



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2025

TO: All interested persons.

RE: Carland, Inc.
TPDES Permit No. WQ0016449001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 the Sherman Public Library, Public Viewing Area, 421 North Travis Street, Sherman, 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/vr

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Carland, Inc.
TPDES Permit No. WQ0016449001

The Executive Director has made the Response to Public Comment (RTC) for the application by Carland, Inc. for TPDES Permit No. WQ0016449001 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 (WQ0016449001) 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 the Sherman Public Library, Public Viewing Area, 421 North Travis Street, Sherman, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

7 de enero de 2025

TO: Todas las personas interesadas.

RE: Carland, Inc.
TPDES Permiso No. WQ0016449001

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 Biblioteca Pública de Sherman, en el Área de Visualización Pública, 421 North Travis Street., Sherman, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

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

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

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/vr

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Carland, Inc.
TPDES Permiso No. WQ0016449001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Carland, Inc. del permiso de TPDES No. WQ0016449001. 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 (WQ0016449001) 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 Biblioteca Pública de Sherman, en el Área de Visualización Pública, 421 North Travis Street, Sherman, Texas.

MAILING LIST / LISTA DE CORREO

for / para
Carland, Inc.

TPDES Permit No. WQ0016449001 / TPDES Permiso No. WQ0016449001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Chad Elkin, Vice President
Carland, Inc.
575 Sutter Street, Suite 300
San Francisco, California 94102

Christopher Connolly, P.E., Professional
Engineer
Kimley-Horn and Associates, Inc.
260 East Davis Street, Suite 100
McKinney, Texas 75069

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

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

Layne Garrison, 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

ALLEN , ANDREA
323 SWINDLE RD
HOWE TX 75459-1735

ALLEN , JEFF
323 SWINDLE RD
HOWE TX 75459-1735

BAKER , JENNIFER
401 WRANGLER DR
WHITESBORO TX 76273-1356

BARRETT , MIKE
4153 STEWART RD
HOWE TX 75459-1733

BARRETT , TIMOTHY
4153 STEWART RD
HOWE TX 75459-1733

BAZE , MRS TERRI D
809 DAGNAN RD
HOWE TX 75459-1751

BOLIN ,
833 SWINDLE RD
HOWE TX 75459-1784

BROOM , CRAIG
1442 SWINDLE RD
HOWE TX 75459-1738

BROWN , DAVID
141 ASHTON LN
HOWE TX 75459-1755

BROWN , RACHELL
141 ASHTON LN
HOWE TX 75459-1755

CONCERNED CITIZEN ,
407 WRANGLER DR
WHITESBORO TX 76273-1356

CONCERNED CITIZEN ,
404 STETSON
WHITESBORO TX 76273-6014

CONCERNED CITIZEN ,
401 STETSON
WHITESBORO TX 76273-6015

CONCERNED CITIZEN ,
108 BANDANA ST
WHITESBORO TX 76273-1427

DODSON , ASHLEY
117 BANDANA ST
WHITESBORO TX 76273-1428

DODSON , TOMMY
117 BANDANA ST
WHITESBORO TX 76273-1428

EVERETT , MARK
114 BANDANA ST
WHITESBORO TX 76273-1427

FORGUE , LISA
1000 SWINDLE RD
HOWE TX 75459-1793

GHNEIM , FADI
560 SWINDLE RD
HOWE TX 75459-1797

GRAHAM , PAM
966 SWINDLE RD
HOWE TX 75459-1713

GRAHAM , THOMAS
966 SWINDLE RD
HOWE TX 75459-1713

HAMILTON , JASON
708 SWINDLE RD
HOWE TX 75459-1791

HASTINGS , JENNIFER
109 BANDANA ST
WHITESBORO TX 76273-1428

HENDERSON , TOV
523 STETSON
WHITESBORO TX 76273-6021

HOLBROOK , MICHELLE
188 SWINDLE RD
HOWE TX 75459-1789

HORSTMAN , LORI
288 SOUTHMAYD RD
WHITESBORO TX 76273-5528

HORSTMAN , MICHAEL
288 SOUTHMAYD RD
WHITESBORO TX 76273-5528

HORSTMAN , ROBERT E
503 SOUTHMAYD RD
WHITESBORO TX 76273-6017

HORSTMAN , STEVE
108 HIDDEN VALLEY AIRPARK
SHADY SHORES TX 76208-7332

HUDSTELLER , KATHY
1582 SWINDLE RD
HOWE TX 75459-1740

KLAS , JIMMY F
1457 DAGNAN RD
HOWE TX 75459-1795

KLAS , DETRA
3201 SOUTHMAYD RD
WHITESBORO TX 76273-5567

KLAS , PEGGY
1457 DAGNAN RD
HOWE TX 75459-1795

LAGUNA , JOHN
106 BANDANA ST
WHITESBORO TX 76273-1427

LEWIS , MARIE
402 STETSON
WHITESBORO TX 76273-6014

LINN , CHRIS
1144 DAGNAN RD
HOWE TX 75459-1764

LINN , TAMMY
1144 DAGNAN RD
HOWE TX 75459-1764

LUBBERS , LARRY
112 SOUTHMAYD RD
WHITESBORO TX 76273-5583

MARTIN , STACEY
109 BANDANA ST
WHITESBORO TX 76273-1428

MAY , MIKE
410 STETSON
WHITESBORO TX 76273-6014

MCGILL , CHRIS
641 DAGNAN RD
HOWE TX 75459-1722

MCGILL , CODY
269 DAGNAN RD
HOWE TX 75459-1718

MCGILL , JACOB
989 DAGNAN RD
HOWE TX 75459-1700

MCGILL , MRS MARY CECILIA
781 DAGNAN RD
HOWE TX 75459-1703

MCGILL , JOHN KYLE
429 DAGNAN RD
HOWE TX 75459-1701

MENDES , ANDRE
531 DAGNAN RD
HOWE TX 75459-1707

MICHAEL , RAY
401 WRANGLER DR
WHITESBORO TX 76273-1356

MITCHUSSON , LYNN
20336 STATE HIGHWAY 56
WHITESBORO TX 76273-7960

MITCHUSSON , LYNN M
TRIPLE M FARMS
1716 ROBIN DR
SHERMAN TX 75092-5533

MORRISON , JAMES
746 SWINDLE RD
HOWE TX 75459-1791

PELLMAN , NICK
3933 STEWART RD
HOWE TX 75459-1729

PHELPS , MITCH
353 SWINDLE RD
HOWE TX 75459-1735

PRUITT , TANNER
111 BANDANA ST
WHITESBORO TX 76273-1428

PULLIAM , CLINT
314 JELLEY RD
HOWE TX 75459-1715

REEVES , PATSY A
40 PAYNE DR
SHERMAN TX 75092-6987

RENEAU , JOHN
411 WRANGLER DR
WHITESBORO TX 76273-1356

ROTELLO , RACHEL & TAWNY
1609 SWINDLE RD
HOWE TX 75459-1717

SALIM , MIKE
101 BANDANA ST
WHITESBORO TX 76273-1428

SHAEFER , KATHLEEN
108 BANDANA ST
WHITESBORO TX 76273-1427

SHEPHERD , DIANE
3949 STEWART RD
HOWE TX 75459-1729

SMITH , VICKI
265 SWINDLE RD
HOWE TX 75459-1788

TOFTEE , KAYLA
110 BANDANA ST
WHITESBORO TX 76273-1427

UMSTED , CHRISTIN
1579 SWINDLE RD
HOWE TX 75459-1741

VERDUN , ERIN
878 SWINDLE RD
HOWE TX 75459-1792

WELCH , HAILEY
522 SWINDLE RD
HOWE TX 75459-1797

TPDES Permit No. WQ0016449001

APPLICATION BY	§	BEFORE THE
CARLAND, INC. FOR TPDES Permit	§	TEXAS COMMISSION
No. WQ000016449001	§	ON ENVIRONMENTAL
	§	QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response or RTC) on the application by Carland, Inc. (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016449001 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 Terri D Baze, Mary Cecillia McGill, John Kyle McGill, Lynn M Mitchusson, Patsy A Reeves, and those listed in Comment 8. 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

Carland, Inc. (Applicant) submitted an application to the TCEQ for a new permit, TPDES Permit No. WQ0016449001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.25 million gallons per day (MGD). The proposed wastewater treatment facility will serve Grayson Meadows Village.

The Grayson Meadows Village Wastewater Treatment Facility will be an activated sludge process plant operated in the complete mix mode. Treatment units will include an on-site lift station, a bar screen, two aeration basins, a final clarifier, two sludge digesters, a sludge box for dewatering, and a chlorine contact chamber. The facility has not been constructed.

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.

If the draft permit is issued the treated effluent will be discharged to an unnamed tributary, thence to Deaver Creek, thence to Big Mineral Creek, thence to Lake Texoma in Segment No. 0203 of the Red River Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributary and limited aquatic life use for Deaver Creek. The designated uses for Segment No. 0203 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

In accordance with 30 Texas Administrative Code 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. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and

protected. The preliminary determination can be reexamined and may be modified if new information is received.

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 0.63 miles northeast of the intersection of Southmayd Road and Wrangler Drive, in Grayson County, Texas 76268.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	33.613988 N	96.764167 W

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

Table 2. Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow (MGD)	0.25		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	21	10	15	25	35
Total Suspended Solids (TSS)	31	15	25	40	60
Ammonia Nitrogen (NH ₃ -N)	6.3	3	6	10	15
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399

B. Procedural Background

The permit application was received on November 27, 2023, and declared administratively complete on January 12, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on January 26, 2024, in the *Harold Democrat* and the *Tex Mex News*. The Notice of Application and Preliminary Decision (NAPD) was published on July 18, 2024 in the *Herald Democrat* and the *Tex Mex News*.

The public comment period ended on August 19, 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.

C. Access to Rules, Laws, and Records

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

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

Commission records for this application are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Sherman Public Library, Public Viewing Area, 421 North Travis Street, Sherman, Texas.

II. COMMENTS AND RESPONSES

Comment 1:

Terri D. Baze, Mary Cecilia McGill, John Kyle McGill, and Patsy A. Reeves expressed concern regarding the environmental impact of the proposed facility to land used for agriculture along with human, wildlife and livestock health.

Response 1:

The Texas Surface Water Quality Standards (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. 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. 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. 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 August 9, 2024.

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. The TPWD received notice of the Applicant's permit application.

Comment 2:

Terri D. Baze, Mary Cecilia McGill, John Kyle McGill, and Patsy A. Reeves expressed concern regarding flooding associated with the proposed facility discharge and the discharge onto private property.

Response 2:

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

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.

For any flooding concerns, members of the public may wish to contact Adam Adams the floodplain administrator for Grayson County at 903-433-5185. The TCEQ Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling 512-239-4691. Additionally, FEMA has programs designed to mitigate damage caused by flooding.

Comment 3:

Lynn M. Mitchusson and Patsy A. Reeves expressed concern regarding impacts to surface water quality including Lake Texoma.

Response 3:

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

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

Texas Surface Water Quality Standards (IPs; 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. 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 § 307.5 and the IPs, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. CBOD₅, Ammonia-Nitrogen, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

Comment 4:

Lynn M. Mitchusson and Patsy A. Reeves expressed concern regarding impacts to wells from the proposed facility.

Response 4:

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater is not degraded. This goal of non-degradation does not mean zero-contaminant discharge.”¹ Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.”²

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

30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. Public water supply systems in Texas are regulated by TCEQ’s Water Supply Division. Please contact the Water Supply Division at 512-239-4691 for more information.

TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. Private well owners should take steps to have their water quality tested routinely tested. Wells should be tested more often if under the influence of nearby surface water, or if contamination is suspected. For more information on testing private water wells, please see the National Ground Water Association website at wellowner.org/resources/water-quality/water-testing. If your well tests positive for fecal coliform bacteria, please see the TCEQ publication titled [*Disinfecting Your Private Well*](#) (GI-432).

Comment 5:

Lynn M. Mitchusson questioned why onsite sewage facilities such as septic systems were not being used for the development associated with the proposed permit.

¹ Texas Water Code § 26.401(b).

² Texas Water Code § 26.401(c)(2).

Response 5:

TCEQ does not have the authority to mandate the method of disposal of treated effluent if the applicant adheres to the rules and provisions under TWC Chapter 26 and 30 TAC Chapters 217, 305, 307 and 309.

If the Applicant decides to utilize individual septic tanks to serve the proposed residential area, it will be subject to 30 TAC Chapter 285, relating to “On-site Sewage Facilities (OSSF)”.³ However, the anticipated combined flow from all systems on a tract of land must be less than 5,000 gallons per day (gpd) on an annual average basis.⁴ If the anticipated combined flow exceeds 5,000 gpd, a domestic wastewater treatment facility is required, because wastewater treatment facilities produce a higher quality effluent than septic tanks and are therefore more protective of the environment.

The quality of effluent from an individual anaerobic OSSF and from a WWTP is significantly different. An OSSF treats a limited volume of domestic wastewater to primary treatment standards. The wastewater strength, or organic loading, of BOD₅ and NH₃-N in untreated or raw sewage from a residential subdivision is estimated to be 250-400 mg/l and 15-75 mg/l, respectively.⁵ The draft permit, for example, requires that the treated effluent shall not exceed 10 mg/l CBOD₅ with 3 mg/l NH₃-N.⁶ Therefore, the Grayson Meadows Village WWTP will be required to achieve a more than 95% reduction in BOD₅/CBOD₅ concentration in the treated effluent prior to discharge.

In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/l BOD₅ prior to discharging into the underground drain-field or soil absorption field.

To meet its effluent limits, the proposed facility will have to provide better than secondary treatment including disinfection. For a proposed development of this type, a wastewater treatment facility will provide a higher level of environmental protection than septic tanks.

For more information regarding OSSF rules and regulations please contact the TCEQ OSSF Program at 512-239-3799 or the Grayson County Authorized Agent at 903-813-1412.

³ 30 TEX. ADMIN. CODE § 285.4.

⁴ 30 TEX. ADMIN. CODE § 285.8(a)(3).

⁵ 30 TEX. ADMIN. CODE § 217.32(a)(3).

⁶ Carland, Inc. Draft Permit, Effluent Limitations and Monitoring Requirements, page 2

Comment 6:

John Kyle McGill and Patsy A. Reeves expressed concern regarding the negative impact of the proposed facility on property values.

Response 6:

TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize TCEQ to consider issues such as property values.

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

Comment 7:

Patsy A. Reeves expressed concern regarding nuisance odor and air pollution from the proposed facility.

Response 7:

All wastewater treatment facilities have the potential to generate odors. To control and abate odors 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. The Applicant can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor control.⁷

According to its application, the Applicant intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line.⁸ This requirement is incorporated in the draft permit.⁹ Therefore, nuisance odor is not expected to occur as a result of the

⁷ 30 TEX. ADMIN. CODE § 309.13(e).

⁸ Carland, Inc. Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Exhibit 6.

⁹ Carland, Inc. Draft Permit, Other Requirements, Item No. 3, page 34.

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 the Grayson Meadows Village WWTP will be an activated sludge process plant operated in the complete mix mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater. 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 report to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at 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 8:

Andrea Allen, Jeff Allen, Jennifer Baker, Mike Barrett, Timothy Barrett, Terri D. Baze, Bolin, John Brennan, Craig Broom, David Brown, Rachell Brown, "Concerned Citizen 1," "Concerned Citizen 2," "Concerned Citizen 3," "Concerned Citizen 4," Ashley Dodson, Tommy Dodson, Mark Everett, Lisa Forgue, Fadi Ghneim, Pam Graham, Thomas Graham, Jason Hamilton, Jennifer Hastings, Tov Henderson, Michelle Holbrook, Lori Horstman, Michael Horstman, Robert E. Horstman, Steve Horstman, Kathy Hudsteller, Jimmy F. Klas, Detra Klas, Peggy Klas, John Laguna, Marie Lewis, Chris Linn, Tammy Linn, Larry Lubbers, Stacey Martin, Mike May, Chris McGill, Cody McGill, Jacob McGill, Mary Cecilia McGill, Andre Mendes, Ray Michael, Lynn M. Mitchusson, James Morrison, Nick Pellman, Mitch Phelps, Tanner Pruitt, Clint Pulliam, John Reneau, Rachel Rotello, Tawny Rotello, Rachel Rotello, Mike Salim, Kathleen Shaefer, Diane Shepherd, Vicki Smith, Kayla Toftee, Christin Umsted, Erin Verdun, and Hailey Welch expressed general opposition to the Application and proposed facility.

Response 8:

The Executive Director acknowledges this comment.

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

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

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division

A handwritten signature in black ink, appearing to read "Ryan Rakowitz", with a horizontal line extending to the right.

Ryan Rakowitz, Staff Attorney
Environmental Law Division

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