

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

October 15, 2024

TO: All interested persons.

RE: Quadvest, L.P.
TPDES Permit No. WQ0016143001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Northwest Branch Library, 11355 Regency Green Drive, Cypress, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

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

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

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

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

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

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

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

Deadline for Submitting Requests.

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

of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

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
Quadvest, L.P.
TPDES Permit No. WQ0016143001

The Executive Director has made the Response to Public Comment (RTC) for the application by Quadvest, L.P. TPDES Permit No. WQ0016143001 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 (WQ0016143001) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Northwest Branch Library, 11355 Regency Green Drive, Cypress, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

15 de octubre de 2024

TO: Todas las personas interesadas.

RE: Quadvest, L.P.
TPDES Permit No. WQ0016143001

Decisión del Director Ejecutivo.

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

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en North West Branch 11355 Regency Green Drive, Cypress, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

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

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

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Quadvest, L.P.
TPDES Permiso No. WQ0016143001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Quadvest, L.P. del permiso de TPDES Permiso No. WQ0016143001. 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 (WQ0016143001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

Información adicional

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en North West Branch 11355 Regency Green Drive, Cypress, Texas.

MAILING LIST / LISTA DE CORREO

for / para

Quadvest, L.P.

TPDES Permit No. WQ0016143001/ TPDES Permiso No. WQ0016143001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Mark Urback, P.E.
Managing Engineer
Quadvest, LP.
26926 Farm-to-Market Road 2978
Magnolia, Texas 77354

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

INTERESTED PERSONS /
PERSONAS INTERESADAS:

see attached list/ ver lista adjunta

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

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

Abdur Rahim, 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

HUMPHREY SR , MR ROBERT
32902 MAYER RD
WALLER TX 77484-7045

MERRELL , MARK
MCFARLAND PLLC
STE 2520
811 LOUISIANA ST
HOUSTON TX 77002-1446

SPENCER , ANITA
3400 BURKE RD
PASADENA TX 77504-2028

TCEQ PERMIT NO. WQ0016143001

**APPLICATION BY
QUADVEST, L.P. FOR NEW TPDES
PERMIT NO. WQ0016143001**

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**BEFORE THE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY**

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 or RTC) on the application by Quadvest, L.P. (the Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016143001 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 Robert Humphrey, Anita Spencer, and Mark Merrell. 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."¹

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.

¹ TEX. WATER CODE § 5.115(a-1)(2)(B).

I. BACKGROUND

A. Description Of Facility

The Applicant submitted an application to the TCEQ for a new permit, TPDES Permit No. WQ0016143001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.125 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.25 MGD in the Interim II phase, and a daily average flow not to exceed 0.50 MGD in the Final phase. The Applicant proposes to operate the Westhaven Wastewater Treatment Facility (WWTF) which will serve the Westhaven Subdivision.

The Westhaven Wastewater Treatment Facility will consist of a membrane bioreactor (MBR) treatment system, which combines conventional biological activated sludge processes with membrane filtration. Treatment units in the Interim I phase will include a fine screen, an anoxic basin, an aerobic basin, a MBR basin, and a chlorine contact chamber. Treatment units in the Interim II phase will include a fine screen, two anoxic basins, two aerobic basins, two MBR basins, and a chlorine contact chamber. Treatment units in the Final phase will include a fine screen, three anoxic basins, three aerobic basins, three MBR basins, and two chlorine contact chambers. The facility has not been constructed.

If the draft permit is issued, the treated effluent will be discharged to a series of detention ponds, thence to an unnamed tributary, thence to Japhet Lake, thence to an unnamed channel, thence to an unnamed pond, thence to an unnamed channel, thence to the unclassified portion of Spring Creek, thence to Spring Creek in Segment No. 1008 of the San Jacinto River Basin. The designated uses for Segment No. 1008 are primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses.

Geographic coordinates of the outfall location in decimal degrees are provided in Table 1. If this permit is issued, the proposed facility will be located approximately 3,000 feet southeast of the intersection of Farm-to-Market Road 362 and Mayer Road, in Harris County, Texas 77484.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	30.118889 N	95.943333 W

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).

Table 2. Interim I Phase Effluent Limitations: Outfall 001²

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab	Monitoring Requirements
	mg/L	lbs/day	mg/L	mg/L	mg/L	
Flow	0.125		N/A	N/A	N/A	Continuous
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	10	10	15	25	35	One/week
Total Suspended Solids (TSS)	15	16	25	40	60	One/week
Ammonia Nitrogen (NH ₃ -N)	3	3.1	6	10	15	One/week
Total Phosphorus	0.5	0.52	1	2	3	One/week
<i>E. coli</i> (CFU or MPN/100 mL)	63	N/A	N/A	N/A	200	One/month

² For the Interim I Phase, the daily average flow of effluent shall not exceed 0.125 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 347 gpm. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

Table 3. Interim II Phase Effluent Limitations: Outfall 001³

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab	Monitoring Requirements
	mg/L	lbs/day	mg/L	mg/L	mg/L	
Flow	0.25		N/A	N/A	N/A	Continuous
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	10	21	15	25	35	One/week
Total Suspended Solids (TSS)	15	31	25	40	60	One/week
Ammonia Nitrogen (NH ₃ -N)	3	6.3	6	10	15	One/week
Total Phosphorus	0.5	1.0	1	2	3	One/week
<i>E. coli</i> (CFU or MPN/100 mL)	63	N/A	N/A	N/A	200	One/month

Table 4. Final Phase Effluent Limitations: Outfall 001⁴

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab	Monitoring Requirements
	mg/L	lbs/day	mg/L	mg/L	mg/L	
Flow	0.5		N/A	N/A	N/A	Continuous
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	10	42	15	25	35	One/week
Total Suspended Solids (TSS)	15	63	25	40	60	One/week
Ammonia Nitrogen (NH ₃ -N)	3	13	6	10	15	One/week
Total Phosphorus	0.5	2.1	1	2	3	One/week
<i>E. coli</i> (CFU or MPN/100 mL)	63	N/A	N/A	200	N/A	One/month

³ For the Interim II Phase, the daily average flow of effluent shall not exceed 0.25 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 694 gpm. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

⁴ For the Final Phase, the daily average flow of effluent shall not exceed 0.5 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,389 gpm. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

B. Procedural Background

The permit application was received on April 7, 2022, and declared administratively complete on August 30, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on January 24, 2023, in the *Houston Business Journal* and in Spanish on February 8, 2023, in the *Houston Chronicle dba La Voz*. A Combined NORI and Notice of Application and Preliminary Decision (NAPD) was published in English on March 29, 2024, in the *Houston Business Journal* and in Spanish on April 10, 2024, in the *Houston Chronicle dba La Voz*.

The public comment period ended on May 10, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

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;
- TCEQ rules in 30 TAC: www.sos.state.tx.us/tac;
- Texas statutes: www.statutes.legis.state.tx.us;
- TCEQ downloadable rules: www.tceq.texas.gov/rules/indxpdf.html;
- Federal rules in Title 40 of the Code of Federal Regulations: <https://www.ecfr.gov/current/title-40>; and
- Federal environmental laws: 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: Northwest Branch Library, 11355 Regency Green Drive, Cypress, Texas.

II. COMMENTS AND RESPONSES

COMMENT 1:

Mr. Mark Merrell submitted comments and a contested case hearing request on behalf of Robert Humphrey. His comments raised concerns that the description of the discharge route as stated in the draft permit is inaccurate.

RESPONSE 1:

This comment was submitted on October 7, 2022, and the discharge route has since been revised based on additional information received from the Applicant, from the landowner, and from a site visit by TCEQ. On March 14, 2024, a Combined NORI-NAPD was issued to reflect the corrected discharge route that was included in the initial NORI that was issued on August 30, 2022. The Combined NORI-NAPD was published in English on March 29, 2024, in the *Houston Business Journal* and in Spanish on April 10, 2024, in the *Houston Chronicle dba La Voz*. The revised discharge route is reflected in the current version of the draft permit:

“the treated effluent will be discharged to a series of detention ponds, thence to an unnamed tributary, thence to Japhet Lake, thence to an unnamed channel, thence to an unnamed pond, thence to an unnamed channel, thence to the unclassified portion of Spring Creek, thence to Spring Creek in Segment No. 1008 of the San Jacinto River Basin.”

The Executive Director acknowledges the request for a contested case hearing. The Executive Director considered all timely comments and prepared this RTC to all relevant, material, or significant public comments. This RTC will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. Also, any persons who submitted comments or contested case hearing requests prior to the end of the public comment period are added to the mailing list.

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 any hearing requests are granted, the Commission will refer the application to the State Office of Administrative Hearings for a contested case hearing. The 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.

For additional information about public participation in environmental permitting and the contested case hearing process, visit the following page on TCEQ's website: <https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/public-participation-9-1-2015>.

COMMENT 2:

Ms. Spencer submitted two comments with the same content. Her comments raised concerns that the heat from the “local Industrial complex” is changing the air temperature and impacting rainfall.

RESPONSE 2:

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to the TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted by rule, provided the wastewater treatment plant only performs the functions listed in the rule. Therefore, issues relating to air quality are beyond the scope of this wastewater permit application and were not considered as part of this application. In its application, the applicant will use a Membrane Bioreactor plant. This treatment process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's (THSC) Texas Clean Air Act §§ 382.057 and 382.05196, and therefore permitted by rule.

The objective of the TPDES permitting process is the controlling of 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 issue stormwater permits relating to stormwater runoff from construction sites, industrial facilities, and publicly owned and operated storm sewers. However, this proposed permit action is for a new TPDES domestic wastewater permit, specifically for the applicant's proposed Westhaven

Wastewater Treatment Facility. Issues related to air temperature are outside the scope of the ED's review on a TPDES application.

Issuance of 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 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.

For additional information regarding TCEQ stormwater permitting, visit the following website: <https://www.tceq.texas.gov/permitting/stormwater>. For additional information related to stormwater quality management in Harris County, visit the following website: <https://www.eng.hctx.net/permits/Stormwater-Code/Stormwater/Welcome-to-Stormwater-Quality>.

COMMENT 3:

Mr. Humphrey submitted comments raising concerns that the laws and requirements are not being met in regard to occupancy by the Applicant on the property where the proposed WWTF will be located. Mr. Humphrey asks for clarification about whether the laws and regulations regarding Municipal Utility Districts (MUDs) are applicable to the proposed permit action.

RESPONSE 3:

This permit application is not related to the creation of a Municipal Utility District, which are subject to the laws and regulations of Texas Water Code Chapters 49 and 54, and 30 TAC Chapter 293. The applicable laws and regulations regarding water quality permitting are found in Texas Water Code Chapter 26, and 30 TAC Chapters 217, 281, 305, 307, and 309.

For additional information related to water districts, visit the following website: <https://www.tceq.texas.gov/waterdistricts>.

Issuance of 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 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.

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

No changes were made to the draft permit in response to comments.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Charmaine Backens,
Interim Director
Office of Legal Services
Deputy Director
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

IV. CERTIFICATE OF SERVICE

I certify that on October 10, 2024, the “Executive Director’s Response to Public Comment” for Permit No. WQ0016143001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.



Fernando Salazar Martinez
Staff Attorney
Environmental Law Division
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