georgetown, Texas 78626

INTERESTED PERSONS:

See Attached List

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
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External Relations Division  
Public Education Program MC-108  
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FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

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  
via electronic mail:

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental  
Quality  
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Austin, Texas 78711-3087

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**PERMIT NO. WQ0015559001**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>River Oaks Land Partners II,</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
<b>LLC</b>	<b>§</b>	<b>ON</b>
	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

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

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on River Oaks Land Partners II, LLC’s application and Executive Director’s preliminary decision for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015559001. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant, and material, or significant comments. The Office of Chief Clerk timely received public meeting request, hearing request, and comments from Ms. Catherine Tabor, on behalf of Mr. Brian Kieley. This response addresses all such 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 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**

**Description of Facility**

River Oaks Land Partners II, LLC (the applicant), 14001 West State Highway 29 Suite 203, Liberty Hill, Texas 78642, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TCEQ Permit No. WQ0015559001 to authorize to increase the flow in the Interim II phases from 0.180 MGD to 0.36 MGD; to change the acreage of the storage ponds from 15 acres to 8.34 acres; to change the total capacity of the storage ponds from 306 acre-ft to 131 acre-ft; and to change the irrigation area from 70 acres to 20 acres in the Interim I phase, and 70 acres to 108 acres in the Interim II phase.

The wastewater treatment facility and disposal site will be located approximately 1.0 mile northwest of the intersection of County Road 214 and San Gabriel Ranch Road, in Williamson County, Texas 78642.

The Northgate Ranch Wastewater Treatment Facility will consists of activated sludge process plant using the conventional mode in all phases. Treatment units in the Interim I phase will include a bar screen, an equalization basin, an anoxic basin, an aeration basin, two MBR basins, an aerobic digester, and a chlorine contact chamber. Treatment units in the Interim II and Final phases will include bar screen, an equalization basin, an anoxic basin, two aeration basins, two MBR basins, a RAS basin, an aerobic digester, and a chlorine contact chamber. The facility has not been constructed; however, one storage pond with surface area of 2.22 acres and capacity of 31 acre-feet has been constructed.

The effluent limitations in the draft permit, based on a daily average, are 10 mg/l biochemical oxygen demand (BOD<sub>5</sub>) and 15 mg/l total suspended solids (TSS). The effluent limitation in the draft permit, based on a single grab, is 35 mg/l BOD<sub>5</sub>, and 60 mg/l TSS. 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.

## **Procedural Background**

TCEQ received the application on September 29, 2022, and declared it administratively complete on March 15, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English, in *Williamson County Sun*, on April 16, 2023. The application was determined technically complete on July 24, 2023. The Notice of Application and Preliminary Decision (NAPD) was published in English, in *Williamson County Sun*, on September 06, 2023.

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. 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, 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](http://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 Liberty Hill Public Library, Liberty Hill, in Williamson County, Texas.



## II. COMMENTS AND RESPONSES

### **Comment 1:**

Catherine Tabor, on behalf of Mr. Brian Kieley, requested a public meeting on this application.

### **Response 1:**

Title 30, Texas Administrative Code Section 55.154(c) provides that a public meeting is to be held if: (1) the Executive Director determines that there is a substantial or significant degree of public interest in an application; (2) a member of the legislature who represents the general area in which the facility is located or proposed to be located requests that a public meeting be held; or (3) when a public meeting is otherwise required by law. Based on these factors, the Executive Director has determined not to hold a public meeting on this application.

Protestant was informed about denying the public meeting request via a letter dated November 21, 2023.

### **Comment 2:**

Catherine Tabor, on behalf of Mr. Brian Kieley, requested a contested case hearing on this application.

### **Response 2:**

The ED acknowledges the request for a contested case hearing. The ED has considered all timely comments and prepared this response to comments (RTC) to all relevant, material, or significant public comment. This RTC will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. The mailing also provides instructions for requesting a contested case hearing or reconsideration of the ED's decision. Following the close of all applicable comment and request periods, the ED will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant material water quality concerns submitted during the comment period. If the application does go to hearing, the final decision regarding this application will be made by the TCEQ's Commissioners.

### **Comment 3:**

Catherine Tabor commented about discrepancies in the actual physical location of the plant and the storage ponds and what was documented in the draft permit. She mentioned that per the draft permit, the wastewater treatment plant will be located northwest of the intersection of County Road 214 and San Gabriel Ranch Road. However, it appears the proposed facility will actually be located northeast of the referenced intersection. In addition, she comments that it is very hard to determine

where the various ponds and irrigation areas are located when the base map is a topographic map with very few roads identified on it. The map refers to of a future alignment County Road 214, yet she comments that the description does not match with Google maps of the area. The map also refers to a "service area" but Ms. Tabor was unable to locate a sewer service CCN for this area on the PUC Maps.

**Response 3:**

Applicant was contacted regarding the location of the proposed plant. In response, they confirmed via email that the WWTP will be located approximately 0.9 miles northeast of the intersection of CR 214 and San Gabriel Ranch Road in Liberty Hill Texas. In addition, they also provided an updated map showing the location of the plant, storage ponds, and irrigation area. The draft permit has been revised with the updated location of the plant. Attachment A has been updated to show the location of the plant, storage ponds, irrigation area, and service area more accurately, with more roads identified on it. A sewer service CCN is not required, and was not submitted, as part of the wastewater permit application.

**Comment 4:**

Catherine Tabor expressed concerns about flooding, or any other impact to Mr. Kieley's property which is adjacent to the subject project, due to effluent runoff and management. Ms. Tabor also expressed concerns about health and welfare of the environment due to effluent runoff and management.

**Response 4:**

The TCEQ does not have jurisdiction to address flooding or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. According to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the proposed permit includes Special Provision No. 4, which requires the permittee to provide protection for the facility from a 100-year flood. For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at (512) 239-4691.

The permit, if issued, authorizes the disposal of treated domestic wastewater effluent via surface irrigation of public access land. No discharge of pollutants into water in the state is authorized by this permit. The permit application has gone through a review of geology and groundwater information. The proposed draft permit includes effluent limitations, monitoring requirements, terms and conditions, and special provisions, to ensure that the effluent disposal is protective of groundwater, human health, and the environment. TCEQ Water Quality Division has determined that there will not be any negative impact on groundwater, human health, and the environment 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. The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

Per Special Provision No. 10 of the draft permit, irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Crops and other ground cover shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop, and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated land.

Per Special Provision No. 16 of the draft permit, the permittee shall comply with buffer zone requirements of 30 TAC §309.13(c). A wastewater treatment plant unit, defined by 30 TAC § 309.11(9), must be located a minimum horizontal distance of 250 feet from a private well and a minimum horizontal distance of 500 feet from a public water well site (30 TAC §290.41(c)(1)(B)), spring, or other similar sources of public drinking water, as provided by 30 TAC § 309.13(c)(3).

Per Special Provision No. 18 of the draft permit, the permittee shall submit the liner certification for a newly constructed or modified wastewater pond.

Per Special Provision No. 21 of the draft permit, the proposed facility overlies the Edwards Aquifer Contributing Zone, and is therefore subject to the requirements in 30 TAC 213 Edward Aquifer, Subchapter B.

Per Special Provision No. 22 of the draft permit, the permittee shall maintain a 100-foot buffer distance between the North Fork of the San Gabriel River and an intermittent drainage, orientated southwest to northeast across the irrigation site, and the land application area.

Per Special Provision No. 24 of the draft permit Surface water impoundments holding final treated effluent shall comply with the liner requirements of 30 TAC § 309.13(d) since the facility overlies the recharge zone of a major aquifer. The permittee shall submit a liner certification for the existing storage pond within 30 days of permit issuance. The certification shall be signed and sealed by a Texas-licensed professional engineer and include a description of how the liner meets the requirements of 30 TAC § 309.13(d).

**Comment 5:**

Lisa Rosenhagen expressed concern for nuisance odors if the permit is approved and how it will affect the value of her property and other surrounding properties.

**Response 5:**

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). The required buffer zone requirement is 150 feet for all treatment units. According to its application, the applicant intends to comply with the requirement to abate and control nuisance of odor by ownership of the required the buffer zone. This requirement is incorporated in the draft permit. 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. The permittee shall also comply with 30 TAC § 309.13(a) through (d) which restricts WWTP construction based on unsuitable site characteristics.

The TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. If the applicant is reported to be in violation of any applicable state or federal rules, the TCEQ Region 11 office is required to conduct comprehensive compliance investigation (CCI). If the facility is found to be out of compliance with the terms or conditions of the permit, the applicant may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 11 Office in Austin at 512-339-2929. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

The TCEQ does not have the authority to address changes in property values as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues, such as property values.

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

The draft permit has been revised with the updated location of the plant, and Attachment A has been updated to show the location of the plant, storage ponds, irrigation area, and service area more accurately; with more roads identified on it, in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel  
Interim Executive Director

Charmaine Backens, Deputy Director  
Environmental Law Division



By: \_\_\_\_\_  
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