

TPDES PERMIT NO. WQ0016247001

APPLICATION BY QUADVEST, L.P. FOR TPDES PERMIT NO. WQ0016247001	§ § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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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 Quadvest, L.P.'s (Applicant) application and Executive Director's preliminary decision for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016247001. 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 comment letters from the following individuals: Camille Bayer, Barry Bettis, Laurie Bettis, Carol Burton, James H Burton, Ronald Campbell, Fred Collins, William F Cross, Joanne Gregory, Mary Hunter, Marissa Jackson, Representative Stan Kitzman, Regina Kresta, Noe Martinez, Belinda P Reeves, Thomas Sebesta, Lisa Sellars, John L Towler, and Mary Ann Vaughn. This response addresses all such timely public comments received, whether or not withdrawn.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

The applicant proposes to operate the Trails at Cochran Ranch Wastewater Treatment Facility to serve the Trails at Cochran Ranch Subdivision. The draft permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 0.0625 million gallons per day (MGD) in the Interim I phase, 0.125 MGD in the Interim II phase, and 0.250 MGD in the Final phase.

The proposed facility will be located approximately 2.8 miles south of the intersection of Betka Road and Cochran Road, in Waller County, Texas 77484. The Trails at Cochran Ranch Wastewater Treatment Facility will be a single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase will include bar screens, an aeration basin, a final clarifier, a sludge digester, and a chlorine contact chamber. Treatment units in the Interim II phase will include bar screens, two aeration basins, a final clarifier, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase will include bar screens, four aeration basins, a final clarifier, four sludge digesters, and a chlorine contact chamber.

The effluent limitations in the Interim I and II phases in the draft permit, based on a 30 day average, are 10 mg/l five-day biochemical oxygen demand (BOD5), 15 mg/l total suspended solids (TSS), 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 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 effluent limitations in the Final phase in the draft permit, based on a 30 day average, are 10 mg/l CBOD5, 15 mg/l TSS, 3.0 mg/l ammonia-nitrogen (NH3-N), 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum 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.

Procedural Background

TCEQ received the application for the proposed new permit on November 14, 2022, and declared it administratively complete on December 14, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English in *Houston Chronicle* on December 28, 2022, and in Spanish in *La Voz*, on January 4, 2023. The application was determined technically complete on March 6, 2023. The Notice of Application and Preliminary Decision (NAPD) was published in English in *Houston Chronicle* on April 19, 2023 and in Spanish in *La Voz* on April 19, 2023. The public meeting notice was published in English in *Houston Chronicle*, on June 21, 2023, and in Spanish in *La Voz*, on June 21, 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. The application, draft permit, and Statement of Basis/Technical Summary and ED's Preliminary Decision are also available for viewing and copying at Hempstead Branch Library, 2331 11th Street, Hempstead, Texas.

II. COMMENTS AND RESPONSES

Comment 1:

William F Cross, Mary Hunter, Lisa Sellars, Carol Burton, and Fred Collins expressed general concerns about the draft permit's impact on the environment. Their concerns included the draft permit's impacts on water quality and river conditions, including impacts downstream. There was also a request for an environmental impact study to be conducted for this specific application.

Response 1:

The treated effluent will be discharged via pipe to a detention pond and channel, thence to an unnamed tributary, thence to an unnamed impoundment, thence to Dodd Lake, thence to an unnamed tributary, thence to Harris Creek, thence to Irons Creek, thence to Brazos River Below Navasota River in Segment No. 1202 of the Brazos River Basin.

The unclassified receiving water uses are limited aquatic life use for the detention pond and channel and for the unnamed tributary upstream of the unnamed impoundment, and high aquatic life use for the unnamed impoundment and Dodd Lake and for the unnamed tributary downstream of Dodd Lake. The designated uses for Segment No. 1202 are primary contact recreation, public water supply, and high aquatic life use.

In accordance with 30 Texas Administrative Code § 307.5 and TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the unnamed impoundment, Dodd Lake, and the unnamed tributary downstream of Dodd Lake, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected.

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

The ED has made a preliminary determination that the draft permit, if issued,

meets all statutory and regulatory requirements. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements which include an Environmental Assessment and either a Finding of No Significant Impact or Environmental Impact Statement. However, these requirements pertain to a proposed federal action. An environmental impact statement and compliance with NEPA are not required as part of the TPDES wastewater permitting process.

Comment 2:

Lisa Sellars, Carol Burton, Fred Collins, James H Burton, John L Towler, Mary Hunter, Joanne Gregory, Marissa Jackson, Noe Martinez, and Barry Bettis expressed concerns about the draft permit's potential impact on human health, wildlife including endangered species, migratory birds, agriculture, and livestock.

Response 2:

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The rules in 30 TAC § 309.3(g)(1) require that disinfection of domestic wastewater must be protective of both public health and aquatic life. For this facility, Applicant has chosen chlorine disinfection.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update).

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of Applicant's permit application.

Comment 3:

Barry Bettis, Carol Burton, James H Burton, Lisa Sellars, Regina Kresta, Noe Martinez, and Belinda Reeves provided comments stating their concerns about the draft permit's effluent limits. There were specific concerns about types of chemicals used in the wastewater treatment process as well as concerns about the proposed facility's ability to treat pharmaceuticals in waste. These concerns included a question of whether the applicant was required to have a Risk Management Plan.

Response 3:

The effluent limitations in the Interim I and II phases in the draft permit, based on a 30 day average, are 10 mg/l five-day biochemical oxygen demand (BOD5), 15 mg/l total suspended solids (TSS), 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The effluent limitations in the Final phase in the draft permit, based on a 30 day average, are 10 mg/l CBOD5, 15 mg/l TSS, 3.0 mg/l ammonia-nitrogen (NH3-N), 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum DO.

The effluent limitations and conditions in the draft permit comply with EPA-approved portions of the 2018 Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10, effective March 1, 2018; 2014 TSWQS, effective March 6, 2014; 2010 TSWQS, effective July 22, 2010; and 2000 TSWQS, effective July 26, 2000. The effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the Texas Surface Water Quality Standards and 30 TAC §§ 307.1 - 307.10. The proposed draft permit includes effluent limitations and monitoring requirements to ensure that the proposed wastewater treatment plant meets water quality standards for the protection of surface water quality, even during periods of low flow, according to TCEQ rules and policies.

The Trails at Cochran Ranch Wastewater Treatment Facility will be a single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units will include bar screens, aeration basin, final clarifier, sludge digester, and chlorine contact chamber. The only chemical addition to the treatment process is chlorine for disinfection purposes. The rules regarding disinfection are discussed elsewhere in this document. The permit limits given in the draft permit intend to maintain the existing uses of the surface waters and preclude degradation; this includes residual chlorine concentration in the treated effluent. The permit limitation for maximum total chlorine residual is 4.0 mg/l to be monitored five times per week by grab sample. No other chemical treatment was indicated in the application. TPDES permittees are required to update emergency management data for every Wastewater Plant.

The TCEQ has not investigated the potential effects of emerging contaminants, which includes Pharmaceuticals and Personal Care Products (PPCPs), in effluent. Neither the TCEQ nor the EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. The EPA is investigating emerging contaminants, and has stated that scientists have not found evidence of adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants

has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants. While the EPA and other agencies continue to study the presence of PPCPs, there is currently no clear regulatory regime available to address the treatment of PPCPs in domestic wastewater.

Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants such as pharmaceuticals in domestic wastewater.

Comment 4:

Lisa Sellars, Carol Burton, and James H Burton expressed concerns about the draft permit's impact on groundwater.

Response 4:

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.” Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.”

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well.

The Ground Water Rule does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and are therefore not subject to TCEQ regulation. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. It is the responsibility of the private well owner to take steps to have his or her water quality tested at least annually for possible constituents of concern—or more often if the well is thought to have a surface water connection.

Comment 5:

The following individuals provided comments regarding the permit's potential

impact on flooding and erosion: Mary Hunter, Laurie Bettis, Joanne Gregory, Lisa Sellars, Belinda P Reeves, Regina Kresta, Marissa Jackson, Thomas Sebasta, William F Cross, Carol Burton, James H Burton, John L Towler, Noe Martinez, and Fred Collins.

Response 5:

The TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit. 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. However, to the extent that an issue related to flooding also involves water quality, Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

According to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 4, which requires the permittee to provide protection for the facility from a 100-year flood.

The TCEQ does not prohibit the location of a wastewater treatment facility in a floodplain, as long as the facility design adheres to TCEQ rules. The proposed WWTP shall be subject to plans and specifications review prior to construction. Part of this review will include adherence to 30 TAC § 217.35, relating to "One Hundred-Year Flood Plain Requirements." The draft permit requires that the facility design must provide protection from inundation during a 100-year flood event. 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. For Waller County Emergency Management, call 936-327-6826.

Comment 6:

Lisa Sellars, Marissa Jackson, Mary Hunter, and Regina Jackson expressed concerns about the completeness of the application and whether the application was properly noticed. There were also questions about how the public could access the application for their review.

Response 6:

TCEQ received the application on November 14, 2022, and declared it administratively complete on December 14, 2022. TCEQ performed an administrative review of the application, upon receipt, to ensure that all required information is provided therein. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English in the *Houston Chronicle* on December 28, 2022, and in Spanish in *La Voz*, on January 4, 2023. The application was determined technically complete on March 6, 2023. The Notice of Application and Preliminary Decision (NAPD) was published in English in *Houston Chronicle* on April 19, 2023 and in Spanish in *La Voz* on June 21, 2023. The public meeting notice was published in English in the *Houston Chronicle*, on June 21, 2023, and in Spanish in *La Voz*, on June 21, 2023.

Additionally, the TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk.¹ The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. Notices were mailed to each of the landowners from the list the applicant provided.

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 Hempstead Branch Library, 2331 11th Street, Hempstead, Texas.

Comment 7:

Mary Ann Vaughn, Camille Bayer, and Belinda P Reeves requested that TCEQ require the applicant to pursue alternatives to the TPDES request.

Response 7:

The TCEQ does not have the authority to mandate the method of disposal of treated effluent if the applicant adheres to the rules and provisions under TWC Chapter 26 and 30 TAC Chapters 217, 305, 307 and 309.

If the Applicant decides to utilize individual septic tanks to serve the proposed residential area, it will be subject to 30 TAC Chapter 285, relating to "On-site Sewage Facilities (OSSF)". However, the anticipated combined flow from all systems on a tract of land must be less than 5,000 gallons per day (gpd) on an annual average basis. If the anticipated combined flow exceeds 5,000 gpd, a domestic wastewater treatment facility is required, because wastewater treatment facilities produce a higher quality effluent than septic tanks and are therefore more protective of the environment.

Treated effluent may also be disposed of via land application. A Texas Land Application Permit (TLAP) authorizes the disposal of treated effluent by means of surface irrigation, subsurface irrigation, or evaporation. The effluent must be treated to the pollutant concentrations prescribed in 30 TAC § 309.4. If the applicant changes the proposed method of disposal this would require further review by the TCEQ and additional public notice.

Further, treated effluent may also be utilized for beneficial use pursuant to 30 TAC Chapter 210, relating to "Use of Reclaimed Water," however this is an authorization and either a TPDES or TLAP permit must be obtained in conjunction with or prior to the beneficial reuse authorization.

¹ See 30 TEX. ADMIN. CODE §§ 39.413, 39.418, 39.419, and 39.551.

Comment 8

Lisa Sellars and Belinda P Reeves expressed concerns regarding odor.

Response 8

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 by ownership of the required 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 12 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 12 Office in Houston at 713-767-3500. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

Comment 9:

Belinda P Reeves requested information about whether the applicant was required to obtain a 404 authorization from the Corps of Army Engineers.

Response 9:

A 404 authorization from the Corps of Army Engineers is not required for this wastewater permit application.

Comment 10:

Mary Hunter, Lisa Sellars, Belinda P Reeves, Mary Ann Vaughn, Regina Kresta, James H Burton, and Fred Collins expressed concerns about the draft permit's potential impact on their properties, including if the applicant is bankrupt. They also expressed concerns about their ability to access their properties should the permit be issued and have requested information as to whether the applicant is required to acquire property rights for the discharge route.

Response 10:

TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues such as, traffic, noise, light pollution, ecotourism, or property values during 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.

The TCEQ was given the authority to issue TPDES permits for the discharge of waste or pollutant into or adjacent to water in the state. If the permit is issued, it does not grant the permittee the right to use private or public property for the conveyance of wastewater along the discharge route. Also, the permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire all property rights necessary to use the discharge route. Also, 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 or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

However, because the State is authorized to use the bed and banks to transport water, and the TCEQ has the authority to authorize a discharge of treated domestic wastewater into water in the state through a TPDES permit, the applicant for a TPDES permit does not need permission from downstream landowners to use the watercourse running through their property, nor do downstream landowners have to be paid because of a permitted discharge. However, the permit does not authorize the applicant to discharge outside the beds and banks of the discharge route specified in the permit.

Post-permit bankruptcy issues are not considered in the review process of an application for a wastewater discharge permit. However, the draft permit does require the permittee to notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 Bankruptcy of the United States Code (11 USC).

Comment 11:

Fred Collins requested information about whether previous TPDES experience was required for applicants. Mary Hunter requested information about whether Quadvest's compliance history affects their ability to apply for a TPDES permit.

Response 11:

The TCEQ issues permits that describe the conditions under which the wastewater facility must operate. All facilities must be designed, operated, and maintained consistent with applicable TCEQ rules. These provisions require that a

facility is properly operated and maintained at all times.

Per Other Requirement No. 1 of the draft permit, the permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category C facility must be operated by a chief operator or an operator holding a Class C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

Previous ownership of TPDES facilities is not required to obtain a TPDES permit.

Comment 12:

Noe Martinez, Ronald Campbell, Lisa Sellars, John L Towler, William F Cross, and Mary Hunter expressed concerns about stormwater and requested information about stormwater permitting related to Section 3 of this application.

Response 12:

Per information provided in Domestic Technical Report 1.0, Section, 6E, the facility does not have a design flow of 1.0 MGD or greater. So, stormwater management was not applicable to this application.

Comment 13:

Regina Jackson expressed concerns about the draft permit's impact on water rights.

Response 13:

As part of the wastewater permitting process, TCEQ staff review applications to evaluate the permit's consistency with water quality surface standards as well standards to protect human health, wildlife and existing uses in the receiving waters. Impacts to surface water are focused on water quality not water availability. Impacts to water rights other than those specifically related to water quality are not considered as part of the wastewater permit application review process.

Comment 14:

Mary Hunter, Carol Burton, Lisa Sellars, Regina Kresta, and Marissa Jackson requested information about TCEQ's enforcement process should the applicant violate permit. There were also requests for information about how the facility will be operated and maintained including instances when the facility loses power.

Response 14:

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 12 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 12 Office in Houston at 713-767-3500. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>.

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

Comment 15:

Marissa Jackson, Camille Bayer, and Thomas Sebesta, raised concerns about the facility's capacity and capability to handle increased demand.

Response 15:

The draft permit authorizes a discharge of treated domestic wastewater at volume not to exceed a daily average flow of 0.0625 MGD in the Interim I phase, 0.125 MGD in the Interim II phase, and 0.25 MGD in the Final phase.

Per information provided in the application, the proposed development will consist of 453 equivalent single family connections (ESFC) total in the Final phase. Expected sales are 20 ESFC per month based on an average wastewater flow per household of 300 gpd. The Final phase capacity of 0.25 MGD allows for regional sewer capacity for anticipated commercial development near the service area. The design flows were estimated using 30 TAC Chapter 217.32(a)(3)(Table B.1).

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

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelley Keel
Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division



By:

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CERTIFICATE OF SERVICE

I certify that on March 4, 2024, the Executive Director's Response to Public Comment for Permit No. WQ0016247001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

A handwritten signature in black ink, appearing to read "Harrison Cole Malley", written in a cursive style.

Harrison Cole Malley, *Staff Attorney*
State Bar No. 24116710