

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 23, 2025

TO: All interested persons.

RE: City of Venus
Permit No. WQ0010883002

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Ellis County Courthouse, 109 South Jackson Street, Waxahachie, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

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

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

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

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

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

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

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

Deadline for Submitting Requests.

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

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

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
City of Venus
Permit No. WQ0010883002

The Executive Director has made the Response to Public Comment (RTC) for the application by City of Venus for TPDES Permit No. WQ0010883002 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 (WQ0010883002) 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 Ellis County Courthouse, 109 South Jackson Street, Waxahachie, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

23 de enero de 2025

TO: Todas las personas interesadas.

RE: City of Venus
Permiso No. WQ0010883002

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 Ellis, 109 South Jackson Street, Waxahachie, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

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

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

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
City of Venus
Permiso No. WQ0010883002

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de City of Venus del permiso de TPDES No. WQ0010883002. 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 (WQ0010883002) 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 Ellis, 109 South Jackson Street, Waxahachie, Texas.

ANDERSON , KAREN
466 BEE CREEK SCHOOL HOUSE RD
GRANDVIEW TX 76050-5110

BAKER , STEVE
PO BOX 173
MAYPEARL TX 76064-0173

BIRDWELL , THE HONORABLE BRIAN STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 22
PO BOX 12068
AUSTIN TX 78711-2068

BLACKWELL , CLINT
4370 MURR RD
VENUS TX 76084

BOCANEGRA , ANDY
141 OCELOT LN
VENUS TX 76084-3864

BOCANEGRA , AURORA
141 OCELOT LN
VENUS TX 76084-3864

BURRISS , MARGARET
150 OAK HILL CT
WAXAHACHIE TX 75167-8057

BUTLER , KYLE COMMISSIONER PRECINCT 4
THE COUNTY OF ELLIS
1011 EASTGATE RD
MIDLOTHIAN TX 76065-6233

CODUTO , MR & MRS
7430 JORDAN LN
MIDLOTHIAN TX 76065-5952

FARRELL , KIMBERELY
1605 BEARPATH WAY
GUNTER TX 75058-4208

FARRELL , ROBYN
ROBYN FARRELL SPECIAL
1308 OZRO RD
VENUS TX 76084-4870

FARRELL , HAYDEN
1605 BEARPATH WAY
GUNTER TX 75058-4208

FARRELL , MALIYA
1605 BEARPATH WAY
GUNTER TX 75058-4208

FARRELL SR , PHILLIP
1308 OZRO RD
VENUS TX 76084-4870

FARRELL JR , PHILLIP
1605 BEARPATH WAY
GUNTER TX 75058-4208

FARRELL JR , PHILLIP
1308 OZRO RD
VENUS TX 76084-4870

FRIEND , BRYAN
PO BOX 7
MAYPEARL TX 76064-0007

GALAVIZ , ALEJANDRO
125 YORKTOWN CT
VENUS TX 76084-3613

GLADWIN , JAMES
211 OCELOT LN
VENUS TX 76084-3865

GLADWIN , JILLIAN
211 OCELOT LN
VENUS TX 76084-3865

GOMEZ , ARIX
160 TIGER RDG
VENUS TX 76084-3859

GOMEZ , JUSTYN
160 TIGER RDG
VENUS TX 76084-3859

GRIFFIN , GABRIEL
1308 OZRO RD
VENUS TX 76084-4870

GRIFFIN , JACOB
1308 OZRO RD
VENUS TX 76084-4870

GRIFFIN , NICK
1308 OZRO RD
VENUS TX 76084-4870

GRIFFIN , RENE
1308 OZRO RD
VENUS TX 76084-4870

HAMM , MICHELLE
144 CROCKETT WAY
VENUS TX 76084-3595

HINDMAN , SHERYL
110 BRIGMAN RD
MAYPEARL TX 76064-2510

JOHNSON , MARTHA
1017 SHADY RIVER CT N
BENBROOK TX 76126-2900

JUSTICE JR , MR JIM WILLIAM
5808 EARLE ST
ARLINGTON TX 76016-1115

JUSTICE , MR JIM WILLIAM
5808 EARLE ST
ARLINGTON TX 76016-1115

MCAFEE , KYLE
7640 NORRELL RD
VENUS TX 76084-4714

MCCRARY , BRITTANY & SHAWN
4510 MURR RD
VENUS TX 76084-4701

NGUYEN , ANNA & PAUL
640 WILEMON RD
MAYPEARL TX 76064-1880

PENKERT , CAROLYN
995 WILSON RD
WAXAHACHIE TX 75165-9193

PONCE , KATHY
PO BOX 14
MAYPEARL TX 76064-0014

POOLE , COURTNEY
150 OAK HILL CT
WAXAHACHIE TX 75167-8057

POOLE , PAM
150 OAK HILL CT
WAXAHACHIE TX 75167-8057

RISCHMANN , GINA
210 HIGHGATE DR
VENUS TX 76084-3850

RISCHMANN , JACOB
210 HIGHGATE DR
VENUS TX 76084-3850

RODRIGUEZ , DAMINGO
211 TIGER RDG
VENUS TX 76084-3861

RODRIGUEZ , SHANNON
211 TIGER RDG
VENUS TX 76084-3861

ROSALES , ALICIA
1215 COUNTY ROAD 213
VENUS TX 76084-3878

SANDERS , CHANCE
210 TIGER RDG
VENUS TX 76084-3860

SANDERS , VICTORIA
210 TIGER RDG
VENUS TX 76084-3860

SCOTTON , ROBIN
221 OCELOT LN
VENUS TX 76084-3865

STUBBLEFIELD , YOLA
769 BUNK HOUSE DR
VENUS TX 76084-4844

TIMMS , JANIS
141 OCELOT LN
VENUS TX 76084-3864

TREVINO , EDGAR
1368 OZRO RD
VENUS TX 76084-4870

WEATHERLY , JOHN
1278 OZRO RD
VENUS TX 76084-4833

TPDES Permit No. WQ0010883002

APPLICATION BY	§	BEFORE THE
CITY OF VENUS FOR	§	TEXAS COMMISSION
TPDES PERMIT NO.	§	ON ENVIRONMENTAL
WQ0010883002	§	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 City of Venus (Applicant) for a renewal permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010883002, 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 Kyle Butler, Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin, Michelle Hamm, Martha Johnson, Jim Justice, and Kyle McAfee. 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 City of Venus (Applicant) submitted an application to the TCEQ for a renewal permit, TPDES Permit No. WQ0010883002 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 180,000 gallons per day. The Applicant proposes to operate the City of Venus Wastewater Treatment Facility. The proposed wastewater treatment facility will serve a proposed residential subdivision with a total of 800 single family homes in the City of Venus. The authorization was initially issued on March 22, 2019. The facility has not been constructed.

The City of Venus Wastewater Treatment Facility will be an activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase will include an equalization basin, a bar screen, two aeration basins, a final clarifier, two sludge digesters, and a chlorine contact chamber. Treatment units in the Interim II phase will include an equalization basin, two bar screens, four aeration basins, two final clarifiers, four sludge digesters, and two chlorine contact chambers. Treatment units in the Final phase will include an equalization basin, four bar screens, eight aeration basins, four final clarifiers, eight sludge digesters, and four chlorine contact chambers.

The facility will be located approximately 0.5 miles southwest of the intersection of Farm-to-Market Road 157 and Farm-to-Market Road 2258, in the City of Venus, Ellis County, Texas 76084.

If the draft permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to Armstrong Creek, thence to Cottonwood Creek, thence to North Fork Chambers Creek, thence to Chambers Creek Above Richland-Chambers Reservoir in Segment No. 0814 of the Trinity River Basin. The designated uses for Segment No. 0814 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. All determinations are preliminary and subject to additional review and revisions.

Geographic coordinates of the outfall location in decimal degrees are provided in Table 1.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	32.367297 ° N	97.063013 ° 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). The pH will not be less than 6.0 SU or greater than 9.0 SU in all phases.

Table 2. Interim I Phase 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)	0.045				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	20	7.5	30	45	65
Total Suspended Solids (TSS)	20	7.5	30	45	65
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399

Table 3. Interim II Phase 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)	0.090				
CBOD ₅	20	15	30	45	65
Total Suspended Solids (TSS)	20	15	30	45	65
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399

Table 4. Final Phase 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)	0.18				
CBOD ₅	10	15	15	25	35
Total Suspended Solids (TSS)	15	23	25	40	60
Ammonia Nitrogen (NH ₃ -N)	3	4.5	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 September 21, 2023, and declared administratively complete on October 27, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on December 20, 2023, in the *Waxahachie Sun*, on December 19, 2023, in the *Cleburne Times Review*, and on December 22, 2023, in *La Prensa Comunidad*. The Combined NORI and Notice of Application and Preliminary Decision (NAPD) was published on March 19, 2024, in the *Cleburne Times Review* and *La Prensa Comunidad*, and on March 20, 2024, in the *Waxahachie Sun*. Publication of the Notice of Public Meeting was published on May 29, 2024, in the *Waxahachie Sun*. A public meeting was held on July 11, 2024, at the Venus Civic Center in Venus, Texas.

The public comment period ended at the close of the meeting on July 11, 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 Ellis County Courthouse, 109 South Jackson Street, Waxahachie, Texas.

II. Comments and Responses

COMMENT 1:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern regarding contamination of their stock ponds and the potential for detrimental effects on the aquatic life in nearby creeks.

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.

In this case, the designated uses for Segment No. 0814 are primary contact recreation, public water supply, and high aquatic life use. The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

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 Applicant's permit application.

COMMENT 2:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern about the effects this discharge will have on endangered species, aquatic life including fish, and migratory birds that use the waterways in Ellis County.

RESPONSE 2:

As provided in the *Procedures to Implement the State Surface Water Quality Standards*, the Executive Director reviewed the application for potential impacts to aquatic or aquatic-dependent federally listed endangered or threatened species. A priority watershed of critical concern had been identified in Ellis County for one species- the Least Tern (*Sterna antillarum*). While this listing included portions of Ellis County, it did not include the watershed of Segment 0814 which eventually receives the discharge. To make this determination for TPDES permits, TCEQ and the Environmental Protection Agency (EPA) consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the United States Fish and Wildlife Service's (USFWS) biological opinion. Upon further examination, it was discovered that the United States Fish and Wildlife Service's (USFWS) removed the Least Tern from the threatened and endangered species list on January 13, 2021.

Regarding potential effects on endangered species and migratory birds that uses the waterways in Ellis County, 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, consumption of water, or any combination of the three. The draft permit includes provisions to ensure that these surface water quality standards will be maintained. Therefore, the permit has been drafted to be protective of endangered species and

migratory birds that use the waterways in Ellis County and no deleterious effects on these species is expected as a result of a discharge compliant with the terms of this permit.

COMMENT 3:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern about the potential of soil contamination by toxic substances such as polyfluoroalkyl substance (PFAS). Additionally, these individuals expressed concern that members of their respective families will be exposed to toxins including PFAS by swimming and fishing in the creeks of Ellis County near the proposed discharge.

RESPONSE 3:

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, consumption of water, or any combination of the three. Water in the state must also be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three.

The draft permit includes provisions to ensure that these surface water quality standards will be maintained. Conventional domestic sewage does not typically contain toxic compounds in measurable quantities that might result in toxic effects in the receiving waterbodies, unless there are significant industrial users contributing to the waste stream. The Executive Director conducted a review to determine if there were any industrial contributors to the City of Venus WWTP, none were found.

Furthermore, neither the TCEQ nor the EPA has promulgated rules or criteria limiting PFAS in wastewater. EPA is currently evaluating potential adverse human health effects from PFAS in the environment. There are currently no federal or state effluent limits for PFAS in wastewater. So, while the EPA and other agencies continue to study the presence of PFAS, there is currently no clear regulatory regime available to address the treatment of PFAS in domestic wastewater.

COMMENT 4:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern about the contamination of the private wells they use as a source of drinking water by toxins like PFAS.

RESPONSE 4:

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 the TCEQ's Water Supply Division. Please contact the Water Supply Division at 512-239-4691 for more information.

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be 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 TSWQS 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.

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. 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-

¹ Texas Water Code § 26.401(b).

² Texas Water Code § 26.401(c)(2).

[testing](#). If your well tests positive for fecal coliform bacteria, please see the TCEQ publication titled [Disinfecting Your Private Well](#) (GI-432).

Furthermore, Neither the TCEQ nor the EPA has promulgated rules or criteria limiting PFAS in wastewater. EPA is currently evaluating the potential adverse human health effects from PFAS in the environment. There are currently no federal or state effluent limits for PFAS in wastewater. So, while the EPA and other agencies continue to study the presence of PFAS, there is currently no clear regulatory regime available to address the treatment of PFAS in domestic wastewater.

COMMENT 5:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern about the loss of wildlife habitat from the new developments in the area.

RESPONSE 5:

Every TPDES permit application undergoes administrative and technical reviews 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 effluent limits that will ensure protection of existing uses for the receiving water bodies. The ED's staff in the Water Quality Division (WQD) reviewed the treated wastewater proposed discharge route, the designated uses and dissolved oxygen criteria of the receiving water bodies, antidegradation analysis of the discharges, and identification of any endangered species that may be present in the receiving water bodies. Based on WQD's review and analysis, the draft permit contains effluent limits and conditions designed to maintain the receiving water body's designated uses and protect human health and aquatic life.

The construction process of the development is outside the jurisdiction of the TCEQ; however, the permittee is required to submit plans and specifications of the plant design for review and approval pursuant to 30 TAC Chapter 217, relating to "Design Criteria for Domestic Wastewater Systems," before starting the construction of the wastewater treatment plant. The proposed permit addresses only the wastewater

aspect of the development and operation. The permittee is required to obtain other authorizations, as applicable, that further ensure protection of the environment.

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 6:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin, Jim Justice, Kyle McAfee, and Martha Johnson expressed concern about the potential of this discharge contributing to flooding in the area including impact to agricultural activity, the lack of flood mitigation dams downstream to protect landowners, and the potential of bank erosion from the discharge. They note how the Applicant's property lies within the FEMA Zone A floodplain. Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin also noted that a comprehensive flood study to determine the potential of flooding downstream from the development has not been conducted and that there are no flood mitigation dams to protect landowners and nearby communities.

RESPONSE 6:

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.

According to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No.4 which requires the permittee to provide protection for the facility from a 100-year flood.¹⁹

For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call TCEQ

Resource Protection Team at 512-239-4691. For Ellis County Floodplain Management call County Engineer Ted Kantor at 972-825-5111.

COMMENT 7:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin, and Jim Justice expressed concern about runoff water from the proposed residential developments in the area.

RESPONSE 7:

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

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

COMMENT 8:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern about the potential of nuisance odors from the plant.

RESPONSE 8:

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.³ According to its application, the Applicant intends to comply with the requirement to abate and control nuisance odor by locating the treatment units at least 150 feet from the nearest property line.⁴ This requirement is incorporated in the draft permit.⁵

COMMENT 9:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin commented that the applicant did not contact nearby wastewater treatment facilities regarding regionalization of wastewater treatment facilities.

RESPONSE 9:

The Executive Director considers regionalization when an applicant files an application for a new permit or an application for a major amendment to an existing permit to increase flow. The applicant applied for the renewal of an existing authorization and therefore was not required to contact nearby wastewater treatment plants.

COMMENT 10:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin commented that the applicant doesn't own or lease the land in which it plans to construct a wastewater treatment plant. Additionally, Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin noted that the applicant does not have a road easement to connect nearby roads to the proposed wastewater treatment plant.

³ 30 TEX. ADMIN. CODE § 309.13(e).

⁴ City of Venus Permit Application.

⁵ City of Venus Draft Permit, Other Requirements, Item No. 3, page 34.

RESPONSE 10:

During administrative review of the Application, it was noted that Section 9, Item D, of the Administrative Report 1.0 indicates that the land where the treatment facility is or will be located is owned by the City of Venus (Applicant).

TCEQ has delegated authority to issue TPDES permits for the discharge of waste or pollutant into or adjacent to water in the state.⁶ If the permit is issued, it does not grant the permittee the right to use private or public property for the conveyance of wastewater along the discharge route. Also, the permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire all property rights necessary to use the discharge route. Also, 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.

The approval of a road easement to access the wastewater treatment facility is not a part of the application review process for a water quality permit. Road easements are only considered in the buffer zone compliance method outlined in the 30 TAC Chapter 309.13(e)(3).

COMMENT 11:

Kyle Butler inquired regarding the discharge route, specifically where the effluent from the wastewater treatment plant would go.

RESPONSE 11:

The treated effluent will be discharged to an unnamed tributary, thence to Armstrong Creek, thence to Cottonwood Creek, thence to North Fork Chambers Creek, thence to Chambers Creek Above Richland-Chambers Reservoir in Segment No. 0814 of the Trinity River Basin.

⁶ Texas Water Code § 26.027.

COMMENT 12:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern about the potential for a decrease in property value as a result of this discharge.

RESPONSE 12:

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

COMMENT 13:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin expressed concern regarding public notification and notification to Trinity River Authority of the Application and an incomplete affected landowner list.

RESPONSE 13:

There are two public notices regarding this permit action, the Notice of Receipt of Application and Intent to Obtain a Wastewater Permit (NORI) and the Notice of Application and Preliminary Decision (NAPD). The TCEQ's notice rules in 30 TAC Chapter 39 require applicants to provide public notices for wastewater permits by publishing the NORI in a "newspaper of largest circulation in the county in which the facility is located or proposed to be located ... if the facility is located or proposed to be located in a municipality, the applicant must publish notice in any newspaper of general circulation in the municipality." After the Office of the Chief Clerk has mailed the preliminary decision and the NAPD to the applicant, they are required to publish the NAPD "at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and, in each county affected by the discharge."

TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. For new or major

amendment applications, the applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. This application was for a renewal of an existing authorization and was therefore not required to submit a landowner map.

COMMENT 14:

Robyn Farrell, Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Nick Griffin, Rene Griffin, Gabriel Griffin, and Jacob Griffin comment that improper flow characteristics were determined, and that personal observation was not adequate. Additionally, they state that downstream characteristics are inaccurate in the application.

RESPONSE 14:

307.3(a)(36) of the TSWQS defines an intermittent stream with perennial pools as "an intermittent stream that maintains persistent pools even when flow in the stream is less than 0.1 cubic feet per second." 307.3(a)(35) of the TSWQS defines an intermittent stream as "A stream that has a period of zero flow for at least one week during most years. Where flow records are available, a stream with a seven-day, two-year low-flow of less than 0.1 cubic feet per second is considered intermittent." Flow records for Armstrong Creek were not found, but while historical aerial imagery shows that Armstrong Creek does flow at times, it clearly ceases flowing on a regular basis during dry season of typical rainfall years. This is consistent with personal observation by TCEQ staff that visited Armstrong Creek in July 2024. Therefore, TCEQ staff assigned a limited aquatic life use to Armstrong Creek consistent with 307.4(h)(4) of the TSWQS regarding presumed uses based on flow characteristics. Presumed uses were developed based on a collaborative interagency study produced by Texas Parks and Wildlife Department of least disturbed streams which found that least disturbed streams that were intermittent with perennial pools typically scored a limited aquatic life use based on scoring metrics for fish and macroinvertebrate populations, habitat, and physicochemical parameters. See Regionalization of Index of Biotic Integrity,

Linam, Klinessasser, and Mayes, 2002 at

https://tpwd.texas.gov/publications/pwdpubs/media/pwd_rp_t3200_1086.pdf

COMMENT 15:

Robyn Farrell asked if a permit is required to house sewage in holdings tanks. She asks why no information regarding holding tank was in the permit information. She further asks who approves holding tanks and what regulations pertain to holding tanks.

RESPONSE 15:

Plans and specifications have been approved for the Interim I phase (0.045 MGD) wastewater treatment facility which includes two sludge holding tanks, in accordance with 30 TAC § 217, Design Criteria for Domestic Wastewater Systems. A summary transmittal approval letter was issued November 25, 2020.

If a facility requires a temporary pump and haul of sewage for transfer to another permitted wastewater treatment facility, which might require temporary influent holding tanks, it requires a prior approval from the Water Quality Division. No such approval has been granted for this facility.

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY