

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*

December 3, 2024

TO: All interested persons.

RE: OurCalling, Inc.  
TPDES Permit No. WQ0016272001

### **Decision of the Executive Director.**

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Ferris Public Library, 301 East 10th Street, Ferris, 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/erg

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**OurCalling, Inc.**  
**TPDES Permit No. WQ0016272001**

The Executive Director has made the Response to Public Comment (RTC) for the application by OurCalling, Inc. for TPDES Permit No. WQ0016272001 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 (WQ0016272001) and click the "Search" button. The search results will display a link to the RTC.

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

**Additional Information**

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Ferris Public Library, 301 East 10th Street, Ferris, Texas.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

3 de diciembre de 2024

TO: Todas las personas interesadas.

RE: OurCalling, Inc.  
TPDES Permiso No. WQ0016272001

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

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

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Ferris Public Library, 301 East 10th Street, Ferris, Texas.

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

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

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

La solicitud debe incluir lo siguiente:

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

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

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

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

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

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

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

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

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

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

### **Procesamiento de solicitudes.**

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

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

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

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/erg

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**OurCalling, Inc.**  
**TPDES Permiso No. WQ0016272001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de OurCalling, Inc. del permiso de TPDES No. WQ0016272001. 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 (WQ0016272001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

**Información adicional**

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Ferris Public Library, 301 East 10th Street, Ferris, Texas.



MAILING LIST / LISTA DE CORREO  
OurCalling, Inc.  
TPDES No. WQ0016272001 / TPDES No. WQ0016272001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Wayne Walker, CEO and Pastor  
OurCalling, Inc.  
P.O. Box 140428  
Dallas, Texas 75214

Charles Gillespie, President  
Consulting Environmental Engineers, Inc.  
150 North Harbin Drive, Suite 408  
Stephenville, Texas 76401

Victoria Lahr, Project Manager  
Authors Building Group  
500 Industry Way  
Proper, Texas 75078

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

ALBRIGHT , STEFANIE P BICKERSTAFF HEATH DELGADO ACOSTA LLP STE C400 1601 S MOPAC EXPY AUSTIN TX 78746-7009	ALSTON , CAROL CITIZENS AGAINST ELLIS COUNTY MUDS 600 TROJACEK RD ENNIS TX 75119-1466	ALSTON , ROBERT 600 TROJACEK RD ENNIS TX 75119-1466
ANDREASEN , ADAM 311 SLATE ROCK RD ENNIS TX 75119-1664	ASPIN SR , MR CLINT 209 E 7TH ST FERRIS TX 75125-2719	CLARK , MARLENE D 2401 CHRISTIAN RD ENNIS TX 75119-0014
CRACRAFT , C 116 JIMMIE BIRDWELL BLVD FERRIS TX 75125-4027	CRENSHAW , JASON 3208 FM 780 FERRIS TX 75125-8300	CURRY , KIMBERLY   & MARK 1440 HUNSUCKER RD PALMER TX 75152
FLANNERY , SEAN 1631 STAINBACK RD RED OAK TX 75154-3011	FLECK , ELTON J 1105 E SHARPSHIRE DR WAXAHACHIE TX 75165-6331	GARZA , LAURA J 1011 WICKLIFFE RD FERRIS TX 75125-9788
HAMM , RHONDA 940 TRUMBULL RD FERRIS TX 75125-8820	HANKINS , HALEY 155 VALLEY RANCH DR WAXAHACHIE TX 75165-8795	HARMS , MICHAEL 900 SLATE ROCK RD ENNIS TX 75119-1403
HEARTWELL , DOROTHY   & KEVIN 5000 FM 813 WAXAHACHIE TX 75165-8917	HILLERY , MICHELLE 3710 S HAMPTON RD OAK LEAF TX 75154-6018	KATZ , JOSHUA D BICKERSTAFF HEATH DELGADO ACOSTA LLP STE C400 1601 S MOPAC EXPY AUSTIN TX 78746-7009
KELLEY , KIMBERLY G BICKERSTAFF HEATH DELGADO ACOSTA LLP STE C400 1601 S MOPAC EXPY AUSTIN TX 78746-7009	KELLY , KERN 1010 SLATE ROCK RD ENNIS TX 75119-0201	KENNEDY , TIMOTHY WAYNE 120 COURTNEY CIR WAXAHACHIE TX 75165-4810
KERN , KELLY 1010 SLATE ROCK RD ENNIS TX 75119-0201	KERN , MR RICHARD 1010 SLATE ROCK RD ENNIS TX 75119-0201	LINEBERRY , BILL 901 WICKLIFFE RD FERRIS TX 75125-9786
MARSHALL , JOHN MARSHALL FARMS 1705 LOOP 561 FERRIS TX 75125-8486	MARTINEK , EMERSYN D R-CASTLE CONTRACTOR SERVICES LLC 2256 BELLS CHAPEL RD WAXAHACHIE TX 75165-6756	MARTINEK , EMIL J R-CASTLE CONTRACTOR SERVICES LLC 8046 FM 660 ENNIS TX 75119-0158
MARTINEK , ERNEST D R-CASTLE CONTRACTOR SERVICES LLC 2256 BELLS CHAPEL RD WAXAHACHIE TX 75165-6756	MARTINEK , EVAN 8820 AVIARY DR MCKINNEY TX 75072-6726	MARTINEK , JENNIFER ADDICTED TO ALL THINGS BEAUTIFUL LLC 2256 BELLS CHAPEL RD WAXAHACHIE TX 75165-6756

MARTINEK , LEAH  
L MARIE DESIGNS LLC  
216 SILVER SPUR DR  
WAXAHACHIE TX 75165-5355

MARTINEK , RAGEN  
2256 BELLS CHAPEL RD  
WAXAHACHIE TX 75165-6756

MARTINEK , AMBER  
8820 AVIARY DR  
MCKINNEY TX 75072-6726

MARTINEZ , GORGE  
GM CONCEPTS LLC  
2090 NEWTON RD  
FERRIS TX 75125-1258

MCCARVER , RANDY  
1114 WESTMINISTER DR  
WAXAHACHIE TX 75165-6305

MCDOWELL , CHARLES A  
839 STACKS RD  
ENNIS TX 75119-0236

MCMILLAN , WILLIAM  
324 BURL MOORE RD  
ENNIS TX 75119-0286

MOORE , JOHN L  
1129 S MAIN ST  
FERRIS TX 75125-9289

NINO , PAUL  
404 N CHURCH ST  
FERRIS TX 75125-1615

NOVY , BRYAN ALAN  
606 NOVY RD  
ENNIS TX 75119-2072

NOVY , DALE  
1218 NOVY RD  
ENNIS TX 75119-1418

NOVY , THERESA  
1218 NOVY RD  
ENNIS TX 75119-1418

PARKER , VICKI  
STE 501C-234  
791 N HIGHWAY 77  
WAXAHACHIE TX 75165-1977

PATTERSON , JANICE & STEPHEN R  
3631 FM 85  
ENNIS TX 75119-0510

PATTERSON , JANICE  
3631 FM 85  
ENNIS TX 75119-0510

PLASTER , LORI  
2122 STAINBACK RD  
LANCASTER TX 75146-5306

PRITCHETT , THOMAS G  
411 S OLD WALNUT  
ENNIS TX 75119-9446

PROVOST , DAN  
3824 ROYAL LN  
DALLAS TX 75229-3957

PUGH , REBECCA CAMILLE  
500 MOHUNDRO RD  
FERRIS TX 75125-9590

REEP , RON  
524 WICKLIFFE RD  
FERRIS TX 75125-9777

REYES , JOANNA  
1605 STACKS RD  
ENNIS TX 75119-0246

RISLEY , MR AARON L  
1001 WICKLIFFE RD  
FERRIS TX 75125-9788

RITCHEY , JIMMY C  
UNIT C  
2990 FM 780  
FERRIS TX 75125-9358

RITCHEY , STEPHANIE  
UNIT B  
2990 FM 780  
FERRIS TX 75125-9358

RITCHEY , THERESA  
UNIT C  
2990 FM 780  
FERRIS TX 75125-9358

ROGERS , EMILY W  
BICKERSTAFF HEATH DELGADO ACOSTA LLP  
STE C400  
1601 S MOPAC EXPY  
AUSTIN TX 78746-7009

ROSSON , SUE  
830 OLD GIN RD  
ENNIS TX 75119-0198

RUDD , CONNIE H  
5337 FM 660  
ENNIS TX 75119-0190

RYAN , JAMES  
1300 SPRING RIDGE LN  
FLOWER MOUND TX 75028-3780

SANCHEZ , FRANKY  
5527 FM 813  
WAXAHACHIE TX 75165-8923

SEIBER , MICHAEL  
180 MOYERS RD  
FERRIS TX 75125-8767

SMITH , TRAVIS  
216 PECAN ST  
WAXAHACHIE TX 75165-2726

SWANN , ANGELA    & DARRYL  
412 MOHUNDRO RD  
FERRIS TX 75125-9588

TAYLOR , CAROLYN  
377 ELEVEN LEAGUE RD  
ENNIS TX 75119-0298

TORRES , VIANKA  
104 HURST CIR  
FERRIS TX 75125-9791

VAN WEY , REX  
400 WICKLIFFE RD  
FERRIS TX 75125-9775

VERCHOT , CLAIRE B  
411 S OLD WALNUT  
ENNIS TX 75119-9446

WHITE , TRAVIS L  
421 MOHUNDRO RD  
FERRIS TX 75125-9587

WOODWARD , VERONICA  
2502 SLEEPY HOLLOW RD  
ENNIS TX 75119-7281

YEAGER , MR JESSE  
STE 124-470  
7324 GASTON AVE  
DALLAS TX 75214-6126

**TPDES PERMIT NO. WQ0016272001**

<b>APPLICATION BY THE</b>	<b>§</b>	<b>BEFORE THE</b>
<b>OURCALLING, INC.</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>TPDES PERMIT NO. WQ0016272001</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

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

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The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment on the application by OurCalling, Inc. (OurCalling or Applicant), for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016272001 and on the ED'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 ED prepares a response to all timely, relevant, and material, or significant comments.

The Office of the Chief Clerk (OCC) received timely comments and hearing requests from: Ernest D. Martinek, on behalf of Citizens Against Ellis County MUDs (CAECM); Emily W. Rogers, on behalf of Ellis County; Carol Alston; Robert Alston; Adam Andreasen; Clint Aspin; Marlene D. Clark; C. Cracraft; Jason Crenshaw; Mark and Kimberley Curry; Sean Flannery; Laura J. Garza; Rhonda Hamm; Haley Hankins; Michael Harms; Michelle Hillery; Kelly Kern; Richard Kern; Amber Martinek; Emersyn D. Martinek; Emil J. Martinek; Evan Martinek; Jennifer Martinek; Leah Martinek; Ragen Martinek; Charles A. McDowell; William McMillan; John L. Moore; Bryan Alan Novy; Dale Novy; Theresa Novy; Vicki Parker; Janice Patterson; Lori Plaster; Thomas G. Pritchett; Dan Provost; Rebecca Camille Pugh; Joanna Reyes; Aaron L. Risley; Jimmy C. Ritchey; James Ryan; Carolyn Taylor; Vianka Torres; Rex Van Wey; Claire B. Verchot; Veronica Woodward; and Jesse Yeager. This response addresses all timely public comments received, whether withdrawn or not.

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.”<sup>1</sup>

For 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 on the TCEQ website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

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**I. BACKGROUND**

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**Description of Facility/Discharge Route**

The Applicant has applied for new TPDES Permit No. WQ0016272001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.03 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.06 MGD in the Interim II phase, and a daily average flow not to exceed 0.09 MGD in the Final phase. The discharge route for the proposed discharge is to an unnamed tributary, thence to Bear Creek, thence to Red Oak Creek, thence to Upper Trinity River in Segment No. 0805 of the Trinity River Basin. The proposed wastewater treatment facility will serve the OurCommunity-Ferris project.

The OurCommunity-Ferris Wastewater Treatment Facility is a mixed bed biofilm reactor (MBBR). Each phase includes a treatment train with grit removal screen, a flow equalization basin, a MBBR chamber, and a two-stage clarifier system. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. Each phase discharges sludge to a sludge digester, and effluent to a tertiary filtration system and UV disinfection units. The treatment units in each phase discharges sludge to a sludge digester, and effluent to a tertiary filtration system and UV disinfection units.

If this draft permit is issued, the OurCommunity-Ferris WWTF will be located at 231 Wickliffe Road, in Ellis County, Texas 75125 and will be a mixed bed biofilm reactor (MBBR) system. The facility has not been constructed. Geographic coordinates of the outfall location in decimal degrees are provided in Table 1.

**Table 1. Outfall Coordinate Location**

Outfall Number	Latitude	Longitude
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<sup>1</sup> TEX. WATER CODE § 5.115(a-1)(2)(B).

001	32.512074 N	96.571098 W
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### **Technical Review**

TCEQ has primary authority over water quality in Texas and federal regulatory authority for the TPDES program, which controls discharges of pollutants into Texas surface waterbodies (“water in the state”). Texas Water Code (TWC) § 26.027, authorizes the TCEQ to issue permits for discharges into water in the state, and the ED evaluates applications for discharge permits based on the information provided in the application and can recommend issuance or denial of a draft permit based on its compliance with the TWC and TCEQ rules. Specifically, the ED’s technical review evaluates impacts from the proposed discharge on the receiving waters, starting at the discharge point (an unnamed tributary), according to 30 TAC Chapter 307, the Texas Surface Water Quality Standards (TSWQS) and the TCEQ’s *Implementation Procedures for the Texas Surface Water Quality Standards* (June 2010, IPs).

The draft permit authorizes a discharge of treated domestic wastewater at an Interim I volume not to exceed a daily average flow of 0.03 MGD, an Interim II volume not to exceed a daily average flow of 0.06 MGD, and a Final volume not to exceed a daily average flow of 0.09 MGD.

The effluent limitations in the Interim I, II, and Final phases of the draft permit, based on a 30-day average, are 20 milligrams per liter (mg/L) Five-Day Biochemical Oxygen Demand (BOD<sub>5</sub>), 20 mg/L total suspended solids (TSS), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 mL, and 2.0 mg/L minimum dissolved oxygen (DO). The permittee shall utilize an ultraviolet light (UV) system for disinfection purposes and shall not exceed a daily average *E. coli* limit of 126 CFU or MPN per 100 mL.

The treated effluent will be discharged to an unnamed tributary, thence to Bear Creek, thence to Red Oak Creek, thence to Upper Trinity River in Segment No. 0805 of the Trinity River Basin. The unclassified receiving water uses are minimal aquatic life use for an unnamed tributary, and high aquatic life use for Bear Creek and Red Oak Creek. The designated uses for Segment No. 0805 are primary contact recreation and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

In accordance with 30 TAC Section 307.5 and the TCEQ’s *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the

receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Bear Creek or Red Oak Creek, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Upper Trinity River, Segment No. 0805 is currently listed on the state's inventory of impaired and threatened waters (the 2022 CWA § 303(d) list). The listings are specifically for dioxin in edible tissue and polychlorinated biphenyls (PCBs) in edible tissue. This is a public domestic wastewater treatment facility. The proposed facility is not expected to receive industrial wastewater contributions, therefore the effluent from this facility should not contribute to the dioxin and PCBs in edible tissue impairments of this segment.

A priority watershed of critical concern has been identified in Segment No. 0805 in Ellis County. Therefore, the Least Tern (*Sterna antillarum*), an endangered aquatic-dependent species, has been determined to occur in the watershed of Segment No. 0805. However, this applies to Municipal Separate Storm Sewer Systems and Stormwater General Permits only and does not apply to this facility. To make this determination for TPDES permits, TCEQ and the Environmental Protection Agency (EPA) only considered species occurring in watersheds of critical concern or high priority as listed in Appendix A of the United States Fish and Wildlife Service (USFWS) biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

The technical review process for surface water quality is conducted by staff in the ED's Water Quality Division (WQD staff) on the Standards Implementation Team (Standards Team) and WQD staff in the Water Quality Assessment Section (Modeling Team). With the goal of the technical review being to maintain a level of water quality sufficient to protect the existing uses of the receiving surface waters, WQD staff reviewed the application in accordance with the TSWQS and TCEQ's IPs.

The first component of the ED's technical review involved WQD staff on the Standards Team reviewing the classifications, designations, and descriptions of the



receiving surface waters for the proposed discharge. Along with other available information, reviewing the receiving waters for the proposed discharge allows the Standards Team to preliminarily determine the aquatic life uses in the area of the proposed discharge's possible impact and assign the corresponding minimum DO criterion as stipulated at 30 TAC § 307.5 (TSWQS) and in the TCEQ's IPs. For applications for new discharges, the Standards Team performs an antidegradation analysis of the proposed discharge, and per 30 TAC § 307.5 (TSWQS) and the TCEQ's IPs, an antidegradation review of the receiving waters was performed that included nutrient screenings. A nutrient screening indicates that no nutrient limitations are warranted at this time, and based on Best Professional Judgment (BPJ), no limit is needed.

The second component of the ED's technical review involved WQD staff on the Modeling Team performing water quality modeling to assess effluent limits required to protect the aquatic life uses of the receiving waterbodies. The proposed permit's water quality-related effluent limits, established by the Modeling Team's QUAL-TX modeling results, will maintain and protect the existing instream uses. Similarly, conventional effluent parameters such as minimum dissolved oxygen (DO), Five-day Biochemical Oxygen Demand (BOD<sub>5</sub>), and Total Suspended Solids (TSS) 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.

Based on model results, the proposed effluent limits of 20 mg/L BOD<sub>5</sub> and 2.0 mg/L DO, modeled with 12 mg/L NH<sub>3</sub>-N, are predicted to be adequate to maintain dissolved oxygen levels above the criteria stipulated by the Standards Implementation Team for the unnamed tributary (2.0 mg/L), Bear Creek (5.0 mg/L), Red Oak Creek (5.0 mg/L), and Segment 0805 of the Upper Trinity River (5.0 mg/L when headwater flow is greater than 80 cubic feet per second (CFS), 3.5 mg/L when flow is less than 80 CFS) for all effluent flow phases. Coefficients and kinetics used in the model are a combination of estimated and standardized default values and values derived from the waste load evaluation. The results of this evaluation can be reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

As with all determinations, reviews, or analyses related to the technical review of the proposed permit, the above and below can be reexamined and subsequently modified upon receipt of new information or information that conflicts with the bases employed in the applicable review or analysis.

### **Procedural Background**

TCEQ received the application on December 12, 2022, and declared it administratively complete on February 8, 2023. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in English in the *Waxahachie Daily Light* on February 15, 2023, in English and in Spanish in *La Prensa Comunidad* on February 14, 2023. The ED completed the technical review of the application on April 17, 2023, and prepared the proposed draft permit, which if approved, establishes the conditions under which the facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in English in the *Waxahachie Daily Light* on July 26, 2023, and in Spanish in *La Prensa Comunidad* on August 8, 2023. The Applicant published Notice of Public Meeting in the *Waxahachie Daily Light* on January 19, 2024. A public meeting was held on February 20, 2024, at the Ferris Junior High School Cafeteria, 1002 E. 8th Street, Ferris, Texas 75125.

The public comment period ended on February 20, 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 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.

### **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) (select “TAC Viewer” on the right, then “Title 30 Environmental Quality”)
- Texas statutes: [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us)
- TCEQ website: [www.tceq.texas.gov/rules/indxpdf.html](http://www.tceq.texas.gov/rules/indxpdf.html) (for downloadable rules in Microsoft Word or Adobe PDF formats, select “Rules,” then “Current Rules and Regulations,” then “Download TCEQ Rules”)
- Federal rules in Title 40 of the Code of Federal Regulations: [www.ecfr.gov/current/title-40](http://www.ecfr.gov/current/title-40)
- Federal environmental laws: [www.epa.gov/lawsregs](http://www.epa.gov/lawsregs)

Commission records for the OurCommunity-Ferris facility are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk, for the current application until final action is taken).

Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). The permit application has been available for viewing and copying at Ferris Public Library, 301 East 10th Street, Ferris, Texas, since publication of the NORI. The final permit application, proposed permit, statement of basis/technical summary, and the ED's preliminary decision are now available for viewing and copying at the same location since publication of the NAPD.

The draft permit does not limit anyone's ability to seek legal remedies from the Applicants regarding any potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property.

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## **II. COMMENTS AND RESPONSES**

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### **COMMENT 1:**

The following entities and individuals all submitted comments expressing general opposition to the draft permit: Ernest Martinek, on behalf of Citizens Against Ellis County MUDs (CAECM); Emily W. Rogers, on behalf of Ellis County; Carol Alston; Robert Alston; Adam Andreasen; Clint Aspin; Marlene D. Clark; C. Cracraft; Jason Crenshaw; Mark and Kimberley Curry; Sean Flannery; Laura J. Garza; Rhonda Hamm; Haley Hankins; Michael Harms; Michelle Hillery; Kelly Kern; Richard Kern; Amber Martinek; Emersyn D. Martinek; Emil J. Martinek; Evan Martinek; Jennifer Martinek; Leah Martinek; Charles A. McDowell; William McMillan; John L. Moore; Bryan Alan Novy; Dale Novy; Theresa Novy; Vicki Parker; Janice Patterson; Lori Plaster; Thomas G. Pritchett; Dan Provost; Rebecca Camille Pugh; Joanna Reyes; Aaron L. Risley; Jimmy C. Ritchey; James Ryan; Carolyn Taylor; Vianka Torres; Rex Van Wey; Claire B. Verchot; Veronica Woodward; and Jesse Yeager.

### **RESPONSE 1:**

The Executive Director acknowledges these comments.

### **COMMENT 2:**

Ellis County, Kimberly and Mark Curry, Laura J. Garza, Kelly Kern, Charles A. McDowell, Thomas G. Pritchett, James Ryan, Claire B. Verchot, and Carolyn Taylor, requested a contested case hearing for this application.

**RESPONSE 2:**

The ED acknowledges these hearing requests.

To request a contested case hearing, the parties must follow the hearing request procedures found in title 30, chapter 55, subchapter F of the TAC. Under 30 TAC § 55.201(a), a hearing request must be filed no later than thirty days after the Office of the Chief Clerk mails the ED's Response to Comment. A hearing requestor must meet the affected person requirements found in 30 TAC § 55.203. The hearing request itself must meet the requirements found in 30 TAC § 55.201(c) and (d). This includes providing the hearing requestor's name and contact information, listing all relevant and material disputed issues of fact that were raised during the public comment period and are the basis for the hearing request, and identifying the requestor's personal justiciable interest affected by the application. Under 30 TAC § 55.201(d)(2), the latter should include the requestor's location and distance relative to the proposed facility or activity and an explanation as to how the requestor will be adversely impacted by the facility or activity in a manner not in common with the general public.

All timely filed hearing requests will be processed in accordance with 30 TAC § 55.209. Unless the case is directly referred to the State Office of Administrative Hearings under 30 TAC § 55.210, the Commission will consider the hearing requests and determine whether to grant or deny them in accordance with 30 TAC § 55.211.

**COMMENT 3:**

Ellis County, Kimberly and Mark Curry, and Jesse Yeager raised concerns about the draft permit's potential impact on water quality, the aesthetics of the receiving waters, and the existing uses within the County.

**RESPONSE 3:**

TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water, with specific exceptions for oil and gas exploration and development activities. 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 TSWQS to be protective of water quality, provided the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *TCEQ's Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) 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 must determine the uses of the receiving waters 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 TAC Section 307.5 and the *TCEQ's Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Bear Creek or Red Oak Creek, which have been identified as having high aquatic life uses. 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., BOD<sub>5</sub>, TSS, 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).

Chapter 26 of the Texas Water Code and the applicable wastewater regulations do not authorize the TCEQ to consider issues such as aesthetics, traffic, noise, light pollution, or property values. The TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. However, the draft permit

does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

**COMMENT 4:**

Kelly Kern and Vianka Torres expressed concern about safeguarding the health and safety of their family.

**RESPONSE 4:**

The draft permit was developed to protect aquatic life and human health in accordance with the Texas Surface Water Quality Standard (TSWQS), provided OurCalling, Inc operates and maintains the facility according to TCEQ rules and the requirements in the draft permit.

The TSWQS, found at 30 TAC Chapter 307, designate criteria for the protection of aquatic life and human health in water in the state. 30 TAC § 307.4(d) states that, "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the IPs is designed to ensure compliance with 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. The Executive Director has determined that the draft permit complies with TSWQS.

As part of the permit application review process, TCEQ must determine the uses of the receiving water and set effluent limits that are protective of those uses. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. In this case, the designated uses for Segment No. 0805 are primary contact recreation and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 TAC Section 307.5 and the *TCEQ's Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality

uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Bear Creek or Red Oak Creek, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the draft permit.

**COMMENT 5:**

Ellis County, Adam Andreasen, Lori Plaster, Joanna Reyes, and Jesse Yeager expressed concerns about the draft permit's environmental impacts, such as antidegradation of the receiving waters.

**RESPONSE 5:**

Treated effluent discharged into water in the state from a TPDES regulated facility is required to meet the TSWQS, which can be found in 30 TAC Chapter 307. The TSWQS and other applicable state and federal rules are protective of aquatic life, human health, and the environment, including the receiving waters' designated uses.

In this case, the designated uses for Segment No. 0805 are primary contact recreation, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. The proposed permit was drafted to ensure that the effluent limits and conditions meet the TSWQS. TCEQ does not anticipate that pollutants in the treated effluent will have an adverse effect on the receiving waters or their designated uses under the proposed permit's terms.

The ED has determined that the proposed permit is protective of the environment, water quality, aquatic life, and human health and that it will meet the applicable TCEQ rules and requirements, provided that the Applicant operates and maintains the facility as required by the proposed permit and TCEQ rules.

However, if you believe the facility is not operating in accordance with its permit and TCEQ rules, you can report complaints about the facility, including but not limited to complaints about odor, to the TCEQ using the contact information provided above in section I.C. Noncompliance with the terms and conditions of the permit may result in enforcement action against OurCalling, Inc.

**COMMENT 6:**

Ellis County, Charles A. McDowell, and Jesse Yeager expressed concerns that the draft permit could have negative impacts to the receiving waters, including algae blooms.

**RESPONSE 6:**

If issued, the Applicant is required to meet the Draft Permit's terms and conditions. The Draft Permit was developed in accordance with the TSWQS and Implementation Procedures to protect designated and assigned uses, including aquatic life use. The proposed discharge was modeled to ensure that instream dissolved oxygen levels will be maintained above the criteria established for the receiving waters, even during the most pessimistic of conditions, typically represented by hot and dry summertime conditions. The effluent limits included in the draft permit are predicted to be adequate to ensure that dissolved oxygen levels will be maintained above the 5.0 mg/L criteria established for both Bear Creek and Red Oak Creek.

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. Therefore, Total phosphorus (TP) from this facility was not a concern based on characteristics of the receiving waters. These characteristics include an intermittent stream with relatively heavy shading from tree canopy, mud or sand bottom, and turbid waters, which are not typically conducive to increased algal growth; similar facilities that discharge to the same receiving waters do not have TP limits.

Because of similar concerns for potential proliferation of algae in the receiving waters due to the influence of the proposed discharge, the Draft Permit contains effluent limitations based on a 30-day average, of 20 mg/L five-day biochemical oxygen demand (BOD<sub>5</sub>), 20 mg/L total suspended solids (TSS), 126 CFU or MPN of *E. coli* per 100 mL, and 2.0 mg/L minimum dissolved oxygen (DO). Considering the proposed volume of effluent, and the facility's distance to Segment 0805 is over 5 miles, no degradation of the receiving waters is anticipated. However, the preliminary determination can be reexamined and may be modified if new information is received.



**COMMENT 7:**

Ellis County commented expressing concerns that the Applicant is not an experienced facility and system operator. Aaron L. Risley also commented expressing his concerns about maintaining and monitoring of this proposed wastewater treatment facility.

**RESPONSE 7:**

The draft permit includes several permit provisions to ensure the proper operation of the facility. For example, Operation Requirement No. 1, which requires the Applicant to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained at all times; Operational Requirement No. 9, which requires that domestic wastewater treatment plants to be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined by 30 TAC Chapter 30; and Other Requirement No. 1, which requires Applicants to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category C facility must be operated by a chief operator or an operator holding a Class C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. If an unauthorized discharge occurs, the Applicant is required to report it to TCEQ within 24 hours.

If anyone experiences suspected incidents of noncompliance with the permit or TCEQ rules, they may report those conditions or incidents to the TCEQ by calling 888-777-3186 or calling the Dallas/Fort Worth Region 4 office at 817-588-5700. For

additional information regarding environmental complaints, please see:

<https://www.tceq.texas.gov/compliance/complaints>.

**COMMENT 8:**

Jesse Yeager expressed concerns about the sludge disposal method and any agreements regarding the sludge hauler or the sludge disposal site.

**RESPONSE 8:**

For all new permit applications, the applicant has the option to identify the name and permit number of the disposal site after the draft permit is issued. However, sludge removal will not be necessary until the WWTF has been operational; therefore, OurCalling, Inc. may wait until it needs to dispose of the sludge before determining the method of sludge disposal, contracting with a hauler and disposal site. The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

**COMMENT 9:**

Thomas G. Pritchett and Claire B. Verchot raised concerns about the draft permit's potential to create nuisance odors.

**RESPONSE 9:**

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. OurCalling, Inc 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 the OurCalling, Inc; or 3) providing nuisance odor control.

According to its application, OurCalling, Inc. intends to comply with the requirement to abate and control nuisance odor by ownership of the buffer zone, locating the treatment units at least 150 feet from the nearest property line.<sup>2</sup> This

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<sup>2</sup> Application by OurCalling, Inc.'s for TPDES Permit No. WQ0016272001, Administrative Report, 1.1, Item No. 2(b), page 2, and Attachment E.

requirement is incorporated in the Draft Permit.<sup>3</sup> Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the Draft Permit.

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

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling toll-free 1-888-777-3186, or the TCEQ Region 4 Office in Dallas at (817) 588-5700. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/compliance/complaints>.

Moreover, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

**COMMENT 10:**

Jesse Yeager commented asking how the daily volumes contained in the Draft Permit were calculated. Mr. Yeager also commented that his calculations are closer to 1.04 cubic feet per second (CFS), not 90,000 CFS.

**RESPONSE 10:**

The Applicant has applied for new TPDES Permit No. WQ0016272001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.03 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.06 MGD in the Interim II phase, and a daily average flow not to exceed 0.09 MGD in the Final phase.

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<sup>3</sup> Draft Permit, Other Requirements, Item No. 4, page 34.

Pages 2-2b of the Draft Permit contains the following conditions:

- For the Interim I phase, the daily average flow of effluent shall not exceed 0.03 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 83 gpm.
- For the Interim II phase, the daily average flow of effluent shall not exceed 0.06 MGD, nor shall the average discharge during any two-hour period exceed 167 gpm.
- For the Final Phase, the daily average flow of effluent shall not exceed 0.09 MGD, nor shall the average discharge during any two-hour period exceed 250 gpm.

Page 3 of the Draft Permit contains the following definitions relating to flow measurements:

- Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.
- Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.
- 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow

sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

**COMMENT 11:**

Kimberley and Mark Curry, Kelly Kern, Thomas G. Pritchett, Claire B. Verchot, and Jesse Yeager raised concerns about the draft permit's potential impact on wildlife and livestock.

**RESPONSE 11:**

The TSWQS in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.<sup>4</sup> The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) 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 must determine the uses of the receiving waters 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.

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<sup>4</sup> 30 TEX. ADMIN. CODE § 307.6(b)(4).

The Executive Director has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

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

Regarding impacts on migratory birds, as specified in the TSWQS, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, or consumption of water. The TCEQ does not have specific water-quality based effluent limitations for water consumed by wildlife; however, the TCEQ Water Quality Assessment Section has determined that the draft permit meets the requirements of the TSWQS, which are established to protect human health and terrestrial and aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms; therefore, terrestrial wildlife would not be negatively impacted by the discharge from this facility if the applicant maintains and operates the facility in accordance with TCEQ rules and the provisions in the permit.

**COMMENT 12:**

John L. Moore commented asking if there are any alternatives to the Applicant's proposed WWTF.

**RESPONSE 12:**

Texas Water Code § 26.027 authorizes TCEQ to issue permits for discharges into water in the state. However, TCEQ does not have the authority to mandate the method of disposal of treated effluent, provided the Applicant adheres to the rules and provisions under Chapter 26 of the Texas Water Code.

As part of the application, Domestic Technical Report 1.1 requires applicants to provide justification regarding the need for a TPDES permit. The Executive Director evaluates TPDES applications based on the information provided by applicants. The Executive Director can recommend issuance or denial of an application based on

whether the application complies with the Texas Water Code and TCEQ regulations.

In this case, the Executive Director has made a preliminary determination that the Draft Permit, if issued, meets all statutory and regulatory requirements.

**COMMENT 13:**

Jesse Yeager provided comments stating that the draft permit could negatively impact the local drinking water supply. He also concerns about the source of the development's water supply.

**RESPONSE 13:**

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) 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 must determine the uses of the receiving waters 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.

The Executive Director has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

Issues related to drinking water availability are beyond the scope of issues that TCEQ may consider when evaluating a wastewater discharge permit action. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the

water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters.

For information on drinking water availability, please call the TCEQ's Office of Water, Water Availability Division at (512) 239-4600. For general information on groundwater, please contact the Texas Water Development Board at (512) 463-7847.

**COMMENT 14:**

CAECM and Kelly Kern provided comments expressing concerns regarding the Applicant's development relating to municipal utility districts (MUDs). CAECM also expressed concerns about the number of MUDs in Ellis County and also submitted a map from Ellis County depicting proposed MUDs within the County.

**RESPONSE 14:**

The Executive Director acknowledges these comments and encourages the participation of all individuals in the environmental permitting process. However, there are certain concerns of individuals that TCEQ cannot address in the review of a wastewater discharge permit, as the scope of the ED's jurisdiction in a TPDES application is limited to the issues set out by statute. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is governed by Tex. Water Code Chapter 26 and is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. TPDES applications are reviewed by TCEQ staff in the Water Quality Division and are subject to the laws and regulations under Tex. Water Code Chapter 26 and 30 TAC Chapters 30, 305, 307, 309, 312, and 319. Applications for the creations of water districts, including MUDs, undergo a separate review process by TCEQ Districts staff in the Water Supply Division, and are subject to the laws and regulations under Tex. Water Code Chapters 49 and 54, and 30 TAC Chapter 293.

For general information and resources regarding MUDs and water districts, please visit TCEQ's website at: <https://www.tceq.texas.gov/waterdistricts/districts.html> and <https://www.tceq.texas.gov/waterdistricts/rules-forms.html>. For additional information regarding Ellis County's development and review process, visit Ellis County's Department of Development's website at: <https://www.ellispermits.com/development> and <https://www.ellispermits.com/regs>.



Further information may also be obtained from OurCalling, Inc.'s representatives: Ms. Victoria Lahr, Project Manager, Authers Building Group, LLC, at 714-215-0149, and Mr. Charles Gillespie, Consulting Environmental Engineers, Inc., 150 North Harbin Drive, Suite 408, Stephenville, Texas, 76401.

**COMMENT 15:**

Jesse Yeager commented asking whether this draft permit has any involvement with the U.S. Army Corps of Engineers.

**RESPONSE 15:**

TCEQ rules requires that all applications for wastewater discharge permits include mailed notice of both the NORI and the NAPD to the entities listed at 30 TAC § 39.413, which includes government agencies such as the Texas Department of Health, the Texas Parks and Wildlife Department, and the Texas Railroad Commission. As part of the TPDES permitting process, the applicant must submit a Supplemental Permit Information Form (SPIF). This completed form is subsequently sent to the Texas Historical Commission, Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers if necessary. The application and the draft permit were also reviewed and approved by the U.S. Environmental Protection Agency (EPA) Region 6 on August 2, 2023. EPA did not have any objections to the issuance of the draft permit.

**COMMENT 16:**

Jesse Yeager commented inquiring whether an environmental assessment was performed and the results of such an assessment.

**RESPONSE 16:**

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

The Executive Director's staff in the Water Quality Division performed a technical review of the application and has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. TCEQ also submitted the draft permit to the EPA Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit. Please see the "Technical Review" section of this Response, and the responses above, for detailed information regarding the Executive Director's review of the application.

**COMMENT 18:**

Kimberley and Mark Curry, Michael Harms, Kelly Kern, Richard Kern, Charles A. McDowell, Vicki Parker, and Jesse Yeager provided comments stating that they are concerned that the draft permit could contribute to flooding and erosion.

**RESPONSE 18:**

The ED encourages the participation of all individuals in the environmental permitting process. However, there are certain concerns of individuals that the TCEQ cannot address in the review of a wastewater discharge permit, as the scope of the ED's jurisdiction in a TPDES application is limited to the issues set out by statute. The TCEQ does not have jurisdiction to address flooding or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters.

While the Texas Legislature has given TCEQ the responsibility to protect water quality, and section 26.027 of the Texas Water Code (TWC) authorizes TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state's rivers, lakes and coastal waters, and the proposed permit establishes terms and conditions that are intended to provide water quality pollution control, which focuses on controlling the discharge of pollutants into water in the state, the ED through his Water Quality Division (WQD) has no jurisdiction to address flooding or erosion issues in the wastewater permitting process, which is limited to controlling the discharge of pollutants into waters in the state and protecting the water quality of the state's waterbodies.

TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit; however, to the extent that a concern over flooding also involves water quality, the Applicant is required to comply with all the numeric and

narrative effluent limitations and other conditions of the proposed Draft Permit, including during flooding conditions. Likewise, the Draft Permit includes effluent limits and other requirements that the Applicant must meet, even during rainfall events and periods of flooding.

According to the application, the proposed facility will be located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 4, which requires the Applicant to provide protection for the facility against a 100-year flood event.

Similarly, the TSWQS require that discharges not cause surface waters to be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The Draft Permit contains provisions to comply with the TSWQS, ensuring the proposed discharge is protective of human health, aquatic life, livestock, domestic animals, and the environment. Likewise, the effluent limits in the Draft Permit were prepared to be protective of the uses and quality of the waterbodies in the route of the proposed discharge for the benefit of the animals that interact with those waterbodies.

For flooding concerns, please contact the Ellis County Engineering Department's at (972) 825-5112 or visit their website at: <https://www.co.ellis.tx.us/90/Engineering>. Additionally, the Federal Emergency Management Agency (FEMA) has programs designed to mitigate damage caused by flooding, that can be found at the following website: <https://www.fema.gov/floodplain-management>.

Finally, the issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights. In addition, the scope of TCEQ's regulatory jurisdiction does not, nor does the proposed permit, limit the ability of nearby landowners to seek relief from a court or use common law remedies in response to trespass, nuisance, other causes of action in response to activities that may or do interfere with the use and enjoyment of their property, or that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property.

If the Applicant's activities create any nuisance conditions, TCEQ may be contacted to investigate whether a permit violation has occurred. If anyone experiences nuisance odor conditions, or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling toll-free 1-888-777-3186, or the TCEQ Region 4 Office in Dallas at (817) 588-5700. Citizen complaints may also be

filed on-line at <https://www.tceq.texas.gov/compliance/complaints>.

**COMMENT 19:**

Vianka Torres and Jesse Yeager raised concerns about the draft permit's potential impact on local infrastructure, including roads and schools.

**RESPONSE 19:**

TCEQ does not have the authority to address traffic and local infrastructure, including roads, schools, and emergency service concerns as part of the wastewater permitting process. While the Texas Legislature has given TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. TCEQ cannot consider issues such as noise and traffic in the review of a TPDES application.

For additional information regarding local infrastructure, please visit Ellis County's websites at: <https://www.ellispermits.com/contact> (County Department of Development's contact information), <https://www.ellispermits.com/regs> (General Regulations), and <https://www.co.ellis.tx.us/768/County-Ordinances-and-Policies> (County Ordinances and Policies).

**COMMENT 20:**

Jesse Yeager raised concerns about how the proposed facility would have an impact on taxes and property values.

**RESPONSE 20:**

The TPDES 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 jurisdiction under the Texas Water Code or its regulations to address or consider property values or the marketability of adjacent property when determining whether to approve or deny a permit application. However, 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 landowner's use and enjoyment of his property.

For additional information regarding property values, please visit Ellis County Appraisal District's website at: <https://www.elliscad.org/>. For additional information

regarding property taxes in Ellis County, please visit Ellis County's Tax Office's website at: <https://ellistaxoffice.com/contact-us/>.

**COMMENT 21:**

Adam Andreasen, Clint Aspin, Marlene D. Clark, C. Cracraft, Kimberley and Mark Curry, Rhonda Hamm, Laura Plaster, Camille Rebecca Pugh, and Joanna Reyes expressed several concerns regarding the draft permit's impact on Ellis County's local infrastructure, including, roads, floodings, schools, and emergency services.

**RESPONSE 21:**

The TCEQ does not have the authority to address traffic and local infrastructure, including roads, flooding, schools, and emergency service concerns as part of the wastewater permitting process. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. The TCEQ cannot consider issues such as noise and traffic in the review of a TPDES application.

However, the draft permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws. It also does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or use and enjoyment of property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

For additional information regarding local infrastructure, please visit Ellis County's websites at: <https://www.ellispermits.com/contact> (County Department of Development's contact information), <https://www.ellispermits.com/regs> (General Regulations), and <https://www.co.ellis.tx.us/768/County-Ordinances-and-Policies> (County Ordinances and Policies). For additional information regarding emergency services, please visit Ellis County's Department of Emergency Management's website at: <https://www.co.ellis.tx.us/94/Emergency-Management> and <https://www.co.ellis.tx.us/1004/Important-Links>.

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

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

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
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REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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### IV. CERTIFICATE OF SERVICE

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I certify that on November 22, 2024, the "Executive Director's Response to Public Comment" for Permit No. WQ0016272001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



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Fernando Salazar Martinez,  
Staff Attorney  
Environmental Law Division  
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