

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

February 4, 2025

TO: All interested persons.

RE: Coupland Utilities, LLC and, LandCrowd Developers, LLC
TPDES Permit No. WQ0016446001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Taylor Public Library, Reference Desk, 801 Vance Street, Taylor, 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
Coupland Utilities, LLC and, LandCrowd Developers, LLC
TPDES Permit No. WQ0016446001

The Executive Director has made the Response to Public Comment (RTC) for the application by Coupland Utilities, LLC and, LandCrowd Developers, LLC for TPDES Permit No. WQ0016446001 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 (WQ0016446001) 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 Taylor Public Library, Reference Desk, 801 Vance Street, Taylor, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

4 de febrero de 2025

TO: Todas las personas interesadas.

RE: Coupland Utilities, LLC and, LandCrowd Developers, LLC
TPDES Permiso No. WQ0016446001

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 Biblioteca pública de Taylor, mostrador de referencia, 801 Vance Street, Taylor, 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
Coupland Utilities, LLC and, LandCrowd Developers, LLC
TPDES Permiso No. WQ0016446001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Coupland Utilities, LLC and, LandCrowd Developers, LLC del permiso de TPDES Permiso No. WQ0016446001. 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 (WQ0016446001) 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 Biblioteca pública de Taylor, mostrador de referencia, 801 Vance Street, Taylor, Texas.

MAILING LIST / LISTA DE CORREO

for / para

Coupland Utilities, LLC and, LandCrowd Developers, LLC
TPDES Permit No. WQ0016446001/ TPDES Permiso No. WQ0016446001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Ron Lusk, Managing Partner
Coupland Utilities, LLC and
LandCrowd Developers, LLC
4925 Greenville Avenue, Suite 1400
Dallas, Texas 75206

Ashley Lewis, Water Quality/Permitting
Team Leader, Plummer Associates, Inc
6300 La Calma Drive, Suite 400
Austin, Texas 78752

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

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

Deba Dutta, 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

PARSONS , MICHAEL L
THE CARLTON LAW FIRM PLLC
STE B130
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AUSTIN TX 78746-6568

SALEHI , BOBBY M
GRAVES DOUGHERTY HEARON & MOODY PC
STE 2700
401 CONGRESS AVE
AUSTIN TX 78701-4071

TPDES Permit No. WQ0016446001

APPLICATION BY	§	BEFORE THE
COUPLAND UTILITIES, LLC	§	
AND LANDCROWD	§	TEXAS COMMISSION
DEVELOPERS, LLC FOR	§	
TPDES PERMIT NO.	§	ON ENVIRONMENTAL
WQ0016446001	§	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 Coupland Utilities, LLC and LandCrowd Developers, LLC (Applicant) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016446001, 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 Michael Parsons representing Jonah Water Special Utility District (Jonah) and Bobby M. Salehi and Natasha J. Martin from Graves, Dougherty, Hearon & Moody, P.C. representing Mrs. Juliet Van Zandt. 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

Coupland Utilities, LLC and LandCrowd Developers, LLC (Applicant) submitted an application to the TCEQ for a new permit, TPDES Permit No. WQ0016446001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The Applicant proposes to operate Coupland Utilities Wastewater Treatment Facility (WWTF), the proposed facility, which will serve the Coupland Utilities, LLC and LandCrowd Developers, LLC residential development.

The Coupland Utilities Wastewater Treatment Facility will be an activated sludge process plant operated in the extended aeration mode. Treatment units will include one bar screen, one equalization basin, six aeration basins with Membrane Bio Reactors, an ultra-violet light (UV) chamber, one sludge holding tank, and a belt filter press. The facility has not been constructed.

If the draft permit is issued, the treated effluent will be discharged to an unnamed reservoir, thence to a second unnamed reservoir, thence to an unnamed tributary, thence to a third unnamed reservoir, thence to an unnamed tributary, thence to the San Gabriel River in Segment No. 1248 of the Brazos River Basin. The designated uses for Segment No. 1248 are primary contact recreation, public water supply, aquifer protection, 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. If this permit is issued, the proposed facility will be located approximately 4,700 feet south-southwest of the intersection of County Road 366 North and State Highway 29 East, in Williamson County, Texas 76574.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	30.621761 N	97.477740 W

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow, are expressed in million gallons per day (MGD). The two-hour (2-hr) peak flow is expressed in gallons

per minute. 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	0.20				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	8.3	5	10	20	30
Total Suspended Solids (TSS)	8.3	5	10	20	30
Ammonia Nitrogen (NH ₃ -N)	3.3	2	5	10	15
Total Phosphorus (TP)	0.8	0.5	1	2	3
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 556 gpm. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

B. Procedural Background

The permit application was received on November 21, 2023, and declared administratively complete on February 2, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on February 11, 2024, in the *Williamson County Sun* and on February 8, 2024, in *El Mundo Newspaper*. The combined NORI and Notice of Application and Preliminary Decision (NAPD) was published on May 22, 2024, in the *Williamson County Sun* and on May 23, 2024, in *El Mundo Newspaper*.

The public comment period ended on June 24, 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 following location: Taylor Public Library, Reference Desk, 801 Vance Street, Taylor, Texas.

II. COMMENTS AND RESPONSES

COMMENT 1:

Jonah is a special utility district, in Williamson County, Texas, that provides service for approximately 13,500 customers and 35,000 people in its service area. Jonah is concerned about increases in algal growth and blooms, and other water quality conditions in the discharge route of the proposed WWTF. There is concern that there will be a negative impact on the quality of water sources used to serve its customers.

Mrs. Van Zandt is concerned about the risks to human health from the discharge, as well as whether the draft permit includes appropriate aquatic nutrient limitations and provisions to protect against the excessive growth of algae.

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. 1248 are primary contact recreation, public water supply, aquifer protection, 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 the applicable 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 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. This facility is a private domestic wastewater treatment facility and is not expected to receive industrial wastewater.

For concerns about algae growth, phosphorus is a key nutrient necessary for algae growth and is often in limited supply in freshwater systems. By restricting the amount of phosphorus in the treated wastewater, the likelihood of the discharge stimulating excessive growth of algae or other aquatic vegetation is reduced significantly. To ensure the effluent from the proposed WWTF will not cause an excessive accumulation of algae, the Executive Director performed a nutrient screening which indicated a total phosphorus limit is needed in the draft permit. The Executive Director included a daily average total phosphorus limit of 0.5 mg/L to preclude the excessive accumulation of algae.

COMMENT 2:

Jonah expressed concern about the proposed facility's proximity to drinking water wells. There is concern that there will be a negative impact on the quality of water sources used to serve its customers.

RESPONSE 2:

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 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. However, since the closest water well presented in the comment from Jonah is over 1,500 feet away from the proposed WWTF, this rule does not affect the location of the WWTF. 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.

COMMENT 3:

Mrs. Van Zandt commented that her property is downstream of the proposed WWTF and a neighboring property. The discharge will flow through a pond on the Van Zandt property prior to reaching the San Gabriel River. The Van Zandts use that pond for fishing, boating, camping, hunting, and other recreational activities.

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

¹ Texas Water Code § 26.401(b).

² Texas Water Code § 26.401(c)(2).

legislative responsibility to protect water quality in the State of Texas and to authorize 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 and receiving water uses (see Response 1), 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. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the San Gabriel River, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. (C)BOD5, 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:

Mrs. Van Zandt commented that the discharge route serves as habitat for wildlife including migrating butterflies and expressed concern about the risks to animal health.

RESPONSE 4:

As stated in Response 3, the proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, 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. 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).

The methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health. The Executive Director has 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. The TPWD received notice of the Applicant's permit application.

COMMENT 5:

Jonah commented that the proposed WWTF poses an additional risk of contributing to flooding along the discharge route.

RESPONSE 5:

TCEQ does not have jurisdiction to address flooding or erosion issues in the wastewater permitting process. The TPDES wastewater discharge 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.

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.

COMMENT 6:

Jonah and Juliet Van Zandt commented that the Applicant has not demonstrated the need for the proposed WWTF. Jonah also commented that the Applicant has not received consent to provide service within their special utility district and the Application does not comply with the TCEQ's regionalization policy.

RESPONSE 6:

As part of the application, the Applicant provided sufficient information regarding anticipated future wastewater needs and explained the timing of the proposed additional phases and needed expansion. The proposed Facility will serve a newly developed subdivision on the west side of North County Road 266 (Development). The Development will have approximately 4 residences per acre. The Applicant's property is 141 acres in size, resulting in approximately 564 proposed connections at the Development. Each connection is anticipated to contribute 250 gallons per day of wastewater to the Facility. Across the 564 connections, the total contributions are estimated at 0.141 million MGD. At this time, the anticipated construction start date and discharge start date are to be determined. The total number of connections in the Development is anticipated to be 1,440. The total population of the service area will be approximately 4,075.

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. If there is a wastewater treatment facility or collection system within three miles of the proposed facility, the applicant is required to provide information to the Executive Director as to whether the nearby facility has sufficient existing capacity to accept the additional volume of wastewater proposed in the application. If such a facility exists and it is willing to accept the proposed waste, the applicant must provide an analysis of expenditures required to connect to the existing wastewater treatment facility. Additionally, the applicant is required to provide copies of all correspondence with the owners of the existing facilities within three miles of the proposed facility regarding connecting to their systems. The TCEQ's policy on regionalization does not require the agency to deny a wastewater discharge application on the basis that there is a pending application for a regional plant within three miles of a proposed facility. Additionally, the fact that a facility or collection system is located within three miles of a proposed facility is not an automatic basis to deny an application.

The permit application indicated that there were no facilities or collection systems within three miles of the proposed facility. Therefore, the Application has met the Regionalization Policy.

The TCEQ's TPDES permitting process does not require that an applicant for a TPDES permit obtain consent from (1) a water CCN holder, or (2) a special utility district within which the proposed wastewater treatment facility is located. Jonah's citation to Water Code section 13.244(c) is misplaced. This section only requires consent in relation to a CCN application to the PUC, not a TPDES application to TCEQ. Although, in general a wastewater service provider must have both a TPDES permit (or other authorization from TCEQ) and a wastewater CCN to serve a particular area, there is no requirement that one authorization or the other be applied for or granted first. Jonah has no wastewater facilities at this time and no TCEQ permit or a permit application on file that would authorize them a means to provide wastewater discharge services.

COMMENT 7:

Mrs. Van Zandt commented that there are inaccuracies in the Applicant's application regarding the ownership of property around the proposed WWTF and application notification requirements. Mrs. Van Zandt is concerned that the permit was drafted using false information about the adjacent and downstream land ownership map and table and buffer zone requirements.

RESPONSE 7:

As provided by state law, a permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, Texas Water Code §§ 26, 27, and 28, and the Texas Health and Safety Code § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under the draft permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

The Application was received on November 21, 2023. When TCEQ determines that a wastewater permit application contains complete responses to all required questions in the administrative report and all necessary attachments, the application is declared administratively complete. The Application was deemed administratively complete on February 2, 2024. TCEQ also reviews technical elements of an application. The Application was deemed technically complete on April 18, 2024. The application included the buffer zone map in Attachment G and provided all the information required.

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. 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. Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

COMMENT 8:

Mrs. Van Zandt is concerned whether the Applicant’s compliance history validates additional terms and conditions to be added to the draft permit to ensure compliance. She also questioned whether the draft permit requires adequate licensing requirements for the operator of the facility, adequate requirements regarding operator supervision, and contains sufficient monitoring requirements and complies with applicable regulations.

RESPONSE 8:

During the technical review of the application, TCEQ reviewed the Applicant’s compliance history according to the rules in 30 TAC Chapter 60. The compliance history is reviewed for the company and site for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act,

environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance. The proposed facility has not been constructed yet and the Applicant does not own any other facilities, so currently the WWTF does not have a compliance history.

The Applicant is required to analyze the treated effluent prior to discharge and to provide monthly reports to the TCEQ that include the results of the analyses. The Applicant may either collect and analyze the effluent samples itself, or it may contract with a third party for either or both the sampling and analysis. However, all samples must be collected and analyzed according to 30 TAC Chapter 319, Subchapter A, Monitoring and Reporting System. The Applicant is required to further notify the agency if the effluent does not meet the permit limits according to the requirements in the permit. In addition, the TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint.

TCEQ issues permits that describe the conditions under which the wastewater facility must operate. All facilities must be designed, operated, and maintained consistent with applicable TCEQ rules. These provisions require that a facility is properly operated and maintained at all times.

The Applicant shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

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

TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. If the facility is found to be out of compliance with the terms or conditions of the permit, the Applicant may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these 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 www.tceq.texas.gov/compliance/complaints. If the Applicant fails to comply with all requirements of the permit, it may be subject to enforcement action.

COMMENT 10:

Juliet Van Zandt expressed concerns of nuisance odors from the proposed facility.

RESPONSE 10:

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 of 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 Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

³ 30 TEX. ADMIN. CODE § 309.13(e).

⁴ Coupland Utilities, LLC and LandCrowd Developers, LLC Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Attachment G.

⁵ Coupland Utilities, LLC and LandCrowd Developers, LLC Draft Permit, Other Requirements, Item No. 3, page 34.

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

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling 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.

COMMENT 11:

Juliet Van Zandt expressed concern that the proposed discharge will disrupt a designated historical site, the 1850 Easley Sloan Cemetery.

RESPONSE 11:

TCEQ sends notice of the application for new and major amendment permit actions to the Texas Historical Commission (THC). The THC, US Fish and Wildlife, Texas Parks and Wildlife Department and US Army Corps of Engineers are provided the Supplemental Permit Information Form (SPIF). The SPIF is provided to those agencies reviewing domestic TPDES permit applications. The THC did not submit a comment on the application to TCEQ and the Applicant indicating that there were not any identified historic properties that may be adversely affected by the wastewater treatment activities. The Applicant is responsible for coordinating separately with the THC about the requirements of the THC. The THC requirements do not affect the TCEQ permitting process.

COMMENT 12:

Juliet Van Zandt expressed concern that the discharge route is not characterized in accordance with 30 TAC Chapter 309.12 related to Location Standards.

RESPONSE 12:

It has been the long-standing practice of the Executive Director that 30 TAC § 309.12 is applicable to the evaluation of unlined or alternatively-lined wastewater holding or treatment ponds at TPDES and TLAP facilities, and to TLAP irrigation fields. The geologists and agronomists evaluate a TLAP application or a pond-lining proposal and prepare an evaluation of the surface geology, soils, depth to groundwater (usable and unusable), and potential for rainfall runoff or erosion, as applicable. At the conclusion of the evaluation, the geologist or agronomist may include recommendations for special provisions added to a permit to ensure protection of groundwater.

Domestic wastewater discharges are regulated through the TPDES program, and it has been the policy of the Executive Director that the application of the TSWQS is protective of surface and groundwaters in the state. No evaluation is performed by the geologists or agronomists at these sites and consequently, no recommendations are made by the geologists or agronomists.

COMMENT 13:

Jonah and Mrs. Van Zandt both requested a contested case hearing.

RESPONSE 13:

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

period. If the application does go to hearing, the final decision regarding this application will be made by the TCEQ's Commissioners.

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

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

Respectfully submitted,

Texas Commission on Environmental Quality

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