

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*

September 6, 2024

TO: All interested persons.

RE: Douglas T. Harrison  
TPDES Permit No. WQ0016211001

### **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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Mammen Family Public Library, 131 Bulverde Crossing Road, Bulverde, Texas

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

### **How to Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.

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- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

### **How to Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](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**  
**Douglas T. Harrison**  
**TPDES Permit No. WQ0016211001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Douglas T. Harrison for TPDES Permit No. WQ0016211001 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 (WQ0016211001) 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 Mammen Family Public Library, 131 Bulverde Crossing Road, Bulverde, Texas.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

6 de septiembre de 2024

TO: Todas las personas interesadas.

RE: Douglas T. Harrison  
TPDES Permiso No. WQ0016211001

### **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 además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de la Familia Mammen, 131 Bulverde Crossing, Bulverde, Texas 78163.

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/cb

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Douglas T. Harrison**  
**TPDES Permiso No. WQ0016211001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Douglas T. Harrison del permiso de TPDES Permit No. WQ0016211001. 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 (WQ0016211001) 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 además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de la Familia Mammen, 131 Bulverde Crossing, Bulverde, Texas 78163.



MAILING LIST / LISTA DE CORREO

for / para

Douglas T. Harrison

TPDES Permit No. WQ0016211001/ TPDES Permiso No. WQ0016211001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Douglas T. Harrison, Landowner  
Douglas T. Harrison  
1000 Harrison Road  
New Braunfels, Texas 78132

Mike McMinimee & Jamie Miller, P.E.  
JA Wastewater, LLC  
5765 Fig Way  
Arvada, Colorado 80002

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

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

Sujata Sinha, 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

ADAMS , CHERYL  
228 CHARTWELL  
NEW BRAUNFELS TX

ADAMS , REGINA  
413 STARVIEW LN  
GEORGETOWN TX 78628-3831

ADAMS , WILLIAM  
2235 MERITAGE  
NEW BRAUNFELS TX 78132-3943

AGEE , CINDY  
130 E LINCOLN ST  
NEW BRAUNFELS TX 78130-4552

ALLEY , CRAIG & KAREN  
1145 HOMESTEAD RDG  
NEW BRAUNFELS TX 78132-1628

ALTMAN , TIMOTHY JAMES  
30635 HORSESHOE PATH  
BULVERDE TX 78163-2318

ASHLEY , JENNIFER  
1145 TURTLE TRL  
NEW BRAUNFELS TX 78130-5462

BARDEN , KATHARINE  
8430 TWISTED OAKS  
GARDEN RIDGE TX 78266-2767

BARRY , MIKE  
1633 VINTAGE WAY  
NEW BRAUNFELS TX 78132-2671

BECKER , MRS GERI RUE  
298 S FORK  
BULVERDE TX 78163-2861

BELL , ERIN  
ERIN BELL DRESSAGE  
2323 SHEARER RD  
BULVERDE TX 78163-2837

BELL-ALTMAN , MRS ERIN  
ERIN BELL DRESSAGE  
2535 SHEARER RD  
BULVERDE TX 78163-2830

BERNARD , MARK  
317 MARY BLVD  
NEW BRAUNFELS TX 78130-2956

BEVERS , DR. WALTER  
824 NORTHPARK RDG  
NEW BRAUNFELS TX 78130-8362

BOLSTAD , KRIS  
2659 LONE OAK RD  
NEW BRAUNFELS TX 78132-2851

BONNER , PAIGE  
22911 MALABAR PEAK  
SAN ANTONIO TX 78261-2155

BOOSMAN , FRANKLIN  
249 FLY LINE TRL  
NEW BRAUNFELS TX 78132-0157

BRONW, CHRISTOPHER & BROWN, KELLY  
2902 BRIARCROFT ST  
SAN ANTONIO TX 78217-3801

BRUNO-RAKOWITZ , MRS ANN MARIE  
29550 FM 3009  
NEW BRAUNFELS TX 78132-2601

BUCK , TERRY  
1191 EDWARDS BLVD  
NEW BRAUNFELS TX 78132-4053

BUCK , WARREN  
1191 EDWARDS BLVD  
NEW BRAUNFELS TX 78132-4053

BURGESS , JENNY & STEVE  
1560 CREST HVN  
BULVERDE TX 78163-2821

BUTTLER , DUDLEY  
653 THIRD FRK  
BULVERDE TX 78163-2882

BYRNE , TRACY  
1191 POWDER RIDGE RD  
NEW BRAUNFELS TX 78132-3438

CANNON , ANNA  
1710 SHEARER RD  
BULVERDE TX 78163-2834

CANNON , RACHEL J  
1710 SHEARER RD  
BULVERDE TX 78163-2834

CANNON , WINDELL W  
30045 FM 3009  
NEW BRAUNFELS TX 78132-2600

CARABAJAL , ADAM  
395 SUGARCANE  
NEW BRAUNFELS TX 78132-0151

CARNES , DON  
5063 HAWK EYE DR  
BULVERDE TX 78163-2247

CARPENTER , MR BRUCE D  
1228 DECANTER DR  
NEW BRAUNFELS TX 78132-2679

CARSON , JENNIFER  
391 HERAUF DR  
CANYON LAKE TX 78133-3118

CARTY JR , MR ROBERT J  
195 SPIRIT CIR  
SPRING BRANCH TX 78070-5022

CASON , MR RUSSELL REMBERT  
AFFECTED PERSON  
9040 OZARK TER  
SAN ANTONIO TX 78266-2656

CORBIN , BILLIE  
631 N GUENTHER AVE  
NEW BRAUNFELS TX 78130-0500

COULTER , MR JEFF  
2554 RAUSCHENBACH  
NEW BRAUNFELS TX 78132-0143

CRONIN , MR TIM  
152 PENNSYLVANIA BLVD  
NEW BRAUNFELS TX 78130-6053

CROOM , CATHERINE  
30412 HEIMER CV  
BULVERDE TX 78163-4594

CYR , KATHLEEN  
1539 CONNETTERE  
NEW BRAUNFELS TX 78132-2777

DAHN , WARREN  
1123 GARDENIA DR  
NEW BRAUNFELS TX 78130-5903

DALTON , JAMES L  
1680 SHEARER RD  
BULVERDE TX 78163-2832

DAVIDEK , DIRK  
APT 851  
144 LANDA ST  
NEW BRAUNFELS TX 78130-7998

DAVILA , ROBERT  
2225 APPELLATION  
NEW BRAUNFELS TX 78132-2774

DAVIS , CAROLA  
2802 STATE HIGHWAY 46 W  
NEW BRAUNFELS TX 78132-3704

DAVIS , DION CHRISTINE  
14 SUN VALLEY DR  
SPRING BRANCH TX 78070-7000

DAVIS , JEFF  
726 ENCINO DR  
NEW BRAUNFELS TX 78130-6647

DAVIS , MICHAEL  
520 ROSINWEED DR  
SPRING BRANCH TX 78070-4081

DAVIS , JENNIFER  
626 ASHMORE ST  
NEW BRAUNFELS TX 78130-4602

DEBO , JOANN  
APT 622  
1355 RANCH PKWY  
NEW BRAUNFELS TX 78130-3987

DELUCA , MS KIMBERLY  
5656 COPPER VLY  
NEW BRAUNFELS TX 78132-3918

DOMINICK , LEON  
311 CLEAR LAKE DR  
NEW BRAUNFELS TX 78132-1847

DOMINICK , REBECCA  
4802 S CRANES MILL RD  
NEW BRAUNFELS TX 78132-1647

DOYLE , JAMES DAVID  
200 CEDAR PARK  
CANYON LAKE TX 78132-1810

DOYLE , JOYCE  
200 CEDAR PARK  
CANYON LAKE TX 78132-1810

DREWA , MR DAVID A  
21406 ENCINO LOOKOUT  
SAN ANTONIO TX 78259-2656

DURAND , JOHN & MARY  
1529 VINTAGE WAY  
NEW BRAUNFELS TX 78132-2670

EVERINGHAM , DON  
ENCHANTED OAKS RANCH  
601 PFEIFFER RD  
BULVERDE TX 78163-4022

FASSNIDGE , HAYLEY  
ROCKINHFBRANDTX  
UNIT G1  
1885 FM 2673  
CANYON LAKE TX 78133-4765

FAUGHT , AUSTIN N  
CACTUS ROSE RANCH  
315 KIRK LN  
BULVERDE TX 78163-3919

FAUGHT , KYRA N  
315 KIRK LN  
BULVERDE TX 78163-3919

FILHIOL , NANCY  
315 CURVATURA  
NEW BRAUNFELS TX 78132-0023

FINNERAN , JANE  
860 BLUFF RIDGE CT  
NEW BRAUNFELS TX 78132-3294

FINNERAN , JOE  
860 BLUFF RIDGE CT  
NEW BRAUNFELS TX 78132-3294

FISHER , DR. KRISTA  
952 LONESOME DOVE  
BULVERDE TX 78163-2939

FITZPATRICK , NANCY  
648 RIVER CHASE WAY  
NEW BRAUNFELS TX 78132-6300

FLETCHER , ERIC  
1555 SHEARER RD  
BULVERDE TX 78163-2931

FLOOD , JOHN D  
338 VUELO ST  
NEW BRAUNFELS TX 78132-0162

FORD , JERRY & NANCY  
58 GUADA COMA  
NEW BRAUNFELS TX 78130-4669

FORD , NANCY L  
58 GUADA COMA  
NEW BRAUNFELS TX 78130-4669

FRADKIN , DR. DAWN M  
208 REMINGTON DR  
BERGHEIM TX 78004-1912

GARCIA , CHRISTINE  
363 SUGARCANE  
NEW BRAUNFELS TX 78132-0151

GLAVY , MR NATHAN M  
GREATER EDWARDS AQUIFER ALLIANCE  
1809 BLANCO RD  
SAN ANTONIO TX 78212-2616

GLAVY , MR NATHAN M  
GREATER EDWARDS AQUIFER ALLIANCE  
PO BOX 15618  
SAN ANTONIO TX 78212-8818

GLAVY, NATHAN M & PEACE, ANNALISA  
GREATER EDWARDS AQUIFER ALLIANCE  
1809 BLANCO RD  
SAN ANTONIO TX 78212-2616

GLAVY, NATHAN M & PEACE, ANNALISA  
GREATER EDWARDS AQUIFER ALLIANCE  
PO BOX 15618  
SAN ANTONIO TX 78212-8818

GOODCHILD , DIEDRE  
2130 ACACIA PKWY  
SPRING BRANCH TX 78070-5658

GOODWIN , ANNA  
1227 MYSTIC CYN  
SPRING BRANCH TX 78070-5098

GRAHAM , MRS TERRY L  
714 LOMA DOBLE  
SPRING BRANCH TX 78070-6065

GREENE , STACIE  
9039 OZARK TER  
SAN ANTONIO TX 78266-2658

GRUESBECK , JEANNE MARIE  
30043 CLOUD VIEW DR  
BULVERDE TX 78163-4031

GUCKIAN , MONA MILANN  
30954 FM 3009  
NEW BRAUNFELS TX 78132-2931

GUCKIAN , MILANN  
PRESERVE OUR HILL COUNTRY ENVIRONMENT  
PO BOX 310431  
NEW BRAUNFELS TX 78131-0431

GULICK , JONATHAN  
SJWTX  
1210 ACE TRL  
NEW BRAUNFELS TX 78132-3434

HACKWORTH , LEE  
112 ROSINWEED DR  
SPRING BRANCH TX 78070-4085

HANNASCH , SHERI ANN  
1477 CHIANTI  
NEW BRAUNFELS TX 78132-2947

HARGARTHER , BOB  
1871 SHEARER RD  
BULVERDE TX 78163-2829

HARRIS , MS DENISE L  
1670 S CRANES MILL RD  
NEW BRAUNFELS TX 78132-1651

HARRIS , EDWARD  
FRIENDS OF DRY COMAL CREEK  
1670 S CRANES MILL RD  
NEW BRAUNFELS TX 78132-1651

HASTMAN , TANIS  
7819 STAR CIR  
GARDEN RIDGE TX 78266-2922

HERNANDEZ , VINCE  
533 ROSINWEED DR  
SPRING BRANCH TX 78070-4081

HERNANDEZ , ROBERT  
1623 MOUNTAIN SPGS  
CANYON LAKE TX 78133-2362

HESS , ROSE  
614 BATTISTRADA  
NEW BRAUNFELS TX 78132-2965

HIBLER , PAMELA  
653 THIRD FRK  
BULVERDE TX 78163-2882

HIBLER , PRENTIS OTIS  
HIBLER RANCH  
360 KIRK LN  
BULVERDE TX 78163-3919

HIBLER , GARRETT  
653 THIRD FRK  
BULVERDE TX 78163-2882

HILLIN , AMY  
1761 LAKESIDE DR W  
CANYON LAKE TX 78133-5835

HILLYER , RICHARD  
393 GUADA COMA  
NEW BRAUNFELS TX 78130-4611

HIXON , DAVID MICHAEL  
APT E  
1205 KINNEY AVE  
AUSTIN TX 78704-2156

HIXON , STEVE  
114 RIO BRAVO  
SAN ANTONIO TX 78232-3820

HODGE , THOMAS  
APT 17107  
1951 HUNTER RD  
SAN MARCOS TX 78666-5207

HOPMANN , CHRIS M  
30323 FM 3009  
NEW BRAUNFELS TX 78132-2633

HOYT , KRISTEN  
444 W EDGEWATER TER  
NEW BRAUNFELS TX 78130-4938

HOYT , MR MATTHEW EDWIN  
EDWARDS AQUIFER AUTHORITY  
900 E QUINCY ST  
SAN ANTONIO TX 78215-1440

HULL , DONNA  
1870 SHEARER RD  
BULVERDE TX 78163-2828

HUMPHREY , SHELLY R  
5532 STRAUB RD  
COLLEGE STATION TX 77845-6954

ISAAC , THE HONORABLE CARRIE STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 73  
PO BOX 2910  
AUSTIN TX 78768-2910

JACKSON , MRS LISA  
839 MISSION HILLS DR  
NEW BRAUNFELS TX 78130-6673

JAMES , REBECCA  
30838 FM 3009  
NEW BRAUNFELS TX 78132-2649

JANUARY-BEVERS , DEBORAH  
824 NORTHPARK RDG  
NEW BRAUNFELS TX 78130-8362

JOHNSON , JENNIFER JAGGER  
2104 ACACIA PKWY  
SPRING BRANCH TX 78070-5658

JOHNSON , MRS JANE E  
31400 FM 3009  
NEW BRAUNFELS TX 78132-2648

JONES , MR CRAIG  
2073 MARSALA  
NEW BRAUNFELS TX 78132-5341

JORDAN , CAL  
1800 FM 3424  
CANYON LAKE TX 78133-2218

KANTAR , ERICA  
245 OAK RIDGE DR  
NEW BRAUNFELS TX 78132-3026

KEADY , RICHARD  
16202 DEER CRST  
SAN ANTONIO TX 78248-1742

KEARNEY , TERESA  
2463 COMAL SPGS  
CANYON LAKE TX 78133-5997

KILFORD , COLLEEN  
1380 STONEWALL ST  
NEW BRAUNFELS TX 78130-6373

KOSTRZEWA , CHRIS  
709 DEEP WATER DR  
SPRING BRANCH TX 78070-6049

KUHN , BRANDON  
UNIT 2  
8625 FM 1863  
SAN ANTONIO TX 78266-2665

LAMMERT , DANNY  
105 SENTRY PT  
HUTTO TX 78634-5417

LAMMERT , HELEN  
105 SENTRY PT  
HUTTO TX 78634-5417

LANTZY , MISSY  
20515 WAHL LN  
GARDEN RIDGE TX 78266-2550

LASTER , MELISSA  
1121 RIGHT FRK  
BULVERDE TX 78163-2815

LENSINK , MICHAEL & TERRIE  
2238 PINOT BLANC  
NEW BRAUNFELS TX 78132-4800

LONGORIA , MANUEL B  
31035 RETAMA RDG  
BULVERDE TX 78163-4155

LOTHROP , CHRISTINA  
8003 CORNWALL DR  
SPRING BRANCH TX 78070-7224

MALATEK , MR GREG A.  
CITY OF NEW BRAUNFELS  
550 LANDA ST  
NEW BRAUNFELS TX 78130-6110

MALDONADO , MANUEL JAMES  
BULVERDE NEIGHBORHOOD ALLIANCE  
4852 SPREADING OAK DR  
BULVERDE TX 78163-2763

MCCALLIE , DONALD L  
2116 APPELLATION  
NEW BRAUNFELS TX 78132-2773

MCMULLEN , MARY LOU  
2410 RIVER WAY  
SPRING BRANCH TX 78070-5987

MCMURRAY , LYNDA  
2317 LOMBARDY  
NEW BRAUNFELS TX 78132-1872

MCPHEETERS , DEBBIE  
PO BOX 278  
BULVERDE TX 78163-0278

MEEHAN , GLORIA  
828 RAMBLEWOOD DR  
CANYON LAKE TX 78133-4713

MERCER , SARAH  
106 CIELO VIS  
CANYON LAKE TX 78133-4444

MERCER , SARAH  
TEXANS FOR ENVIRONMENTAL AWARENESS  
STE 115, PMB 449  
1659 STATE HIGHWAY 46 W  
NEW BRAUNFELS TX 78132-4744

MEYER , ELLEN  
1020 MOUNTAIN LAUREL DR  
NEW BRAUNFELS TX 78132-3482

MOHR , LINDA HOLLEY  
6013 CORNWALL DR  
SPRING BRANCH TX 78070-7222

MOORE , MS BETH A  
751 SHEARER RD  
BULVERDE TX 78163-2853

MOREHEAD , DEREK  
10015 CREEKWOOD PASS  
SPRING BRANCH TX 78070-7027

MORGAN , LINDSAY  
1654 SUNSPUR RD  
NEW BRAUNFELS TX 78130-3350

MUND , KATHRYN  
501 STONEY RIDGE RD  
BULVERDE TX 78163-2906

NOAH , MR MICHAEL  
1243 ACQUEDOTTO  
NEW BRAUNFELS TX 78132-2783

OLIVIER , JACK  
1509 CABERNET  
NEW BRAUNFELS TX 78132-2768

OLSON , MISS KARIS  
245 SAUR RD  
BULVERDE TX 78163-3909

OLSON , KIRA  
FALLSPRING  
245 SAUR RD  
BULVERDE TX 78163-3909

OWENS , CONNIE & DEWEY  
1375 CREST HVN  
BULVERDE TX 78163-2869

PENCE , LT COL PATRICK E  
17 PRESTON WOOD  
NEW BRAUNFELS TX 78132-3858

PETEETE , MARK  
2631 BRETZKE LN  
NEW BRAUNFELS TX 78132-3266

PETEETE , SUSAN  
2631 BRETZKE LN  
NEW BRAUNFELS TX 78132-3266

PETERS , TONI  
575 COMAL AVE  
NEW BRAUNFELS TX 78130-7628

PHELPS , DEBRA C  
5451 MEADOW LARK DR  
BULVERDE TX 78163-2317

PHILLIPS , M  
677 CINDY DR  
CANYON LAKE TX 78133-5363

POESCH , MR ERIC  
1376 VICKY CT  
NEW BRAUNFELS TX 78132-3472

POFFENBERGER , MIKE  
1940 PINOTAGE  
NEW BRAUNFELS TX 78132-1857

QUIGLEY , MR THOMAS F  
376 BUTTERNUT WAY  
CANYON LAKE TX 78132-3448

RANDOLPH , MRS SUSAN W  
1463 REDCLOUD PEAK  
CANYON LAKE TX 78133-5994

REGAN , THERESA  
1227 ACE TRL  
NEW BRAUNFELS TX 78132-3434

REITZ , PAMELA  
605 SPRINGS NURSERY  
NEW BRAUNFELS TX 78130-5537

RUSSELL , KIM  
1621 ANGOLO  
NEW BRAUNFELS TX 78132-2782

SARUBBI , CRAIG  
7806 RIVER RD  
NEW BRAUNFELS TX 78132-3112

SCHMEISSER , RICH  
1701 CREST HVN  
BULVERDE TX 78163-2870

SEGOVIA , MARIA CARMEN  
546 ORCHARD WAY  
NEW BRAUNFELS TX 78132-2976

SHECK , AMIE  
COMAL COUNTY WATER RECREATIONAL DISTRICT  
NO 1  
PO BOX 310009  
NEW BRAUNFELS TX 78131-0009

SHERMAN , ROBIN  
1069 PROVENCE PL  
NEW BRAUNFELS TX 78132-2769

SHIPLEY , JIM & ROBBIE  
10502 TANDOM CT  
SAN ANTONIO TX 78217-3946

SIMPSON , NANCY  
PO BOX 416  
BULVERDE TX 78163-0416

SINDELAR , TODY  
105 E EDGEWATER TER  
NEW BRAUNFELS TX 78130-4005

SISK , MR LINDEN BURTON  
2255 FIRETHORN PATH  
SPRING BRANCH TX 78070-5696

SMITH , JONATHAN  
6551 FM 482  
NEW BRAUNFELS TX 78132-4828

SOBECK , MS MICHELE C  
525 VILLAGE VIEW DR  
CANYON LAKE TX 78133-5524

SONGEY , TARA  
421 CHINKAPIN TRL  
NEW BRAUNFELS TX 78132-2979

SOUTHWELL , EUGENIA  
435 THIRD FRK  
BULVERDE TX 78163-2920

SPENCE , JOHN  
114 E LINCOLN ST  
NEW BRAUNFELS TX 78130-4552

STEWART , TERRY  
6110 STONEY CREEK DR  
BULVERDE TX 78163-2889

STEWART , TRENT  
1075 RIDGE CREEK LN  
BULVERDE TX 78163-2840

STEWART , BONNIE JEAN  
6106 CRESCENT FLS  
WINDCREST TX 78239-2638

STEWART , KRISTIN  
26014 BIG CYPRESS  
SAN ANTONIO TX 78261-2145

SUTTON , VICKIE  
715 SUNRISE TRL  
SPRING BRANCH TX 78070-5605

SWINT , LISA  
19810 WILD HOLW  
GARDEN RIDGE TX 78266-2165

TAYLOR , SUSAN  
1457 CATTAIL  
CANYON LAKE TX 78133-2953

THIBEAULT , MATTHEW  
2085 HOLLAND SPGS  
CANYON LAKE TX 78133-6064

THOMPSON , CARL  
1026 STRADINA  
NEW BRAUNFELS TX 78132-2778

TRAMMELL , VICKI  
1220 LOMA RNCH  
NEW BRAUNFELS TX 78132-3456

VENHUIZEN , DAVID  
DAVID VENHUIZEN P E  
5803 GATESHEAD DR  
AUSTIN TX 78745-3526

VILLARREAL , LORNA  
1235 YAUPON LOOP  
NEW BRAUNFELS TX 78132-2963

VIOLA , REGINA  
412 CAVY RD  
NEW BRAUNFELS TX 78132-3446

WARREN , TINA  
1237 VIA PRINCIPALE  
NEW BRAUNFELS TX 78132-2604

WHITAKER , BERT & JULIE  
880 WIESNER RD  
SPRING BRANCH TX 78070-7264

WILLCOX , COURTNEY  
APT 1408  
5010 S CONGRESS AVE  
AUSTIN TX 78745-2203

WILLIAMS , M CAROLYN  
2323 SHEARER RD  
BULVERDE TX 78163-2837

WILLIAMS-BELL , DEBORAH ANNE  
2323 SHEARER RD  
BULVERDE TX 78163-2837

WILLMANN , BEVERLY P  
1205 MOUNTAIN LAUREL DR  
NEW BRAUNFELS TX 78132-3303

WOLF , SHANE  
HOSPITALITY & VISITORS ASSN  
1405 GRUENE RD  
NEW BRAUNFELS TX 78130-3334

WOODCOFF , DOUGLAS  
1200 SHEARER RD  
BULVERDE TX 78163-2826

WOODCOFF , ARIA  
1200 SHEARER RD  
BULVERDE TX 78163-2826

WYATT , KAREN  
2466 COMAL SPGS  
CANYON LAKE TX 78133-5997

WYATT , MR MICHEAL B  
2466 COMAL SPGS  
CANYON LAKE TX 78133-5997

YONKER , RICHARD PRESIDENT  
COMAL COUNTY WATER RECREATIONAL DISTRICT  
NO 1  
PO BOX 310009  
NEW BRAUNFELS TX 78131-0009

ZIMMERMAN , SANDRA  
450 SHEARER RD  
BULVERDE TX 78163-2822

ZIMMERMAN , STEVE WAYNE  
450 SHEARER RD  
BULVERDE TX 78163-2822



**TPDES PERMIT NO. WQ0016211001**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>DOUGLAS T. HARRISON FOR TPDES</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
	<b>§</b>	<b>ON ENVIRONMENTAL</b>
<b>PERMIT NO. WQ0016211001</b>	<b>§</b>	<b>QUALITY</b>

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

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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 Douglas T. Harrison (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016211001 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 a public meeting request from Texas State Representative Carrie Issac and timely comments from the persons listed and provided in Attachments A-G. 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**

Douglas T. Harrison (Applicant) submitted an application to the TCEQ for a new permit, TPDES Permit No. WQ0016211001, to authorize the discharge of treated

domestic wastewater at a daily average volume not to exceed 600,000 gallons per day. The Applicant proposes to operate the Harrison Tract wastewater treatment facility (WWTF, Facility) as an activated sludge process plant operated in the complete mix mode.

Treatment units in all phases will include a primary screen, an equalization basin, multiple process trains consisting of anoxic, pre-aeration, and membrane zones, a sludge holding basin and an ultraviolet (UV) disinfection system. The Facility has not been constructed. If the draft permit is issued, the treated effluent will be discharged to West Fork Dry Comal Creek, thence to Dry Comal Creek, thence to the Comal River in Segment No. 1811 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for the West Fork Dry Comal Creek. The designated uses for Segment No. 1811 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Geographic coordinates of the outfall location in decimal degrees is provided in Table 1. If this permit is issued, the Facility will be located approximately 0.4 miles south of the intersection of Harrison Road and State Highway 46, in Comal County, Texas 78132.

Table 1. Outfall Coordinate Location

<b>Outfall Number</b>	<b>Latitude</b>	<b>Longitude</b>
001	29.777544 N	98.325014 W

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows are expressed in million gallons per day (MGD). 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).

Table 2. Interim Phase I Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average mg/L	Daily Maximum mg/L	Single Grab mg/L
	lbs/day	mg/L			
Flow (MGD)	0.10		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	4.2	5	10	20	30
Total Suspended Solids (TSS)	4.2	5	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	1.7	2	5	10	15
Total Phosphorus (TP)	0.13	0.15	0.3	0.6	0.9
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH	Between 6.0 and 9.0				

Table 3. Interim Phase II Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average mg/L	Daily Maximum mg/L	Single Grab mg/L
	lbs/day	mg/L			
Flow	0.30		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	13	5	10	20	30
Total Suspended Solids (TSS)	13	5	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	5.0	2	5	10	15
Total Phosphorus (TP)	0.38	0.15	0.3	0.6	0.9
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	399	N/A
pH	Between 6.0 and 9.0				

Table 4. Final Phase Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average mg/L	Daily Maximum mg/L	Single Grab mg/L
	lbs/day	mg/L			
Flow	0.60		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	25	5	10	20	30
Total Suspended Solids (TSS)	25	5	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	10	2	5	10	15
Total Phosphorus (TP)	0.75	0.15	0.3	0.6	0.9
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	399	N/A
pH	Between 6.0 and 9.0				

## **B. Procedural Background**

The permit application was received on September 1, 2022, and declared administratively complete on September 20, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on October 5, 2022, in the *Herald-Zeitung*. The Notice of Application and Preliminary Decision (NAPD) was published on January 31, 2023, in the *Herald-Zeitung*.

A public meeting was scheduled for June 8, 2023. Publication of the Notice of Public Meeting was published on May 3, 2023, in the *Herald-Zeitung*. A public meeting was held on June 8, 2023, at the Smithson Valley High School (Cafeteria) 14001 Hwy 46 Spring Branch, Texas 78070.

The public comment period ended on June 8, 2023. This application was filed 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 SB 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

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

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website: [www.sos.state.tx.us](http://www.sos.state.tx.us);
- TCEQ rules in 30 TAC: [www.sos.state.tx.us/tac](http://www.sos.state.tx.us/tac);
- Texas statutes: [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us);
- TCEQ downloadable rules: [www.tceq.texas.gov/rules/indxpdf.html](http://www.tceq.texas.gov/rules/indxpdf.html);
- Federal rules in Title 40 of the Code of Federal Regulations:  
[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);  
and
- Federal environmental laws: [www.epa.gov/lawsregs](http://www.epa.gov/lawsregs).

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). The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the following location: Mammen Family Public Library, 131 Bulverde Crossing Road, Bulverde, Texas.

## II. COMMENTS AND RESPONSES

### Comment 1:

The individuals listed in attachment A expressed concerns regarding groundwater and the Edwards Aquifer and Trinity Aquifer. They expressed concerns for the potential negative impact on area caves and caverns and contamination of water wells.

### Response 1:

Texas Water Code (TWC) § 26.401(b) provides that “it is the goal of groundwater policy in this state that the existing quality of groundwater not be degraded.” Under TWC § 26.401(c)(1), it is the State of Texas’s policy that “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.” TCEQ has the responsibility to regulate the discharges of pollutants into water in the state. The Executive Director has determined that if a permit is protective of surface water quality, groundwater quality in the vicinity will not be impacted by the discharge.

The Executive Director has determined that the draft permit is in accordance with the 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.

TCEQ has developed rules for regulated activities on the Edwards Aquifer recharge and contributing zones under 30 TAC Chapter 213 (Edwards Aquifer). These rules authorize the discharge of treated wastewater within the contributing zone of the Edwards Aquifer and specify effluent limits for those facilities located within 10 miles of the recharge zone. TCEQ’s Edwards Aquifer Rules prohibit the direct discharge of municipal and industrial wastewater discharges on the Edwards Aquifer Recharge Zone into or adjacent to water in the state that would create additional pollutant loading.<sup>1</sup> TCEQ has established minimum effluent treatment levels for new or increased

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<sup>1</sup> 30 TEX. ADMIN. CODE § 213.8(a)(6).

discharges of treated wastewater into or adjacent to water in the state, other than industrial wastewater discharges, within zero to five miles upstream from the Recharge Zone<sup>2</sup> and for new or increased discharges into or adjacent to water in the state, other than industrial wastewater discharges, more than five miles but within 10 miles upstream from the Recharge Zone.<sup>3</sup>

The proposed discharge point for the Facility is located approximately 0.35 miles upstream from the Recharge Zone. Proposed effluent limits for CBOD<sub>5</sub>, TSS, and NH<sub>3</sub>-N meet the minimum effluent treatment levels of the Edwards Aquifer Rules and the total phosphorus limits are more stringent than the minimum rule requirements. These permit limits are intended to maintain the existing uses of the surface waters and preclude degradation and they will also be protective of groundwater.

According to 30 TAC § 309.13(c), 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. According to the application, no wells were reported within the buffer zones outlined in TCEQ's rules.

The Executive Director has determined that the draft permit's effluent limitations are consistent with the Texas Surface Water Quality Standards and are therefore protective of surface water quality, human health, and the environment. This level of surface water protection would also ensure protection of groundwater quality and its known uses.

Groundwater monitoring wells are not required under current applicable rules pertaining to wastewater discharge TPDES permits, under TWC Chapter 26 and 30 TAC Chapters 217, 305, 307 and 309. Therefore, groundwater testing is not conducted prior to or after a proposed wastewater discharge as part of the permitting process.

The Groundwater Rule does not address private drinking water wells as they are not under the jurisdiction of the Safe Drinking Water Act and are not subject to TCEQ regulation. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. Private well owners should take steps to have their water quality tested routinely tested. Wells should be tested more often if under the influence of nearby surface water, or if

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<sup>2</sup> 30 TEX. ADMIN. CODE § 213.6(c)(1).

<sup>3</sup> 30 TEX. ADMIN. CODE § 213.6(c)(2).

contamination is suspected. For more information on testing private water wells, please see the National Ground Water Association website at [wellowner.org/resources/water-quality/water-testing](http://wellowner.org/resources/water-quality/water-testing). If your well tests positive for fecal coliform bacteria, please see the Texas A&M AgriLife Extension publication titled [\*What to Do About Coliform Bacteria in Well Water\*](#) or the TCEQ publication titled [\*Disinfecting Your Private Well\*](#) (GI-432).

Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. Please contact the Water Supply Division at 512-239-4691 for more information.

Regarding concerns about groundwater availability, it is not within TCEQ's jurisdiction to consider this issue when evaluating a wastewater discharge permit application. Concerns regarding groundwater should be addressed to the local groundwater conservation district. Areas that are not within a groundwater conservation district are subject to the rule of capture. For general information on groundwater and groundwater conservation districts, please contact the Texas Water Development Board at 512-463-7847.

**Comment 2:**

The individuals listed in attachment B commented that the proposed facilities will be located in 100-year floodplain and raised concerns about potential flooding issues, flooded sewage plants. They also requested information regarding preventive measures that will be taken during floods.

**Response 2:**

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, the 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.<sup>4</sup>

**Comment 3:**

Erin Bell-Altman expressed concerns regarding stormwater runoff and stormwater with hazardous debris.

**Response 3:**

The TCEQ does not have jurisdiction to address runoff, 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. However, to the extent that an issue related to flooding also involves water quality, the 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.

For any flooding concerns, members of the public may wish to contact the applicable floodplain management office. The TCEQ Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling 512-239-4691. Additionally, the Federal Emergency Management Agency (FEMA) has programs designed to mitigate damage caused by flooding.

**Comment 4:**

The individuals listed in attachment C expressed concerns regarding endangered species.

**Response 4:**

As provided in the *Procedures to Implement the State Surface Water Quality Standards* (June 2010), the Executive Director reviewed the application for potential

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<sup>4</sup> Douglas T. Harrison Draft Permit, Other Requirements, Item No. 4, page 34.



impacts to aquatic or aquatic-dependent federally listed endangered or threatened species.

A priority watershed of critical concern has been identified in Segment 1811 in Comal County. Therefore, the Peck's cave amphipod (*Stygobromus pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), Comal Springs riffle beetle (*Heterelmis comalensis*), and Fountain Darter (*Etheostoma fonticola*), all endangered aquatic species, have been determined to occur in the watershed of Segment 1811. To make this determination for TPDES permits, TCEQ and the United States Environmental Protection Agency (EPA) only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the United States Fish and Wildlife Service's (USFWS) biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of endangered species requires EPA review of the draft permit and, if appropriate, consultation with USFWS.

**Comment 5:**

Geri Rue Becker, Erin Bell, Paige Bonner, Anna Cannon, Rachel J. Cannon, Windell W. Cannon, Austin Faught, Dawn M. Fradkin, Prentis Otis Hibler, Helen Lammert, and Deborah Anne Williams-Bell expressed concerns the draft permit's potential impact regarding pets, livestock, and wildlife.

**Response 5:**

The proposed permit was drafted in accordance with 30 TAC § 307.5 and the TCEQ *Procedures for the Implementation of the Texas Surface Water Quality Standards* (IPs; June 2010). The Texas Surface Water Quality Standards (TSWQS) provide that surface waters cannot be toxic to aquatic or terrestrial organisms.<sup>5</sup> While the TSWQS and the IPs do not specifically designate criteria for the protection of pets or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of livestock or wildlife.

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<sup>5</sup> 30 TEX. ADMIN. CODE § 307.4.

The Executive Director has determined that the proposed draft permit for the Facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life.

**Comment 6:**

The individuals listed in attachment D expressed concerns about the proposed Facility's impacts on water quality.

**Response 6:**

TCEQ is responsible for the protection of water quality with federal delegated authority over discharges of pollutants to Texas surface water. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific statutes regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards 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 IPs is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology 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.

As part of the application process, TCEQ staff determined the uses of the receiving waters were (uses) and set effluent limits that are protective of those uses. In order 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.

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. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

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 as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

**Comment 7:**

Jennifer Ashley, Erin Bell-Altman, Warren Buck, Carola Davis, Jeff Davis, Joyce Doyle, Austin Faught, Dawn M. Fradkin, Denise L Harris, Cal Jordan, Brandon Kuhn, Michael Noah Karis Olson, Kira Olson, M. Phillips, Mike Poffenberger, and Beverly P. Willmann expressed concerns regarding the proposed effluent quality and adverse effects on water resources including nutrient levels.

**Response 7:**

The Texas Surface Water Quality Standards (TSWQS) provide “Water in the state must be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water or any combination of the three.” 30 TAC § 307.6(b)(3). The draft permit was developed in accordance with the TSWQS to be protective of water quality in the receiving waters including waters located downstream of the permitted outfall, provided that Douglas T. Harrison operates and maintains the proposed Facility according to TCEQ rules and the proposed permit’s requirements. To ensure

compliance with the TSWQS (30 TAC Chapter 307), the Executive Director follows the methodology outlined in the IPs.

Specifically, the methodology is designed to ensure that no facility will be allowed to discharge 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. Compliance with the TSWQS ensures protection of the existing uses of the receiving waters, including public water supply.

Phosphorus is a key nutrient necessary for algae growth and is often in limited supply in freshwater systems. By restricting the amount of phosphorus in the treated wastewater, the likelihood of the discharge stimulating excessive growth of algae or other aquatic vegetation is reduced significantly. To ensure the effluent from the proposed facility will not cause an excessive accumulation of algae, the Executive Director performed a nutrient screening which indicated that because of the high clarity of the water column, lack of shade along the banks, and minimal dilution, a total phosphorus limit is needed in the draft permit. The Executive Director included a daily average total phosphorus limit of 0.15 mg/L in all Phases to preclude the excessive accumulation of algae.

#### **Comment 8**

William Adams, Jeff Davis, Lisa Jackson, Sarah Mercer, and Tina Warren expressed concerns regarding the environmental impact and suggested a Tier 2 anti-degradation study should be conducted.

#### **Response 8:**

The antidegradation policy and framework for the antidegradation implementation procedures are specified in 30 TAC § 307.5 of the Texas Surface Water Quality Standards. Additional guidance for antidegradation implementation and the process of our Tier 1 and Tier 2 reviews can be found in TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010).

The draft permit was drafted in accordance with the TSWQS and the Implementation Procedures and should be protective of water quality and uses of the

receiving stream when the applicant operates and maintains the facility according to the requirements of the draft permit. An antidegradation review of the receiving waters was performed as part of the application review process. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

**Comment 9:**

Erin Bell, Dawn M. Fradkin, Sarah Mercer, Karis Olson, Kira Olson, Beverly P. Willmann, Katherine Barden, Nathan M. Glavy, and Sarah Mercer submitted comments alleging there are errors in the application; specifically, the Supplemental Permit Information Form (SPIF) from the application where SJWTX, Inc. dba Canyon Lake Water Services Company has been entered as the Permittee.

**Response 9:**

The error in the SPIF has been revised, and the permittee name has been corrected as Douglas T. Harrison.

**Comment 10:**

Tim Cronin, Dawn M. Fradkin, and Robin Sherman submitted comments that the proposed development should use On-Site Sewage Facilities to treat domestic wastewater instead of applying for a TPDES permit.

**Response 10:**

TCEQ does not have the authority to compel an applicant to pursue a specific 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).”<sup>6</sup> 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.<sup>7</sup> 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 WWTP 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 5 mg/l CBOD<sub>5</sub> with 2 mg/l NH<sub>3</sub>-N. Therefore, the WWTP will be required to achieve a more than 90 or 95% reduction in CBOD<sub>5</sub> concentration in the treated effluent prior to discharge.

In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/l BOD<sub>5</sub> prior to discharging into the underground drainfield or soil absorption field. To meet its effluent limits, the proposed facility will have to provide better than 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 11:**

Erin Bell, Erin Bell-Altman, Anna Cannon, Rachel J. Cannon, Austin Faight, Dawn M. Fradkin, Prentis Otis Hibler, and Deborah Anne Williams-Bell expressed concerns about pharmaceuticals, metals, phosphates, microplastics, and other chemicals of emerging concern found in the discharge of treated wastewater and their removal.

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<sup>6</sup> 30 TEX. ADMIN. CODE § 285.4.

<sup>7</sup> 30 TEX. ADMIN. CODE § 285.8(a)(3).

**Response 11:**

TCEQ has not investigated the potential effects of pharmaceuticals in effluent. Neither TCEQ nor the EPA has promulgated rules or criteria limiting these contaminants in wastewater. EPA is currently investigating these contaminants and potential adverse human health effects from contaminants in the environment. Removal of some 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. The science on emerging contaminants is currently evolving, and while the EPA and other agencies continue to study the presence of emerging contaminants, there is currently no clear regulatory regime available to address the treatment emerging contaminants in domestic wastewater. Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants such as pharmaceuticals in domestic wastewater.

**Comment 12:**

Jennifer Ashley, Christopher and Kelly Brown, Rachel J. Cannon, Anna Goodwin, Mona Milann Guckian, Prentis Otis Hibler, Helen Lammert, Manual James Maldonado, Robbi and Jim Shipley, Manual James Maldonado, and Mike Poffenberger expressed concerns regarding the compliance with 30 TAC § 309.13, specifically the odors that could be produced by the proposed facility.

**Response 12:**

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), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. Applicant can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by Applicant; or 3) providing nuisance odor control.

According to its application, the permittee shall comply with the buffer zone area by ownership. For additional protection, the proposed permit includes Other

Requirement No. 3, which requires the permittee to comply with the requirements of 30 TAC § 309.13(a) through (d).<sup>8</sup> In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e). with the requirements of 30 TAC § 309.13(e).

**Comment 13:**

Erin Bell and Anna Goodwin expressed concerns regarding UV disinfection during a power outage.

**Response 13:**

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, however the rules do not require a specific method of disinfection. A permittee may disinfect domestic wastewater through use of 1) chlorination, 2) ultraviolet light, or 3) an equivalent method of disinfection with prior approval of the Executive Director.

In this case, the applicant has chosen to utilize an ultraviolet light (UV) system for disinfection purposes, and must comply with the design requirements in 30 TAC Chapter 217, Subchapter L. Specifically, 30 TAC §§ 217.291-300 specify the requirements for the sizing, configuration, dosage, system details, controls, cleaning, safety, and minimum replacement parts for UV light disinfection units.

Additionally, 30 TAC § 217.37 requires a disinfection system to include a backup power system capable of providing sufficient power to operate continuously during all power outages. The draft permit also includes bacteria limits and monitoring requirements to verify proper disinfection. The treated effluent shall meet a daily average bacteria limit of 126 CFU or MPN of *Escherichia coli* per 100 ml. The effluent shall be sampled for bacteria five times per week for the Interim I and II phases, and daily for the Final phase.<sup>9</sup>

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<sup>8</sup> Douglas T. Harrison Draft Permit, Other Requirements, Item No. 3, page 34.

<sup>9</sup> Douglas T. Harrison Draft Permit, Effluent Limitations and Monitoring Requirements, page 2, 2a, and 2b; *see also* 30 TEX. ADMIN. CODE § 319.3(b).



**Comment 14:**

Manual James Maldonado, Mike Poffenberger, Lorna Villarreal, and Tina Warren commented that they believe the Applicant failed to demonstrate need for the permit and failed to comply with TCEQ's regionalization requirements.

**Response 14:**

Upon review of the application, the Executive Director determined that the applicant sufficiently justified and demonstrated the need for the requested flow.<sup>10</sup>

TWC § 26.081 enumerates the state's regionalization policy and states that the policy should "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state." In furtherance of that policy TWC § 26.0282 authorizes TCEQ, when considering the issuance of a permit to discharge waste, to deny or alter the terms and conditions of a proposed permit based on need and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems.

Domestic Technical Report 1.1 of the application requires information concerning regionalization of wastewater treatment plants. Applicants requesting a new permit or certain major amendments are required to review the area within the three-mile radius of the proposed facility site location to determine if there is a wastewater treatment plant or sewer collection lines within the area that the permittee can utilize. According to the materials submitted with the application, the Applicant contacted the owners of wastewater treatment plant and the sewer collection lines within the area, and provided a copy of TPDES Permit Application WQ0016211001 but did not receive any responses to their requests for service. Based on the information the Applicant provided in its application, the Executive Director has determined that Douglas T. Harrison has complied with the regionalization policy and has demonstrated a need for the proposed WWTF.

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<sup>10</sup> Douglas T. Harrison Domestic Wastewater Permit Application Technical Report 1.1, Section 1. Justification for Permit, A. Justification of permit need, Page 21.

**Comment 15:**

Erin Bell, Tim Cronin, Christopher and Kelly Brown, Dawn M. Fradkin, Colleen Kilford, Manuel B. Longoria, Karis Olson, Kira Olson, and Robbi and Jim Shipley expressed concerns regarding the qualifications for the proposed facility's operators, operator qualification and licensure, and asked whether the level of treatment required to operate and maintain the facility to ensure those treatment requirements will be met.

**Response 15:**

Per information provided in the application, the Harrison Tract Wastewater Treatment Facility will be an activated sludge process plant operated in the complete mix mode. Treatment units in all phases will include a primary screen, an equalization basin, multiple process trains consisting of anoxic, pre-aeration, and membrane zones, a sludge holding basin and a UV disinfection system.

This facility must be operated by a chief operator or an operator holding a Class C license or higher during the Interim I, Interim II phases, and the Final phase. 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.

**Comment 16:**

The individuals listed in attachment E expressed concerns that discharged effluent will adversely impact the property values, tourism, and the local economy. These concerns included the project's proximity to other developments.

**Response 16:**

The water quality 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. TCEQ does not have the authority to address concerns about the impact of the facility on the economy, businesses, tourism, or resale of homes as part of the wastewater permitting process. The scope of the TCEQ'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 or her property.

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.

**Comment 17:**

The individuals listed in attachment F requested information as to whether TCEQ received or approved any reuse application for the proposed facility's effluent.

**Response 17:**

The TCEQ's rules applicable to the beneficial reuse of reclaimed water are found in 30 TAC Chapter 210. In order for an applicant to obtain this authorization, the Applicant must first have a Texas Pollutant Discharge Elimination System (TPDES) permit or a no-discharge Texas Land Application (TLAP) state permit.<sup>11</sup> TCEQ's rules provide that use of reclaimed water may only be authorized for "on a demand" use, which prevents treated water from being provided during times it cannot be beneficially used and allows the reclaimed water user to refuse delivery of reclaimed water at any time.<sup>12</sup> Subsequently, the reclaimed water producer must have a guaranteed method of effluent disposal via either a TPDES or TLAP permit. TCEQ does not have the authority to require a permittee to obtain a Chapter 210 reuse authorization.

TCEQ received a reuse application on December 5, 2022. If the permit is issued, the Applicant will have to notify the Executive Director that it intends on using the reclaimed water and obtain approval to provide reclaimed water.<sup>13</sup> 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 18:**

Mike Barry, Walter Bevers, Bruce D. Carpenter, Stacie Greene, Teresa Kearney, and Linda Holley Mohr raised concerns about the level of public participation. These

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<sup>11</sup> 30 TEX. ADMIN. CODE § 210.5(a).

<sup>12</sup> 30 TEX. ADMIN. CODE § 210.7.

<sup>13</sup> 30 TEX. ADMIN. CODE § 210.4.

concerns related to adequate notice and information about the application review process.

**Response 18:**

The ED acknowledges this concern. This application was subject to three mailed and published public notices as requires by state rules, 30 TAC Chapter 39. Mailed notice is provided to the landowners named in the application and those who requested to be included on the application mailing list. Published notices occurs in the newspaper of largest circulation in the county in which the facility is located or proposed to be located or, if the facility is located or proposed to be located in a municipality, the applicant shall publish notice in any newspaper of general circulation in the municipality.

First mailed and published public notice occurred in October 2022. NORI, *Notice of Receipt of Application and Intent to Obtain Water Quality Permit* signals that an application is available for public review. Second mailed and published notice occurred December 2022. NAPD, *Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater*, signals that TCEQ has prepared a draft permit for additional public review and comment. The third mailed and published public notice occurred in late April and May 2023 to provide notice of the public meeting scheduled for June 8, 2023.

**Comment 19:**

Thomas Hodge submitted comments in support of the draft permit and suggested that it be issued as drafted.

**Response 19:**

The ED acknowledges this comment.

**Comment 20:**

The individuals in attachment G express general opposition to the draft permit, requested a public meeting and/or a contested case hearing.

**Response 20:**

The ED acknowledges these comments.

**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

Charmaine Backens, Interim Director  
Office of Legal Services



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Harrison Cole Malley, Staff Attorney  
Environmental Law Division  
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REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

I certify that on August 30, 2024, the Executive Director's Response to Public Comment for Permit No. WQ0016211001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



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Harrison Cole Malley, Staff Attorney  
State Bar No. 24116710

## **Attachment A**

Erin Bell, Erin Bell-Altman, Katherine Barden, Mike Barry, Walter Beavers, Geri Rue Becker, Erin Bell, Erin Bell-Altman, Mark Bernard, Franklin Boosman, Christopher and Kelly Brown, Rachel J. Cannon, Windell W. Cannon, Bruce D. Carpenter, Jennifer Carson, Russell Rembert Cason, Robert J Carty, Catherine Croom, Kathleen Cyr, Robert Davila, Dion Christine Davis, Jennifer Davis, Joann Debo, Leon Dominick, James David Doyle, David A. Drewa, Don Everingham, Austin Faught, Dawn M Fradkin, Nathan M. Glavy, Diedre Goodchild, Terry L. Graham, Stacie Greene, Jeanne Marie Gruesbeck, Milann Guckian, Denise L. Harris, Jonathan Gulick, Sheri Ann Hannasch, Edward Harris, Tannis Hastman, Rose Hess, Prentis Otis Hibler, Pamela Hibler, Prentis Otis Hibler, Amy Hillin, Chris M. Hopmann, Matthew Edwin Hoyt, Donna Hull, Shelly R. Humphrey, Lisa Jackson, Rebecca James, Deborah January-Bevers, Jane E. Johnson, Cal Jordan, Erica Kantar, Brandon Khun, Helen Lammert, Mellissa Laster, Terrie and Michael Lensink, Manual James Maldonado, Donald L McCallie, Gloria Meehan, Ellen Meyer, Beth A. Moore, Sarah Mercer, Derek Morehead, Lindsay Morgan, Kathyrn Mund, Michael Noah, Jack Olivier, Karis Olson, Kira Olson, Patrick E Pence, Debra C Phelps, Eric Poesch, M. Phillips, Mike Poffenberger, Thomas F. Quigley, Susan W Randolph, Pamela Reitz, Kim Russell, Craig Sarubbi, Maria Carmen Segovia, Robin Sherman, Robbi and Jim Shipley, Nancy Simpson, Jonathan Smith, Tara Songey, John Spence, Kristin Stewart, Susan Taylor, Carl Thompson, Vicki Trammell, Lorna Villarreal, Tina Warren, Deborah Anne Williams-Bell, Beverly P. Willmann

## **Attachment B**

Erin Bell-Altman, Christopher and Kelly Brown, Rachel J Cannon, Windell W. Cannon, Austin Faught, Donna Hull, Helen Lammert, Manual James Maldonado, Sarah Mercer, Beth A. Moore, Karis Olson, Mike Poffenberger, Robbi and Jim Shipley, Eugenia Southwell, David Vehhuizen, Julie and Bert Whitaker, Deborah Anne Williams-Bell

## **Attachment C**

Katherine Barden, Erin Bell-Altman, Mark Bernard, Paige Bonner, Christopher and Kelly Brown, Rachel J. Cannon, Robert Davila, Jeff Davis, Austin Faught, Kyra N. Faught, Dawn M Fradkin, Christine Garcia, Amy Hillin, Rebecca James, Deborah January-Bevers, Manual James Maldonado, Sarah Mercer, and Deborah Anne Williams-Bell

## **Attachment D**

Katherine Barden, Erin Bell, Erin Bell-Altman, Mark Bernard, Anna Cannon, Rachel J. Cannon, Jennifer Carson, Russell Rembert Cason, Catherine Croom, Warren Dahn, Jeff Davis, Austin Faught, Dawn M. Fradkin, Christine Garcia, Nathan M Glavy, Tannis Hastman, Rose Hess, Prentis Otis Hibler, Amy Hillyer, Deborah January-Bevers, Jane E. Johnson, Cal Jordan, Chris Kostrzewa, Brandon Kuhn, Helen Lammert, Terrie and Michael Lensink, Debra C. Phelps, Eric Poesch, Sarah Mercer, Derek Morehead, Lindsay Morgan, Patrick E. Pence, Susan Peteete, Thomas F. Quigley, Pamela Reitz, Kim Russell, Maria Carmen Segovia, Robbi and Jim Shipley, Tody Sinclair, Jonathan Smith, Tara Songey, Kristin Stewart, Susan Taylor Tina Warren, and Deborah Anne Williams-Bell

## **Attachment E**

Timothy James Altman, Erin Bell, Erin Bell-Altman, Windell W. Cannon, Bruce D. Carpenter, Robert J. Carty, Tim Cronin, Robert Davila, Jeff Davis, Kim Deluca, James David Doyle, Joyce Doyle, B. Don Everingham, Austin Faught, Kyra N Faught, Dawn M. Fradkin, Nathan M. Glavy, Mona Milann Guckian, Prentis Otis Hibler, Chris M. Hopmann, Matthew Edwin Hoyt, Lisa Jackson, Cal Jordan, Karis Olson, Kira Olson, Mike Poffenberger, Thomas F. Quigley, Pamela Reitz, Craig Sarubbi, Robin Sherman, Tody Sinclair, Beverly P. Willmann, Deborah Anne Williams-Bell

## **Attachment F**

William Adams, Katherine Barden, Warren Buck, Bruce D. Carpenter, Jennifer Carson, Russell Rembert Cason, David A. Drewa, Austin Faught, Nancy L. Ford, Nathan M Glavy, Diedre Goodchild, Anna Goodwin, Terry L. Graham, Mona Milann Guckian, Rose Hess, Prentis Otis Hibler, Richard Hillyer, Donna Hull, Rebecca James, Deborah January-Bevers, Jennifer Jagger Johnson, Terrie and Michael Lensink, Gloria Meehan, Beth A. Moore, Derek Morehead, Lindsay Morgan, Michael Noah, Jack Olivier, Karis Olson, Kira Olson, Patrick E Pence, Mike Poffenberger, Susan W Randolph, Craig Sarubbi, Maria Carmen Segovia, Robin Sherman, Susan Taylor, Carl Thompson, David Vehhuizen, Lorna Villarreal, Tina Warren

## **Attachment G**

Regina Adams, Cindy Agee, Katherine Barden, Mike Berry, Geri Rue Becker, Erin Bell, Erin Bell-Altman, Walter Bevers, Franklin Boosman, Christopher and Kelly Brown, Dudley Butler, Tracy Byrne, Anna Cannon, Adam Carabajal, Windell W. Cannon, Bruce D. Carpenter, Russell Rembert Cason, Jennifer Carson, Robert J. Carty, Tim Cronin, Catherine Croom, Kathleen Cyr, James L. Dalton, Dirk Davidek, Dion Christine Davis, Jennifer Davis, Leon Dominick, James David Doyle, Joyce Doyle, David A. Drewa, Hayley Fassnidge, Jerry and Nancy Ford, Austin N. Faught, Kyra N. Faught, Nancy Filhiol, Krista Fisher, Nancy Fitzpatrick, Eric Fletcher, Dawn M. Fradkin, Nathan Glavy and Annalisa Peace, Stacie Greene, Terry L. Graham, Milann Guckian, Jonathan Gulick, Bob Hargarther, Tanis Hastman, Rose Hess, Pamela Hibler, Prentis Otis Hibler, Garrett Hibler, Amy Hillin, Chris M. Hopmann, Rebecca James, Deborah January-Bevers, Jennifer Jagger Johnson, Jane E Johnson, Craig Jones, Teresa Kearney, Melissa Laster, Donald L. McCallie, Mary Lou McMullen, Beth A Moore, Lindsay Morgan, Kathryn Mund, Michael Noah, Karis Olson, Kira Olson, Patrick E. Pence, M. Phillips, Eric Poesch, Thomas F. Quigley, Robbi and Jim Shipley, Jonathan Smith, Eugenia Southwell, Kristin Steward, Lisa Swint, Susan Taylor, Vicki Trammell, Deborah Anne Williams-Bell, Courtney Willcox Douglas Woodcoff, Aria Woodcoff, Sandra Zimmerman, Steve Wayne Zimmerman, Terry and Michael Lensink, Jeanne Marie Gruesbeck, Matthew Edwin Hoyt, Craig Sarubbi, Christina Lothrop, Pamela Reitz, Michele C. Sobeck Tara Songey, John Spence, Matthew Thibeault, Julie and Bert Whitaker, Kimberly Deluca, Diedre Goodchild, Sheri Ann Hannasch, Robert Hernandez, Shelly R. Humphrey, Carrie Issac, Cal Jordan, Erica Kantar, Chris Kostrzewa, Missy Lantzy, Lynda McMurray, Gloria Meehan, Ellen Meyer, Derek Morehead, Jack Olivier, Debra C Phelps, Susan W. Randolph, Maria Carmen Segovia, Nancy Simpson, Bonnie Jean Stewart, Vickie Sutton, Carl Thompson, Lorna Villarreal Regina Viola