



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 29, 2024

TO: All interested persons.

RE: City of Hudson Oaks
TPDES Permit No. WQ0016323001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 City of Hudson Oaks City Hall, 210 Hudson Oaks Drive, Hudson Oaks, 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.

- (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
City of Hudson Oaks, LLC
TPDES Permit No. WQ0016323001

The Executive Director has made the Response to Public Comment (RTC) for the application by City of Hudson Oaks for TPDES Permit No. WQ0016323001 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 (WQ0016323001) 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 City of Hudson Oaks City Hall, 210 Hudson Oaks Drive, Hudson Oaks, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

29 de agosto de 2024

TO: Todas las personas interesadas.

RE: City of Hudson Oaks
TPDES Permiso No. WQ0016323001

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 la Ciudad de Hudson Oaks localizado en la calle 210 Hudson Oaks Dr, Hudson Oaks, Texas 76087.

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
City of Hudson Oaks
TPDES Permiso No. WQ0016323001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de City of Hudson Oaks del permiso de TPDES No. WQ0016323001. 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 (WQ0016323001) 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 la Ciudad de Hudson Oaks localizado en la calle 210 Hudson Oaks Dr, Hudson Oaks, Texas 76087.

MAILING LIST / LISTA DE CORREO
for / para
City of Hudson Oaks
TPDES Permit No. WQ0016323001 / TPDES Permiso No. WQ0016323001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Hayden Brodowsky, Director of Operations
City of Hudson Oaks
210 Hudson Oaks Drive
Hudson Oaks, Texas 76087

Kyle Kubista, P.E.
Kimley-Horn
801 Cherry Street, Suite 1300, Unit 11
Fort Worth, Texas 76102

INTERESTED PERSONS /
PERSONAS INTERESADAS:

See Attached List

FOR THE EXECUTIVE DIRECTOR / PARA
EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

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

Kimberly Kendall, 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

FILLMORE IV , H DUSTIN
MCDONALD SANDERS PC
STE 2700
777 MAIN ST
FORT WORTH TX 76102-5304

FRANCHEK , MR RICHARD
DAVOIL INC DBA DAVESTATES
PO BOX 122269
FORT WORTH TX 76121-2269

MACK , ELIZABETH E
LOCKE LORD LLP
STE 2800
2200 ROSS AVE
DALLAS TX 75201-2708

SHAFFER , RICHARD
CITY OF WEATHERFORD
917 EUREKA ST
WEATHERFORD TX 76086-5809

TPDES Permit No. WQ0016323001

**APPLICATION BY
City of Hudson Oaks for
TPDES Permit No.
WQ0016323001**

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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) on the application by City of Hudson Oaks (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016323001 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 Richard Shaffer, Richard Franchek, and DAVOIL, Inc., d/b/a DAVESTATES ("DAVESTATES"). This response addresses all timely public comments received, whether or not withdrawn.

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

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

www.tceq.texas.gov.

I. Background

A. Description Of Facility

The Applicant submitted an application to the TCEQ for a new permit, TPDES Permit No. WQ0016323001 to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,190,000 gallons per day. The Applicant proposes to operate Hudson Oaks Wastewater Treatment Plant (WWTP), which will serve the City of Hudson Oaks.

The Hudson Oaks Wastewater Treatment Facility will be an activated sludge process plant operated in the single-stage nitrification mode. Treatment units in the Interim I phase will include a bar screen, two aeration basins, two final clarifiers, an aerobic sludge digester, a cloth media disk filter, and a chlorine contact chamber. Treatment units in the Interim II phase will include a bar screen, four aeration basins, four final clarifiers, four aerobic sludge digesters, a cloth media disk filter, a chlorine contact chamber, and dechlorination. Treatment units in the Final phase will include a bar screen, five aeration basins, five final clarifiers, two aerobic sludge digesters, a cloth media disk filter, a chlorine contact chamber, and dechlorination. The facility has not been constructed.

If the draft permit is issued, the treated effluent will be discharged via pipe to South Fork Trinity River, thence to Clear Fork Trinity River Below Lake Weatherford in Segment No. 0831 of the Trinity River Basin. The designated uses for Segment No. 0831 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 is provided in Table 1. If this permit is issued, the proposed facility will be located approximately 1,150 feet west of the intersection of Clearview Court and Trinity River Drive, in Parker County, Texas 76087.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	32.739746 N	97.723287 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 Phase I Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Monitoring Requirement
	lbs/day	mg/L	mg/L	mg/L	
Flow	0.20				Continuous
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	17	10	15	15	One/week
Total Suspended Solids (TSS)	25	15	25	25	One/week
Ammonia Nitrogen (NH ₃ -N)	5	3	6	6	One/week
Total Phosphorus (TP)	0.83	0.5	1	1	One/week
DO (minimum)	N/A	5.0	N/A	N/A	One/week
<i>E. coli</i> (CFU or MPN/100 mL)	N/A	126	N/A	N/A	One/month

The daily average flow of effluent for Interim Phase I shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 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 Phase II Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Monitoring Requirement
	lbs/day	mg/L	mg/L	mg/L	
Flow	0.95				Continuous
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	55	7	12	22	One/week
Total Suspended Solids (TSS)	95	12	20	40	One/week
Ammonia Nitrogen (NH ₃ -N)	16	2	5	10	One/week
Total Phosphorus (TP)	4.0	0.5	1	2	One/week
DO (minimum)	N/A	6.0	N/A	N/A	One/week
<i>E. coli</i> (CFU or MPN/100 mL)	N/A	126	N/A	N/A	Two/Month

The daily average flow of effluent for Interim Phase II shall not exceed 0.95 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,639 gpm. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample.

Table 4. Final Phase I Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Monitoring Requirement
	lbs/day	mg/L	mg/L	mg/L	
Flow	1.19				Continuous
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	50	5	10	20	Two/week
Total Suspended Solids (TSS)	50	5	10	20	Two/week
Ammonia Nitrogen (NH ₃ -N)	20	2	5	10	Two/week
Total Phosphorus (TP)	5	0.5	1	2	Two/week
DO (minimum)	N/A	6.0	N/A	N/A	Two/week
<i>E. coli</i> (CFU or MPN/100 mL)	N/A	126	N/A	399	One/week

The annual average flow of effluent for the Final Phase shall not exceed 1.19 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 3,305 gpm. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample.

B. Procedural Background

The permit application was received on March 31, 2023, and declared administratively complete on June 5, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English in the *Parker County Today News Blast* on June 23, 2023, and in Spanish in the *Tex Mex News* on June 15, 2023. The Notice of Application and Preliminary Decision (NAPD) was published in English in the *Parker County Today* on March 6, 2024, and in Spanish in the *Tex Mex News* on February 22, 2024.

The public comment period ended on April 5, 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/indxpdx.html;
- Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov;
- 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: City of Hudson Oaks City Hall, 210 Hudson Oaks Drive, Hudson Oaks, Texas.

II. Comments And Responses

COMMENT 1:

The City of Weatherford, Richard Franchek, and H. Dustin Fillmore request to be added to the mailing list. The City of Weatherford also maintains a TPDES permit (WQ0010380002) that discharges into the South Fork Trinity River, thence to the Clear Fork Trinity River. The City also has several questions regarding the permit application, but they are addressing them with the applicant.

RESPONSE 1:

Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action. Therefore, the City of Weatherford, Richard Franchek, and H. Dustin Fillmore will be added to the mailing list of this permit application.

COMMENT 2:

DAVOIL, Inc d/b/a DAVESTATES submitted a request for a contested case hearing. DAVESTATES commented that the Applicant does not own any interest in the land under or upon which the proposed pipeline for effluent discharge is to be placed.

DAVESTATES also commented that no analysis was performed to assess whether the receiving stream has the capacity to handle the additional water from the plant and worries that downstream flooding will increase as a result of the proposed discharge from the wastewater treatment plant. DAVESTATES comments that increasing the flood elevation requires prior approval from the Federal Emergency Management Agency (FEMA). DAVESTATES additionally claims that the Permit application is not sufficient for the TCEQ to issue a TPDES permit.

RESPONSE 2:

Property Rights:

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

Flooding:

TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

Application completeness:

TCEQ staff performed an administrative review of the application to ensure that all required information is provided and determined that the application is administratively complete. TCEQ also performed a technical review of the application to ensure that the applicant adequately addressed all required technical issues to show that wastewater from the facility will be treated to required standards and to effluent limits that will ensure protection of existing uses for the receiving water bodies. It is the opinion of the ED that the application is complete.

Contested Case Hearing:

The ED acknowledges the request for a contested case hearing. The ED has considered all timely comments and prepared this response to all relevant, material, or significant public comment. This RTC will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. The mailing also provides instructions for requesting a contested case hearing or reconsideration of the ED's decision. Following the close of all applicable comment and request periods, the ED will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant material water quality concerns submitted during the comment period. If the application does go to hearing, the final decision regarding this application will be made by the TCEQ's Commissioners.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS:

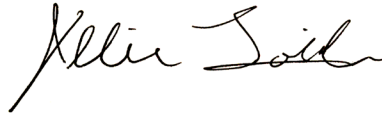
In response to Public Comments, the Executive Director has made no changes to the draft permit:

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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