

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*

July 31, 2024

TO: All interested persons.

RE: Kelly Ranch Estates, LLC  
TPDES Permit No. WQ0016370001

### **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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 East Parker County Library, 201 Farm-to-Market Road 1187 North, Aledo, 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.

---

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)  
printed on recycled paper

- (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/mb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Kelly Ranch Estates, LLC**  
**TPDES Permit No. WQ0016370001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Kelly Ranch Estates, LLC for TPDES Permit No. WQ0016370001 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 (WQ0016370001) 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 East Parker County Library, 201 Farm-to-Market Road 1187 North, Aledo, Texas.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

31 de julio de 2024

TO: Todas las personas interesadas.

RE: Kelly Ranch Estates, LLC  
TPDES Permiso No. WQ0016370001

### **Decisión del Director Ejecutivo.**

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca del Condado de East Parker, 201 Farm-to-Market Road 1187 North, Aledo, Texas.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

### **Cómo solicitar una audiencia de caso impugnado.**

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
  - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
  - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
  - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una **"persona afectada"**. Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

### **Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.**

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si

es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

### **Fecha límite para la presentación de solicitudes.**

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Procesamiento de solicitudes.**

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

### **Cómo obtener información adicional.**

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/mb

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Kelly Ranch Estates, LLC**  
**TPDES Permiso No. WQ0016370001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Kelly Ranch Estates, LLC del permiso de TPDES Permiso No. WQ0016370001. 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 (WQ0016370001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Información adicional**

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca del Condado de East Parker, 201 Farm-to-Market Road 1187 North, Aledo, Texas.



MAILING LIST / LISTA DE CORREO  
for / para  
Kelly Ranch Estates, LLC  
TPDES Permit No. WQ0016370001 / TPDES Permiso No. WQ0016370001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

C. Ryan Voorhees, President  
Kelly Ranch Estates, LLC  
1800 Lone Oak Road, Suite 8  
Weatherford, Texas 76086

Jeff Goebel  
Goebel Environmental, LLC  
32002 Pattys Landing  
Magnolia, Texas 77354

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

Deba P. Dutta, 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

CALDWELL , MR LESLIE U  
16420 HIGHWAY 377 S  
FORT WORTH TX 76126-5592

KING , RUSTY  
PO BOX 10061  
FORT WORTH TX 76114-0061

LUNDQUIST , M LYNN  
LUNDQUIST & ASSOCIATES INC  
16411 HIGHWAY 377 S  
FORT WORTH TX 76126-5705

GRISSUM , GARY L  
110 BENT CREEK RANCH CT  
FORT WORTH TX 76126-5597

LUNDQUIST , LYNN & SCOTT  
LUNDQUIST AND ASSOCIATES INC  
16411 HIGHWAY 377 S  
FORT WORTH TX 76126-5705

PULPAN , MRS & MR ASA  
UNDER THE WIRE FARM PANTRY  
126 BENT CREEK RANCH CT  
FORT WORTH TX 76126-5597

HOWARD , CARL  
EQUIPMENTSHARE  
16615 HIGHWAY 377 S  
FORT WORTH TX 76126-5736

LUNDQUIST , LYNN  
16411 HIGHWAY 377 S  
FORT WORTH TX 76126-5705

**TPDES PERMIT NO. WQ0016370001**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>KELLY RANCH ESTATES,</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
<b>LLC FOR NEW TPDES</b>	<b>§</b>	<b>ON ENVIRONMENTAL</b>
<b>PERMIT NO.</b>	<b>§</b>	<b>QUALITY</b>
<b>WQ0016370001</b>	<b>§</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 the application by Kelly Ranch Estates, LLC (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016370001, and the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments. The Office of the Chief Clerk received timely comments from Leslie U. Caldwell, Gary L. Grissum, Carl Howard, Rusty King, Lynn & Scott Lundquist, M. Lynn Lundquist, and Asa & Alicia Pulpan. This response addresses all timely public comments received, whether or not withdrawn.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B).

If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at the following website:

[www.tceq.texas.gov](http://www.tceq.texas.gov).

---

## I. BACKGROUND

---

### *A. Description Of Facility*

The Applicant submitted an application to the TCEQ on June 28, 2023, for new TPDES Permit No. WQ0016370001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.50 MGD in the Interim II phase, and an annual average flow not to exceed 2.25 MGD in the Final phase. The proposed wastewater treatment facility will serve the Avanzada Subdivision.

The Kelly Ranch Wastewater Treatment Facility (WWTF) will be an activated sludge process plant operated in the complete mix mode with single stage nitrification mode. Treatment units in the Interim I phase will include bar screens, four aeration basins, a final clarifier, four sludge digesters, and a chlorine contact chamber. Treatment units in the Interim II phase will include bar screens, five aeration basins, two final clarifiers, five sludge digesters, two chlorine contact chambers, and a dechlorination chamber. Treatment units in the Final phase will include bar screens, two aeration basins, two final clarifiers, two sludge digesters, two chlorine contact chambers, and two dechlorination chambers. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered transporter to a wastewater treatment facility, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

If this permit is issued, the proposed facility will be located approximately 1,000 feet west of the intersection of Kelly Road and U.S. Route 377, in Parker County, Texas 76035. Geographic coordinates of the outfall location in decimal degrees are provided below:

<b>Outfall Number</b>	<b>Latitude</b>	<b>Longitude</b>
001	32.604023 N	97.582943 W

The treated effluent will be discharged to Bear Creek, thence to Benbrook Lake in Segment No. 0830 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for Bear Creek. The designated uses for Segment No. 0830 are

primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect existing instream uses. All determinations are preliminary and subject to additional review and revisions.

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow, are expressed in million gallons per day (MGD). The two-hour (2-hr) peak flow is expressed in gallons per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 ml).

#### *INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS*

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/L (lbs/day)	7-day Avg mg/L	Daily Max mg/L	Single Grab mg/L
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	7 (12)	12	22	32
Total Suspended Solids	12 (20)	20	40	60
Ammonia Nitrogen	2 (3.3)	5	10	15
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	N/A	399

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) and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 standard units (SU) nor greater than 9.0 SU and shall be monitored once per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/L and shall be monitored once per week by grab sample.

*INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS*

The daily average flow of effluent shall not exceed 0.50 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,389 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/L (lbs/day)	7-day Avg mg/L	Daily Max mg/L	Single Grab mg/L
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (21)	10	20	30
Total Suspended Solids	5 (21)	10	20	30
Ammonia Nitrogen	1.6 (3.3)	3	6	10
Total Phosphorus	1.0 (4.2)	2	4	6
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	399	N/A

The effluent shall contain a total chlorine residual of at least 1.0 mg/L after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/L total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored twice per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/L and shall be monitored twice per week by grab sample.

## FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 2.25 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 6,250 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/L (lbs/day)	7-day Avg mg/L	Daily Max mg/L	Single Grab mg/L
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (94)	10	20	30
Total Suspended Solids	5 (94)	10	20	30
Ammonia Nitrogen	1.3 (24)	3	6	10
Total Phosphorus	0.5 (9.4)	1	2	3
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	399	N/A

The effluent shall contain a total chlorine residual of at least 1.0 mg/L after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/L total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored twice per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/L and shall be monitored twice per week by grab sample.

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

The permit application was received on June 28, 2023, and declared administratively complete on September 13, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on October 21, 2023, in the

*Weatherford Democrat*. The Notice of Application and Preliminary Decision (NAPD) was published on March 16, 2024, in the *Weatherford Democrat*. The public comment period ended on April 30, 2024.

Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84<sup>th</sup> Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

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

- Administrative Code: <http://www.sos.state.tx.us/tac/> (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: <http://www.statutes.capitol.texas.gov/>
- TCEQ website: <http://www.tceq.texas.gov/> (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”).
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.)  
[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- Environmental or citizen complaints may be filed electronically at:  
<https://www.tceq.texas.gov/compliance/complaints/index.html> (select “use our online form”) or by sending an email to the following address:  
[complaint@TCEO.Texas.gov](mailto:complaint@TCEO.Texas.gov)

Commission records for this application are available for viewing and copying and are located at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). Some documents located at the OCC may also be found in the TCEQ Commissioners’ Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid).

The permit application has been available for viewing at East Parker County Library, located at 201 Farm-to-Market Road 1187 North, Aledo, Texas, since publication of the NORI. The Executive Director’s Preliminary Decision and the draft permit have been available for copying and viewing at the same location since publication of the NAPD.

If individuals wish to file a complaint about the proposed facility concerning its compliance with the provisions of its permit or with TCEQ rules, the TCEQ’s OCE should be contacted. Specifically, the Dallas/Fort Worth Regional Office (Region 4) in



Fort Worth, Texas may be contacted at (817) 588-5800 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above at the sixth bullet under “Access to Rules, Laws, and Records.” If an inspection by the TCEQ finds that the Applicant is not complying with all requirements of the proposed permit, or that the proposed facility is out of compliance with TCEQ rules, enforcement actions may arise.

---

## **II. COMMENTS AND RESPONSES**

---

### **COMMENT 1:**

Leslie Caldwell, Gary Grissum, Rusty King, and Alicia & Asa Pulpan requested a contested case hearing on this application.

### **RESPONSE 1:**

The ED acknowledges the request for a contested case hearing. The ED has considered all timely comments and prepared this response 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 2:**

Leslie Caldwell, Gary Grissum, Rusty King, Lynn Lundquist, Lynn & Scott Lundquist, and Asa & Alicia Pulpan made comments regarding their concern about nuisance odors issuing from the proposed facility and the discharged effluent.

**RESPONSE 2:**

All wastewater treatment facilities have the potential to generate odors. 30 TAC § 309.13(e) provides three options by which an applicant may satisfy nuisance odor abatement and control requirements; these options include: (1) ownership of land to be used as a buffer zone, (2) restrictive easement(s) from the adjacent property owners for any part of the buffer zone not owned by the applicant, or (3) providing a nuisance odor prevention request for approval by the Executive Director.

According to its application, the Applicant intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line. This requirement is incorporated in the draft permit as Other Requirement #4. Therefore, if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit, then nuisance odor is not expected to occur as a result of the permitted activities at the facility.

Further, the Applicant proposes in its application that the WWTF will be an activated sludge process plant operated in the complete mix with single stage nitrification mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the complete mix variation has been known to produce highly treated effluent with low biosolids production. When properly treated by the proposed wastewater treatment process, the effluent is not expected to have an offensive odor.

If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report the incident to TCEQ by calling toll-free at 1-888-777-3186, or by calling the TCEQ Regional Office (Region 4) in Fort Worth, Texas at (817) 588-5800. Complaints may also be filed electronically by using the methods described in subsection C of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the

requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, enforcement actions may arise.

Moreover, 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.

**COMMENT 3:**

Leslie Caldwell, Gary Grissum, Rusty King, and Lynn & Scott Lundquist made comments regarding their concern that TCEQ will not adequately monitor the proposed facility if the draft permit is granted.

**RESPONSE 3:**

TCEQ TPDES permits include descriptions of the conditions under which wastewater facilities must operate. All facilities must be designed, operated, and maintained consistent with applicable TCEQ rules. The proposed facility will be a Category C facility in the Interim I and II phases and a Category B facility in the Final phase. The proposed facility must be operated by a chief operator holding a Class C license or higher in the Interim I and II phases and a Class B license or higher in the final phase. The facility must be properly operated and maintained at all times.

The Applicant is required to analyze the treated effluent prior to discharge and provide TCEQ with monthly reports detailing the results of the analyses. All samples must be collected and analyzed in accordance with 30 TAC Chapter 319, Subchapter A, Monitoring and Reporting System. The Applicant is required to notify the agency if the effluent does not meet the permit limits according to the requirements in the permit.

TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. Mandatory investigations may be required if the facility is categorized as significant non-compliance. Significant non-compliance is determined by the Compliance Monitoring Section of the TCEQ and is based on self-reported effluent violations. TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint. The Applicant must provide a readily accessible sampling point for its own sampling staff and for the TCEQ's compliance

inspectors. The TCEQ and its employees have the authority to enter public or private property for the purpose of investigation or monitoring under Section 26.014 of the Texas Water Code. This right of entry onto the Applicant's property is incorporated in the Draft Permit, Permit Conditions, part 3, page 10.

If anyone experiences any incidences of noncompliance with the permit or TCEQ rules, they may report the incident to TCEQ by calling toll-free at 1-888-777-3186, or by calling the TCEQ Regional Office (Region 4) in Fort Worth, Texas at (817) 588-5800. Complaints may also be filed electronically by using the methods described in subsection C of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, then enforcement actions may arise.

**COMMENT 4:**

Leslie Caldwell, Gary Grissum, Rusty King, Lynn & Scott Lundquist, and Asa & Alicia Pulpan commented about their concern that the discharged effluent will contaminate nearby 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 complies with the Texas Surface Water Quality Standards (TSWQS), 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. Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. The commenters may wish to contact the Water Supply Division at 512-239-4691 for any questions or more information.

**COMMENT 5:**

Asa & Alicia Pulpan commented about their concern for wildlife who drink from the receiving waters.

**RESPONSE 5:**

The proposed permit was drafted in accordance with 30 TAC § 307.5 and the TCEQ Procedures for Implementation of the Texas Surface Water Quality Standards (IPs; June 2010). The TSWQS provide that surface water cannot be toxic to aquatic or terrestrial organisms. The TSWQS were established to protect human health, terrestrial life, and aquatic life, and the TSWQS and IPs specifically designate criteria for the protection of aquatic life. The Executive Director has determined that the proposed draft permit meets the requirements of the TSWQS. Thus, the draft permit would be protective of aquatic life, and since aquatic organisms are more sensitive to water quality components than terrestrial organisms, the draft permit should preclude negative impacts to the health and performance of terrestrial organisms, such as cattle and wildlife.

**COMMENT 6:**

Gary Grissum and Lynn & Scott Lundquist commented that the facility has already begun construction.

**RESPONSE 6:**

The Applicant may not begin construction of the proposed WWTF until the draft permit is issued. TCEQ must also approve of engineering designs, plans, and specifications for the proposed WWTF before construction begins. TCEQ's water

quality division staff have confirmed with the Applicant that construction of the proposed WWTF has not begun.

If anyone experiences any incidences of noncompliance with the permit or TCEQ rules, they may report the incident to TCEQ by calling toll-free at 1-888-777-3186, or by calling the TCEQ Regional Office (Region 4) in Fort Worth, Texas at (817) 588-5800. Complaints may also be filed electronically by using the methods described in subsection C of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, then enforcement actions may arise.

**COMMENT 7:**

Lynn Lundquist and Lynn & Scott Lundquist commented about their concern that the proposed discharge of effluent will diminish water quality to the extent that recreational uses of the receiving water will no longer be feasible.

**RESPONSE 7:**

TCEQ was granted federal regulatory authority over discharges of pollutants to Texas surface water for the protection of water quality. The Texas Legislature gave TCEQ the responsibility to protect water quality in the State of Texas and to authorize wastewater discharges through TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific rules regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the Procedures to Implement the Texas Surface Water Quality Standards (IPs; June 2010) is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

TCEQ staff determined the uses of the receiving waters and set effluent limits that are protective of those uses as part of the application process. To achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters. Effluent limitations in the draft permit for the conventional effluent parameters (i.e. CBOD5, Ammonia-Nitrogen, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams, which are established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

An antidegradation review of the receiving waters was performed in accordance with 30 TAC § 307.5 and the IPs. A Tier 1 antidegradation review 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 preliminarily determined that no significant degradation of water quality is expected in Bear Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

**COMMENT 8:**

Carl Howard commented that Bear Creek is privately owned.

**RESPONSE 8:**

The issuance of a TPDES permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local, laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

**COMMENT 9:**

Lynn Lundquist commented about her concern that the proposed facility's operations will increase algal growth.

**RESPONSE 9:**

Phosphorus is a necessary nutrient for algae growth, but it is often present in limited quantities in freshwater systems. Restricting the amount of phosphorus in treated wastewater significantly reduces the likelihood of wastewater discharge stimulating the excessive growth of algae and other aquatic vegetation. The Executive Director performed a nutrient screen to ensure that effluent discharged from the WWTF will not cause an excessive accumulation of algae. The nutrient screen indicated that because of the high clarity of the water column, a lack of shade along the banks, and minimal dilution, the draft permit needed a total phosphorus limit. The Executive Director included a total phosphorus limit of 1.0 mg/L in the Interim II phase and a total phosphorus limit of 0.5 mg/L in the Final phase to preclude an excessive accumulation of algae.

**COMMENT 10:**

Gary Grissum, Rusty King, Lynn Lundquist, and Asa & Alicia Pulpan commented regarding their concern that operation of the proposed facility will prevent them from using and enjoying their property.

**RESPONSE 10:**

Under 30 TAC § 309.10(b), the TCEQ has the authority to condition the issuance of permits to domestic wastewater treatment facilities on the selection of a site that minimizes the likelihood of nuisance conditions. The Commission's primary authority regarding the control of nuisance conditions for water quality permits is to require buffer zones for the minimization of odors. See 30 TAC § 309.13(e). However, the scope of the Agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property. Suspected incidents of noncompliance with the permit or TCEQ rules may be reported to the TCEQ Region 4 Office in Fort Worth at 817-588-5800 or by calling the Environmental Violations Hotline at 1-888-777-3186. If the facility is determined to be in violation of its permit or TCEQ rules, it will be subject to enforcement action.



**COMMENT 11:**

Lynn & Scott Lundquist commented asking for the Applicant to use septic systems instead of building a WWTF.

**RESPONSE 11:**

TCEQ does not have the authority to mandate a specific type of wastewater treatment system. Decentralized wastewater treatment units, such as septic tanks, are a type of on-site sewage facilities (OSSF). A septic tank is a buried, watertight tank designed and constructed to partially treat raw wastewater. The tank separates and retains floatable and settleable solids in the wastewater. Following the primary treatment, wastewater is then discharged to a drain field for further treatment by and dispersal to the environment.

If the Applicant decides to utilize individual septic tanks to serve the proposed development, it will be subject to 30 TAC Chapter 285, relating to “On-Site Sewage Facilities”. 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.

The qualities of effluent from an individual anaerobic OSSF and from a WWTF are significantly different. An OSSF treats a limited volume of domestic wastewater to primary treatment standards. The wastewater strength, or organic loading, of BOD<sub>5</sub> and NH<sub>3</sub>-N in untreated or raw sewage from a residential subdivision is estimated to be 250-400 mg/L and 15-75 mg/L respectively. The draft permit, for example, requires that the treated effluent shall not exceed 7 mg/L CBOD<sub>5</sub> with 2 mg/L NH<sub>3</sub>-N in the Interim I phase, 5 mg/L CBOD<sub>5</sub> with 1.6 mg/L NH<sub>3</sub>-N in the Interim II phase, and 5 mg/L CBOD<sub>5</sub> with 1.3 mg/L NH<sub>3</sub>-N in the Final phase. In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/L BOD<sub>5</sub> prior to discharging into the underground drain field or soil absorption field. To meet its effluent limits, the proposed facility will have to provide secondary treatment including disinfection. For a proposed development of this type, a wastewater

treatment facility will provide a higher level of environmental protection than septic tanks.

For more information regarding OSSF rules and regulations, please contact the TCEQ OSSF Program at 512-239-3799.

**COMMENT 12:**

Lynn Lundquist and Lynn & Scott Lundquist commented asking the Applicant to reuse treated effluent instead of discharging it.

**RESPONSE 12:**

TCEQ does not have the authority to require a permittee to obtain a reuse authorization. The TCEQ's rule regarding beneficial reuse of reclaimed water may be found in 30 TAC Chapter 210, relating to "Use of Reclaimed Water." If an applicant seeks to obtain a reuse authorization, then the applicant must first have either applied for or obtained a TPDES permit or a no-discharge Texas Land Application state permit (TLAP). TCEQ's rules provide that reclaimed water may only be provided for "on a demand" use. "On a demand" use prevents treated water from being provided during times when the water cannot be beneficially used, and it allows the reclaimed water user to refuse delivery of reclaimed water at any time. Subsequently, the reclaimed water producer must have a guaranteed method of effluent disposal via either a TPDES permit or TLAP.

If the draft permit is issued, the Applicant will have to notify the Executive Director of its intention to use reclaimed water and obtain approval to provide reclaimed water. Treated effluent that is used for irrigation under a reuse authorization must meet the appropriate effluent limits as required by 30 TAC Chapter 210.

**COMMENT 13:**

Gary Grissum, Rusty King, Lynn Lundquist, and Asa & Alicia Pulpan commented that the proposed facility will negatively impact their property values.

**RESPONSE 13:**

TCEQ does not have the authority to address potential changes to property value as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater

regulations do not authorize TCEQ to consider property values. However, the draft permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other cause 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.

**COMMENT 14:**

Leslie Caldwell, Gary Grissum, Rusty King, Lynn Lundquist, Lynn & Scott Lundquist, and Asa & Alicia Pulpan commented their concern that the proposed discharge will increase instances of flooding.

**RESPONSE 14:**

TCEQ does not have jurisdiction to address flooding 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. For flooding concerns, please contact the floodplain administrator for your area. If you need help finding your floodplain administrator, please call the TCEQ Resource Protection Team at 512-239-4691.

---

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

---

In response to Public Comments, the Executive Director has not made changes to the draft permit.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,  
Executive Director

Erin E. Chancellor, Director  
Environmental Law Division

Charmaine Backens, Deputy Director  
Environmental Law Division



---

Bradford Eckhart, Staff Attorney  
Environmental Law Division  
State Bar No. 24137368  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone (512) 239-1283  
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY