

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*

March 11, 2025

TO: All interested persons.

RE: JC Water Resource Recovery Facility, LLC  
TPDES Permit No. WQ0016386001

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

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.

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

### **How to Request a Contested Case Hearing.**

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

The request must include the following:

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

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

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

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

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

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

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

### **Deadline for Submitting Requests.**

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

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

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

### **Processing of Requests.**

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

### **How to Obtain Additional Information.**

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

Sincerely,

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

Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**JC Water Resource Recovery Facility, LLC**  
**TPDES Permit No. WQ0016386001**

The Executive Director has made the Response to Public Comment (RTC) for the application by JC Water Resource Recovery Facility, LLC for TPDES Permit No. WQ0016386001 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 (WQ0016386001) and click the "Search" button. The search results will display a link to the RTC.

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

**Additional Information**

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

11 de marzo de 2025

TO: Todas las personas interesadas.

RE: JC Water Resource Recovery Facility, LLC  
TPDES Permiso No. WQ0016386001

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

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

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.

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

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

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

La solicitud debe incluir lo siguiente:

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

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

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

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

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

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

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

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

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

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

### **Procesamiento de solicitudes.**

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

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

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

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/cb

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**JC Water Resource Recovery Facility, LLC**  
**TPDES Permiso No. WQ0016386001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de JC Water Resource Recovery Facility, LLC del permiso de WQ0016386001. 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 (WQ0016386001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

**Información adicional**

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.



MAILING LIST / LISTA DE CORREO  
for / para  
JC Water Resource Recovery Facility, LLC  
TPDES Permit No. WQ0016386001/TPDES Permiso No. WQ0016386001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Jason Tuberville, General Partner  
JC Water Resource Recovery Facility, LLC  
525 South Loop 288, Suite 105  
Denton, Texas 76205

Heather Goins, Project Manager  
Mead & Hunt  
6001 West Interstate 20, Suite 219,  
Arlington, Texas 76017

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

see attached list/ver lista adjunta

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

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

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

Evangeline Kaviani, 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

BAILEY , RICK  
9500 VALLEY VIEW TRL  
RIO VISTA TX 76093-3140

BURNS , THE HONORABLE DEWAYNE STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 58  
PO BOX 2910  
AUSTIN TX 78768-2910

COLLIER , DANA  
509 N COUNTY ROAD 1226  
GODLEY TX 76044-4321

COX , MR GEORGE E  
6301 WOODARD AVE  
CLEBURNE TX 76033-8101

DEMPSEY , GARY  
1025 N COUNTY ROAD 1226  
GODLEY TX 76044-4326

FULLER , NADIA  
922 COUNTRY CLUB RD  
CLEBURNE TX 76033-6702

GRIFFIN , JANET  
1157 N COUNTY ROAD 1226  
GODLEY TX 76044-4316

HOWELL , C W  
200 FM 2331  
CLEBURNE TX 76033-8141

HOWELL JR, MR & MRS C W  
200 FM 2331  
CLEBURNE TX 76033-8141

IRONS , SCOTT  
PO BOX 3277  
GODLEY TX 76044

KENNEDY , SHARI  
6601 WOODARD AVE  
CLEBURNE TX 76033-8100

KENNEMER , KEVIN  
514 EMMA ST  
GRANDVIEW TX 76050-4173

KRETZSCHMAR , WILETA D  
857 N COUNTY ROAD 1226  
GODLEY TX 76044-4319

NEAL , TONY  
601 N COUNTY ROAD 1226  
GODLEY TX 76044-4320

PORTER , JACOB  
5621 W HIGHWAY 67  
CLEBURNE TX 76033-8221

RANDELL , MR JAMES  
CITY OF CLEBURNE  
PO BOX 677  
CLEBURNE TX 76033-0677

REAGAN , BRENDA  
PO BOX 1314  
CLEBURNE TX 76033-1314

REAGAN , CURRY  
PO BOX 1314  
CLEBURNE TX 76033-1314

REAGAN , LYLE  
PO BOX 1931  
CLEBURNE TX 76033-1931

SCHMIDT , BRANT  
7801 W HIGHWAY 67  
CLEBURNE TX 76033-8216

SCHMIDT , SAM  
7801 W HIGHWAY 67  
CLEBURNE TX 76033-8216

STUER , JAMES  
1909 CHAD CT  
CLEBURNE TX 76033-7344

SWAN , JIM  
6364 WOODARD AVE  
CLEBURNE TX 76033-8101

TOWNSEND , BRIGITTE G  
PO BOX 733  
CLEBURNE TX 76033-0733

TOWNSEND , DEREK  
PO BOX 733  
CLEBURNE TX 76033-0733

TOWNSEND , DEREK & REBECCA  
PO BOX 733  
CLEBURNE TX 76033-0733

TOWNSEND , REBECCA  
PO BOX 733  
CLEBURNE TX 76033-0733

VANDERLAAN, JENNIFER &  
VANDERLANN,JASON  
4325 SAINT LEGER DR  
CLEBURNE TX 76033-8688

WOOLLEY , LARRY COMMISSIONER PRECINCT 4  
JOHNSON COUNTY  
4300 E FM 4  
CLEBURNE TX 76031-9127

**TPDES PERMIT NO. WQ0016386001**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>JC WATER RESOURCE RECOVERY</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
<b>FACILITY, LLC FOR TPDES PERMIT</b>	<b>§</b>	<b>ON</b>
<b>NO. WQ0016386001</b>	<b>§</b>	<b>ENVIRONMENTAL</b>
	<b>§</b>	<b>QUALITY</b>

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

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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 JC Water Resource Recovery Facility, LLC (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016386001 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 a public meeting request from State Representative DeWayne Burns. The Office of the Chief Clerk received timely comments from County Commissioners Rick Bailey and Larry Wooley, representing Johnson County; George E. Cox; Gary Dempsey; CW Howell; Shari Kennedy; Wileta D. Kretzschmar; James Randell; Curry Reagan; Lyle Reagan; Brant Schmidt; Sam Schmidt; Jim Swan; Brigitte G. Townsend; Derek Townsend; and Rebecca Townsend. 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](http://www.tceq.texas.gov).

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## I. BACKGROUND

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### ***A. Description Of Facility***

JC Water Resource Recovery Facility, LLC (Applicant) submitted an application to TCEQ for a new permit, TPDES Permit No. WQ0016386001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 108,000 gallons per day. The Applicant operates JC Water Resource Recovery Wastewater Treatment Plant (WWTP).

JC Water Resource Recovery WWTP is an activated sludge with nitrification process plant operated in the conventional mode. The treatment units in the Interim I phase will include two aeration basins, two secondary clarifiers, a chlorine contact chamber, and an aerated sludge storage tank. The treatment units in the Final phase will include three aeration basins, three secondary clarifiers, a chlorine contact chamber, and an aerated sludge storage tank.

If the draft permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to Robinson Branch, thence to Lake Pat Cleburne in Segment No. 1228 of the Brazos River Basin. The designated uses for Segment No. 1228 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 is provided in Table 1. If this permit is issued, the proposed facility will be located approximately 0.25 miles east of the intersection of U.S. Highway 67 and County Road 1226, near the city of Cleburne, in Johnson County, Texas 76033.

**Table 1. Outfall Coordinate Location**

<b>Outfall Number</b>	<b>Latitude</b>	<b>Longitude</b>
001	32.312506 N	-97.510017

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

per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL).

**Table 2. Interim Phase 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	Report		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	5	10	15	25	35
Total Suspended Solids (TSS)	7.5	15	25	40	60
Ammonia Nitrogen (NH <sub>3</sub> -N)	1.5	3	6	10	15
Total Phosphorus (TP)	0.25	0.5	1	2	3
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH					6.0 -9.0

**Table 3. 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	Report		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	9	10	15	25	35
Total Suspended Solids (TSS)	13	15	25	40	60
Ammonia Nitrogen (NH <sub>3</sub> -N)	2.7	3	6	10	15
Total Phosphorus (TP)	0.45	0.5	1	2	3
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH					6.0 - 9.0

## ***B. Procedural Background***

The permit application was received on August 7, 2023, and declared administratively complete on September 13, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on September 26, 2023, in the *Cleburne Times Review*.

Publication of the Combined Notice of Public Meeting and Notice of Application and Preliminary Decision (NAPD) was published on March 16, 2024, in the *Cleburne Times Review*. A public meeting was held on April 22, 2024, at the Cleburne

Conference Center (Cross Timbers Room), 1501 W. Henderson Street, Cleburne, Texas, 76033.

The public comment period ended at the close of the meeting on April 22, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

### ***C. Access to Rules, Laws, and Records***

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

- Secretary of State website: [www.sos.state.tx.us](http://www.sos.state.tx.us);
- TCEQ rules in 30 TAC: [www.sos.state.tx.us/tac](http://www.sos.state.tx.us/tac);
- Texas statutes: [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us);
- TCEQ downloadable rules: [www.tceq.texas.gov/rules/indxpdx.html](http://www.tceq.texas.gov/rules/indxpdx.html);
- Federal rules in Title 40 of the Code of Federal Regulations: [www.ecfr.gov/current/title-40](http://www.ecfr.gov/current/title-40); and
- Federal environmental laws: [www.epa.gov/lawsregs](http://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: Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.

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## **II. COMMENTS AND RESPONSES**

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### **COMMENT 1:**

Johnson County, George E. Cox, Wileta D. Kretzschmar, Curry Reagan, Lyle Reagan, Brant Schmidt, Jim Swan, Derek Townsend, and Rebecca Townsend expressed concern about flooding caused by the discharge and/or the planned development.

### **RESPONSE 1:**

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 the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

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.<sup>1</sup>

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 Johnson County, please contact the Public Works Department at (817) 556-6380 or visit the County's Public Works' website at: <https://www.johnsoncountytexas.org/departments/public-works>.

### **COMMENT 2:**

Johnson County expressed concern of the land application of biosolids and their impact to the environment.

### **RESPONSE 2:**

The Executive Director acknowledges this concern. The Application states "to be determined" in regard to sludge or biosolids disposal. This is common for new proposed facilities, as the WWTF has not been constructed. The sludge provisions for the draft permit state: *The permittee is authorized to dispose of sludge or biosolids only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. The disposal of sludge or biosolids by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing*

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<sup>1</sup> JC Water Resource Recovery Facility, LLC Draft Permit, Other Requirements, Item No. 4, page 34.

*of Class A or Class AB Biosolids. This provision does not authorize the permittee to land apply biosolids on property owned, leased or under the direct control of the permittee.*

Title 30 of the Texas Administrative Code (TAC) Section 312.44(h) states that biosolids must be land applied by a method and under conditions that prevent runoff beyond the land application unit, that this material must be land applied uniformly over the surface of the land, and that this material may not be land applied during any time when precipitation occurs, during periods in which surface soils are water-saturated, or when pooling of water is evident on the land application unit. 30 TAC 312.44(h) also states that where runoff of biosolids from the land application unit is evident, the operator shall cease further land application until the condition is corrected. The permittee shall not land apply in a manner where runoff from the land application unit can occur.

**COMMENT 3:**

Johnson County, CW Howell, Shari Kennedy, Wileta D. Kretzschmar, Brant Schmidt, Derek Townsend, and Rebecca Townsend expressed concern about water supply and private wells.

**RESPONSE 3:**

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.”<sup>2</sup> 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.”<sup>3</sup>

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.

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<sup>2</sup> TEX. WATER CODE § 26.401(b).

<sup>3</sup> TEX. WATER CODE § 26.401(c)(2).



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

**COMMENT 4:**

Johnson County, George E. Cox, CW Howell, Wileta D. Kretzschmar, Curry Reagan, Brant Schmidt, Sam Schmidt, and Derek Townsend expressed concern of the impact of the wastewater treatment effluent on the surface water.

**RESPONSE 4:**

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

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

As part of the technical review process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with 30 TAC § 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. 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. CBOD<sub>5</sub>, Ammonia-Nitrogen, and minimum dissolved oxygen) 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 5:**

Sam Schmidt, Derek Townsend, and Wileta D. Kretzschmar expressed concern about wildlife and endangered species.

**RESPONSE 5:**

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.<sup>4</sup> The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

As part of the technical review 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.

As provided in the *Procedures to Implement the State Surface Water Quality Standards* (June 2010) the Executive Director reviewed the application for potential impacts to aquatic or aquatic-dependent federally listed endangered or threatened species. The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical

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

concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

The 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 6:**

Johnson County, George E. Cox, and Brant Schmidt expressed concern about an environmental impact statement or ecological review.

**RESPONSE 6:**

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

**COMMENT 7:**

Rebecca Townsend and Derek Townsend suggested other disposal options such as septic/aerobic systems or OSSFs.

**RESPONSE 7:**

Decentralized wastewater treatment units such as septic tanks or aerobic systems are types of on-site sewage facilities (OSSF). A septic tank is a buried, watertight tank designed and constructed to partially treat raw wastewater. The tank separates and retains floatable and settleable solids in the wastewater. Following the primary treatment, wastewater is then discharged to a drain field for further treatment

by and dispersal to the environment. Aerobic systems are similar to septic systems in that they use natural processes to treat wastewater, however aerobic systems use a mechanism to inject and circulate air inside the treatment tank for more efficient treatment.<sup>5</sup>

If the Applicant decides to utilize individual septic tanks to serve the proposed residential area, it will be subject to 30 TAC Chapter 285, relating to “On-site Sewage Facilities (OSSF)”.<sup>6</sup> However, the anticipated combined flow from all systems on a tract of land must be less than 5,000 gallons per day (gpd) on an annual average basis.<sup>7</sup> If the anticipated combined flow exceeds 5,000 gpd, a domestic wastewater treatment facility is required, because wastewater treatment facilities produce a higher quality effluent than septic tanks and are therefore more protective of the environment.

The quality of effluent from an individual anaerobic OSSF and from a WWTP is significantly different. An OSSF treats a limited volume of domestic wastewater to primary treatment standards. The wastewater strength, or organic loading, of BOD5 and NH3-N in untreated or raw sewage from a residential subdivision is estimated to be 250-400 mg/l and 15-75 mg/l, respectively. The draft permit, for example, requires that the treated effluent shall not exceed 10 mg/l CBOD5 with 3 mg/l NH3-N.<sup>8</sup> Therefore, the JC Water Resource Recovery Facility, LLC WWTP will be required to achieve a more than 95 reduction in BOD5/CBOD5 concentration in the treated effluent prior to discharge.

In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/l BOD5 prior to discharging into the underground drainfield or soil absorption field. To meet its effluent limits, the proposed facility will have to provide better than secondary treatment including disinfection. For a proposed development of this type, a wastewater treatment facility will provide a higher level of environmental protection than septic tanks.

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<sup>5</sup> U.S. EPA Decentralized Systems Technology Fact Sheet: Aerobic Treatment (EPA 832-F-00-031).

<sup>6</sup> 30 TEX. ADMIN. CODE § 285.4.

<sup>7</sup> 30 TEX. ADMIN. CODE § 285.8(a)(3).

<sup>8</sup> JC Water Resource Recovery Facility, LLC Draft Permit, Effluent Limitations and Monitoring Requirements, page 2.

For more information regarding OSSF rules and regulations please contact the TCEQ OSSF Program at 512-239-3799 or the Johnson County Authorized Agent at 817-645-0956.

**COMMENT 8:**

Johnson County, George E. Cox, Curry Reagan, Lyle Reagan, Brant Schmidt, Sam Schmidt, and Derek Townsend expressed concern about the oversight and proper operation/maintenance of the proposed WWTP. Concerns regarding monitoring and reporting requirements were raised. Johnson County also commented on TCEQ's general oversight of environmental concerns.

**RESPONSE 8:**

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.

TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. The Region 4 office is required to conduct a mandatory comprehensive compliance investigation (CCI) at minor facilities (facilities with permitted flow less than 1 million gpd) once every five fiscal years. Additional mandatory investigations can be required if the facility is categorized as significant noncompliance (SNC). SNC is determined by the Compliance Monitoring Section of the TCEQ and is based on self-reported effluent violations.

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 [tceq.texas.gov/compliance/complaints](https://tceq.texas.gov/compliance/complaints). If the Applicant fails to comply with all requirements of the permit, it may be subject to enforcement action.

The Applicant may collect and analyze the effluent samples itself, or it may contract with a third party for either or both the sampling and analysis. In addition, a permittee may operate the facility itself or contract with an individual operator,

company, and other entity to operate the facility. Other Requirement No. 1 in the permit requires that this Category C facility be operated by a chief operator or an operator holding a Category C license or higher.

Sampling, analysis, and reporting for compliance of the permit provisions shall be performed in accordance with the Monitoring and Reporting Requirements section and the Definitions and Standard Permit Conditions section of the draft permit.

**COMMENT 9:**

James Randell commented that the location map in the Notice of Public Meeting was incorrect. Rebecca Townsend expressed concern that many local residents were not notified by letter of the Application.

**RESPONSE 9:**

The ED acknowledges notice of a potential error in the electronic map of the proposed site that was corrected during the application process. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the Application.

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 submitted a

landowner map as part of the application materials as required. 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 10:**

Wileta D. Kretzschmar, Derek Townsend, CW Howell, Rebecca Townsend, and Lyle Reagan expressed concern about the spills or clean-up responsible party.

**RESPONSE 10:**

An unauthorized discharge is a violation of the proposed permit for which an enforcement action can be brought by TCEQ against the Applicant.

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

If you would like to make an environmental complaint, you may call 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](http://tceq.texas.gov/compliance/complaints).

**COMMENT 11:**

Rebecca Townsend has expressed concern about regionalization.

**RESPONSE 11:**

Texas Water Code § 26.081 enumerates the state's regionalization policy. Section 26.081 states that the policy should "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state." In furtherance of that policy TWC § 26.0282 authorizes TCEQ, when considering the issuance of a permit to discharge waste, to deny or alter the terms and conditions of a proposed permit based



on need and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems.

Domestic Technical Report 1.1 of the application requires information concerning regionalization of wastewater treatment plants.<sup>9</sup> Applicants requesting a new permit or certain major amendments are required to review a three-mile area surrounding the proposed facility to determine if there is a wastewater treatment plant or sewer collection lines within the area that the permittee can utilize. Applicants are required to contact those facilities to inquire if they currently have the capacity or are willing to expand to accept the volume of wastewater proposed. If an existing wastewater facility does have the capacity and is willing to accept the proposed wastewater, the applicant must submit an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within three miles versus the cost of the proposed facility or expansion. Finally, applicants are required to provide copies of all correspondence with the owners of existing plants within three miles of the proposed plant regarding regionalization with their system.

There are no existing wastewater treatment facilities or collection systems within a three-mile radius of the proposed facility site location.

**COMMENT 12:**

Brant Schmidt expressed concern about property rights and use of stream beds and compensation to landowners. Sam Schmidt requested that the facility designate an area for peaceful protest against unlawful environmental practices and asked if a committee would be formed to hold monthly meetings.

**RESPONSE 12:**

TCEQ has delegated authority to issue TPDES permits for the discharge of waste or pollutant into or adjacent to water in the state.<sup>10</sup> 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

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<sup>9</sup> Domestic Technical Report 1.1 (TCEQ Form 10054), Section 1, Item B, page 21.

<sup>10</sup> TEX. WATER CODE § 26.027.

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 State is authorized to use the bed and banks to transport water, and TCEQ has the authority to authorize a discharge of treated domestic wastewater into water in the state through a TPDES permit, the applicant for a TPDES permit does not need permission from downstream landowners to use the watercourse running through their property, nor do downstream landowners have to be paid because of a permitted discharge.<sup>11</sup>

Monitoring and reporting requirements for the proposed facility are described in Response 8. The surface water quality monitoring (SWQM) program coordinates the collection of physical, chemical, and biological samples from more than 1,800 surface water sites statewide. This data may be used by TCEQ to characterize existing conditions or identify emerging problems. More information is available at [www.tceq.texas.gov/waterquality/monitoring](http://www.tceq.texas.gov/waterquality/monitoring) including links to data viewers.

Concerns about protest areas and monthly meetings are outside the scope of TCEQ's review of a TPDES permit.

**COMMENT 13:**

George E. Cox, Wileta D. Kretzschmar, Lyle Reagan, Brant Schmidt, Sam Schmidt, Jim Swan, Derek Townsend, and Rebecca Townsend expressed concern of nuisance odor from the proposed facility.

**RESPONSE 13:**

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 ownership of the buffer zone area.<sup>12</sup>

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<sup>11</sup> *Domel v. City of Georgetown*, 6 S.W. 3d 349, 358 (Tex. App. – Austin 1999).

<sup>12</sup> 30 TEX. ADMIN. CODE § 309.13(e).

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.<sup>13</sup> This requirement is incorporated in the draft permit.<sup>14</sup> Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

Further, the Applicant proposes in its application that the JC Water Resource Recovery Facility, LLC 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 or TCEQ's Region 4 (DFW) at 817-588-5800. Complaints may also be filed online at [tceq.texas.gov/compliance/complaints](http://tceq.texas.gov/compliance/complaints).

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

**COMMENT 14:**

George E. Cox expressed concern about post-permit bankruptcy.

**RESPONSE 14:**

Post-permit bankruptcy issues are not considered in the review process of an application for a wastewater discharge permit. However, the draft permit does require the permittee to notify the Executive Director, in writing, immediately following the

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<sup>13</sup> JC Water Resource Recovery Facility, LLC Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Exhibit F.

<sup>14</sup> JC Water Resource Recovery Facility, LLC Draft Permit, Other Requirements, Item No. 3, page 34.

filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 Bankruptcy of the United States Code (11 USC).<sup>15</sup>

**COMMENT 15:**

George E. Cox, Shari Kennedy, Wileta D. Kretzschmar, Lyle Reagan, Brant Schmidt, Sam Schmidt, Jim Swan, Derek Townsend, and Rebecca Townsend expressed concern about noise, vibrations, traffic, local infrastructure, impact on property values and quality of life in the community.

**RESPONSE 15:**

TCEQ does not have authority to require or enforce any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit application. The scope of the agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of their property. Commenters may wish to contact local authorities to inquire if there are any applicable local noise ordinances in the area where the facility is located. Commenters may wish to contact local (i.e., city or county) law enforcement authorities with questions or complaints about noise. For Johnson County, please call the Sherriff's Office at [\(817\) 556-6058](tel:8175566058).

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

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

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<sup>15</sup> JC Water Resource Recovery Facility, LLC, Draft Permit, Permit Conditions, Item 11, page 12.

**COMMENT 16:**

Gary Dempsey, Wileta D. Kretzschmar, Brigitte G. Townsend, Derek Townsend, and Rebecca Townsend requested a contested case hearing.

**RESPONSE 16:**

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.

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

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

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,  
Executive Director

Phillip Ledbetter, Director  
Environmental Law Division

Charmaine Backens, Deputy Director  
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

#### IV. CERTIFICATE OF SERVICE

I certify that on March 7, 2025, the “Executive Director’s Response to Public Comment” for Permit No. WQ0016386001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.



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Fernando Salazar Martinez,  
Staff Attorney  
Environmental Law Division  
State Bar No. 24136087