

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2025

TO: All interested persons.

RE: City of Manor
TPDES Permit No. WQ0014129002

Decision of the Executive Director.

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Manor City Hall, located at 105 East Eggleston, Manor, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

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

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

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

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

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

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

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

Deadline for Submitting Requests.

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

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

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

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

Laurie Gharis
Chief Clerk

LG/vr

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
City of Manor
TPDES Permit No. WQ0014129002

The Executive Director has made the Response to Public Comment (RTC) for the application by City of Manor for TPDES Permit No. WQ0014129002 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 (WQ0014129002) and click the "Search" button. The search results will display a link to the RTC.

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

Additional Information

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Manor City Hall, located at 105 East Eggleston, Manor, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

10 de abril de 2025

TO: Todas las personas interesadas.

RE: City of Manor
TPDES Permiso No. WQ0014129002

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 el Ayuntamiento de la Ciudad De Manor, 105 East Eggleston, Manor, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

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

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

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/vr

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
City of Manor
TPDES Permiso No. WQ0014129002

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de City of Manor del permiso de TPDES No. WQ0014129002. 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 (WQ0014129002) 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 el Ayuntamiento de la Ciudad De Manor, 105 East Eggleston, Manor, Texas.

MAILING LIST / LISTA DE CORREO
for / para
City of Manor
TPDES No. WQ0014129002/ TPDES No. WQ0014129002

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Scott Moore
City of Manor
P.O. Box 387
Manor, Texas 78653

Ashley Chester
GBA
10212 F Street
Omaha, Nebraska 68127

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

William Galiga, Senior 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

BEALL , JONATHAN M
3 CREEKS FARM
2503 FLORA CV
AUSTIN TX 78746-6902

BROCKENBROUGH , ANNE
WILBARGER CREEK
11310 JONES RD
MANOR TX 78653-5205

FOWLER , PAMELA
WILBARGER CREEK
12406 BALLERSTEDT RD
ELGIN TX 78621-4157

KELINSKE , MARILYN
WILBARGER CREEK
1561 LITTIG RD
MANOR TX 78652

LOF , DENISE & ERIC
15515 VOELKER LN
ELGIN TX 78621-9622

MCMORDIE , MICHAEL
12701 QUARTERHORSE DR
ELGIN TX 78621-4104

TPDES PERMIT NO. WQ0014129002

APPLICATION BY CITY OF MANOR §
FOR A MAJOR AMENDMENT TO §
TPDES PERMIT NO. WQ0014129002 §

BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

I. INTRODUCTION

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ / Commission) files this Response to Public Comment (RTC) on the application for a Texas Pollutant Discharge Elimination System Permit (TPDES application) submitted by the City of Manor (Applicant). This RTC also addresses comments on the ED's preliminary decision on the application for a major amendment to TPDES number (No.) WQ0014129002 (draft permit) and the expanded operation of the Cottonwood Creek Wastewater Treatment Facility (CWC facility). Because the application was received after September 1, 2015, and declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the TCEQ rules in 30 TAC Chapters 39, 50, and 55, which implement the procedural requirements of Senate Bill 709, 84th Legislature, 2015. As required by the TCEQ rules for TPDES permits, found in Title 30 of the Texas Administrative Code (30 TAC), section (§) 55.156, before a permit is issued, the ED responds to all timely, relevant, and material, or significant comments that addresses the comments received on an application.¹

The TCEQ's Office of the Chief Clerk (OCC) received timely comments from Jon Beall, Ann Brockenbrough, Marilyn Kelinske, Pamela Fowler (individually and collectively as Members of Wilbarger Creek Conservation Alliance's Board of Directors (collectively "WCCA members")), and Denise and Eric Lof.

This Response addresses all public comments received from the individuals above, whether withdrawn. 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 or the website below.

➤ www.tceq.texas.gov/agency/decisions/participation/permitting-participation

II. BACKGROUND

A. Application Request

The Applicant applied for a major amendment to TPDES Permit No. WQ0014129002 to authorize expansion of the CWC facility and an increase in flow of the discharge of treated domestic wastewater (effluent) from 500,000 gallons per day (GPD) or 0.5 Million gallons per day (MGD) to a daily average flow limit not to exceed 0.60 MGD in the Interim III phase, and a daily average flow limit not to exceed 0.80 MGD in the Final phase. This expanded discharge is referred to as the "proposed discharge," and it is subject to the effluent limitations (limits) in the draft permit.

¹ SB 709 amended the conditions for comments and hearings requests by requiring that the Commission may only find that a "hearing requestor is an affected person if the hearing requestor timely submitted comments on the permit application. Texas Water Code §§ 5.115(a-1)(2)(B).

B. Description of the CWC Facility and Discharge Route

The CWC facility, located approximately 0.4 miles east of the intersection of Farm-to-Market Road 1100 and U.S. Highway 290, in Travis County, Texas, is operating in the Interim Phase and when its expansion is complete, the CWC facility will serve a new development in the eastern portion of Manor, Manor Heights, Manor Heights South, and a future 62-acre development.

The CWC facility is an activated sludge process plant operated in the conventional single-stage nitrification mode. Treatment units in the Interim I phase include a bar screen, two aeration basins, a sludge digester, a final clarifier, a tertiary filter, and a chlorine contact chamber. Treatment units in the Interim II phase include two bar screens, four aeration basins, two sludge digesters, two final clarifiers, two tertiary filters, and two chlorine contact chambers. Treatment units in the Interim III phase will include two bar screens, eight aeration basins, four sludge digesters, four final clarifiers, four tertiary filters, four chlorine contact chambers, and dechlorination chamber. Treatment units in the Final phase will include three bar screens, sixteen aeration basins, eight sludge digesters, eight final clarifiers, seven tertiary filters, eight chlorine contact chambers, and a dechlorination chamber.

The discharge route is first to Cottonwood Creek, thence to Wilbarger Creek, thence to Colorado River Above La Grange in Segment No. 1434 of the Colorado River Basin. The Geographic coordinates of the outfall's location is provided in decimal degrees in Table 1 below in decimal degrees is provided in Table 1.

Table No. 1 Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	30.349509 N	-97.486211 W

The designated uses for Segment No. 1434 are primary contact recreation, public water supply and "exceptional" 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.

Table Nos. 2-5 below list the proposed limits and monitoring requirements of the draft permit. All flows, except the two-hour peak flow, are expressed in Million Gallons Per Day (MGD) or Gallons Per Day (GPD). The two-hour (2-hr) peak flow is expressed in Gallons Per Minute (GPM), and the word "minimum" is abbreviated with "min." All pH values are expressed in standard units (SU). Concentration values are expressed in Milligrams per Liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL). The permit limits for Five-Day Carbonaceous Biochemical Oxygen Demand, is abbreviated as "CBOD₅", Total Suspended Solids as "TSS," and Ammonia Nitrogen as "NH₃-N."

Table No. 2 Interim Phase I Effluent Limitations

Parameter/ Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab	Monitoring Requirements
	mg/L	lbs/day	mg/L	mg/L	mg/L	
Flow	0.20		N/A	N/A	N/A	Continuous
CBOD	5.0	8.3	10	20	30	One/week
TSS	5.0	8.3	10	20	30	One/week
NH ₃ -N	2.0	3.3	5.0	10	15	One/week
Total Phosphorus	1.0	1.7	2.0	4.0	6.0	One/week
<i>E. coli</i>	126		N/A	N/A	399	One/month
pH	6.0 SU		N/A	9.0 SU	N/A	One/month

During Interim Phase I, the daily average effluent flow must not exceed 0.20 MGD, nor must the average discharge during any two-hour peak period exceed 550 GPM.

Table No. 3 Interim Phase II Effluent Limitations

Parameter/ Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab	Monitoring Requirements
	mg/L	lbs/day	mg/L	mg/L	mg/L	
Flow	0.40		N/A	N/A	N/A	Continuous
CBOD	5.0	17.0	10	20	30	One/week
TSS	5.0	17.0	10	20	30	One/week
NH ₃ -N	2.0	6.7	5.0	10	15	One/week
Total Phosphorus	1.0	3.3	2.0	4.0	6.0	One/week
<i>E. coli</i>	126		N/A	N/A	399	One/month
pH	6.0 SU		N/A	9.0 SU	N/A	One/month

During Interim Phase II, the daily average effluent flow must not exceed 0.40 MGD, nor must the average discharge during any two-hour peak period exceed 1,110 GPM.

Table No. 4 Interim Phase III Effluent Limitations

Parameter/ Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab	Monitoring Requirements
	mg/L	lbs/day	mg/L	mg/L	mg/L	
Flow	0.60		N/A	N/A	N/A	Continuous
CBOD	5.0	25	10	20	30	One/week
TSS	5.0	25	10	20	30	One/week
NH ₃ -N	2.0	10	5.0	10	15	One/week
Total Phosphorus	1.0	5.3	2.0	4.0	6.0	One/week
<i>E. coli</i>	126		N/A	N/A	399	One/month
pH	6.0 SU		N/A	9.0 SU	N/A	One/month

During Interim Phase III, the daily average effluent flow must not exceed 0.60 MGD, nor must the average discharge during any two-hour peak period exceed 1,667 GPM.

Table No. 5 Final Phase Effluent Limitations

Parameter/ Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab	Monitoring Requirements
	mg/L	lbs/day	mg/L	mg/L	mg/L	
Flow	0.80		N/A	N/A	N/A	Continuous
CBOD	5.0	33	10	20	30	One/week
TSS	5.0	33	10	20	30	One/week
NH ₃ -N	2.0	13	5.0	10	15	One/week
Total Phosphorus	1.0	6.7	2.0	4.0	6.0	One/week
<i>E. coli</i>	126		N/A	N/A	399	One/month
pH	6.0 SU		N/A	9.0 SU	N/A	One/month

During the Final Phase, the daily average effluent flow must not exceed 0.60 MGD, nor must the average discharge during any two-hour peak period exceed 2,222 GPM.

Procedural Background

The TCEQ received the application on May 15, 2023, and declared it administratively complete on August 1, 2023. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in Travis County, Texas in English in the *Manor Journal* on August 11 and 18, 2023, and in Spanish in *El Mundo* on August 10 and 17, 2023. The ED completed the technical review of the application on October 30, 2023, and prepared the draft permit, which if approved, would establish the conditions under which the CWC facility must operate. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in Travis County, Texas in English in the *Manor Journal* on February 23, 2024, and in Spanish in *El Mundo* on February 22, 2024. The comment period for the application closed on March 25, 2024. Because the application was received after September 1, 2015, and declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the TCEQ rules in 30 TAC Chapters 39, 50, and 55, which implement the procedural requirements of Senate Bill 709, 84th Legislature, 2015.

Access to Rules, Laws and Records

Please see below for the applicable rules and regulations for TPDES permits:

- All administrative rules: Secretary of State Website: www.sos.state.tx.us
- TCEQ rules: Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: www.statutes.capitol.texas.gov
- TCEQ website: www.tceq.texas.gov (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”);

- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.)
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl
- Federal environmental laws: <http://www.epa.gov/lawsregs/>

For information about this permit application or the permitting process, please contact the TCEQ's Public Education Program at (800) 687-4040 or the website below. The TCEQ's community outreach initiatives, which aim to educate the public about pollution prevention and water conservation, can be found on the Take Care of Texas Program's website below

- <https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation>
- www.takecareoftexas.org

El aviso de idioma alternativo en español está disponible en (Alternative language notice in Spanish is available at):

- www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notice

Commission records for this facility are available for viewing and copying at TCEQ's central office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk (OCC), for the current application until final action is taken. Some documents located in the OCC may also be found in the Commissioners' Integrated Database.

- www.tceq.texas.gov/goto/cid

The permit application has been available for viewing and copying at the Manor City Hall, located at 105 East Eggleston, Manor, Texas, since publication of the NORI. The final permit application, draft permit, statement of basis/technical summary, and the ED's preliminary decision have been available for viewing and copying at the same location since the publication of the NAPD.

The ED has determined that the draft permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health. However, if individuals wish to file a complaint about the CWC facility concerning its compliance with the provisions of its permit or with TCEQ rules, the TCEQ's Office of Compliance and Enforcement (OCE) should be contacted. The TCEQ's OCE regional office in Austin, Texas (Region 11) may be contacted at (512) 339-2929 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically through the link to the TCEQ's compliance website below or sending an email to: complaint@TCEQ.Texas.gov. If an inspection by the TCEQ finds that the Applicant is not complying with all requirements of the draft permit, or that the CWC facility is out of compliance with TCEQ rules, enforcement actions may arise.

- www.tceq.texas.gov/compliance/complaints

III. COMMENTS AND RESPONSES

For readability purposes, within this RTC the TCEQ's Water Quality Division is abbreviated as "WQD;" treated domestic wastewater as "effluent;" waters in the state as "WITS," a wastewater treatment facility as "WWTF," the Texas Surface Water Quality Standards as "TSWQS" (30 TAC Chapter 307); the TCEQ's *Procedures to implement the*

Texas Surface Water Quality Standards (June 2010) as the “IPs;” the TCEQ rules, found in 30 TAC, generally, as the “TCEQ Rules” and the United States Environmental Protection Agency as “EPA.”

COMMENT 1:

Eric and Denise Lof commented that with the output of heavy metals, antibiotics, steroids, hormones, and other pharmaceuticals, how safe is the proposed discharge for human health or contact.

RESPONSE 1:

As specified in the TSWQS, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. WITS must also be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three.

The draft permit includes provisions to ensure that the TSWQS will be maintained. Unless there are significant industrial users contributing to a waste stream, conventional domestic sewage or wastewater does not typically contain toxic compounds in measurable quantities that might result in toxic effects in the receiving waterbodies. The ED reviewed available data and there were not any industrial contributors to the CWC facility related to the Applicant’s TPDES application.

The TCEQ has not investigated the effects of emerging contaminants of concern (COC), which includes pharmaceuticals, in wastewater. EPA is currently investigating emerging COCs and potential adverse human health effects from emerging COCs in the environment. Removal of some emerging COCs have been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established, and currently there are no federal or state effluent limits for emerging COCs. Accordingly, neither the TCEQ nor the EPA has rules for the treatment of contaminants such as pharmaceuticals in domestic wastewater, as neither the TCEQ, nor the EPA has yet to promulgate criteria limiting emerging COCs in wastewater.

COMMENT 2:

Eric and Denise Lof commented that they have hay fields downstream of the CWC facility and the creek rises and covers the fields. The Lofs commented they are concerned about negative effects to the livestock that eat the hay.

Marilyn Kelinske, a WCCA member commented that even though she is upstream of the CWC facility, she no longer allows her livestock to drink from the creek and as noticed a decrease in the population of fish and amphibians.

RESPONSE 2:

The draft permit was drafted in according to the TSWQS and IPs. The TSWQS prohibit surface waters from being toxic to aquatic or terrestrial organisms and states that WITS must be maintained to preclude adverse toxic effects on aquatic life, terrestrial wildlife, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, or consumption of water. While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle or livestock, they do designate

criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of cattle, livestock, or wildlife

The TSWQS require that discharges may not degrade the receiving streams and may not result in situations that impair existing, attainable or designated uses. WITS must be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, and consumption of drinking water. Surface waters must not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals resulting from contact, consumption of aquatic organisms, and consumption of water. Similarly, the effluent limits in the draft permit are set to maintain and protect these existing instream uses.

The TCEQ rules, found at 30 TAC § 309.3(g)(1) (Disinfection), require discharges of treated effluent be disinfected prior to discharge to waters in the state in a manner conducive to the protection of public health. For the draft permit, and across all phases of the draft permit, the effluent must contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow. The draft permit also includes bacteria limits to ensure that the proposed discharge meets the stream bacterial standard of the TSWQS. The treated effluent will be disinfected prior to discharge according to the TCEQ's disinfection rules to protect human health and maintain existing recreational uses.

The ED has determined that the draft permit meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life, which are more sensitive to water quality components than terrestrial organisms.

COMMENT 4:

Eric and Denise Lof commented expressing concern over what, if any, odor control requirements are in the draft permit for the expansion of the CWC facility.

RESPONSE 4:

The TCEQ rules (30 TAC § 309.13) provide three options for Applicants to control and abate odors, called "nuisance odor control requirements," which include complying with the rule by 1) ownership of the buffer zone; 2) restrictive easement(s) from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing other odor controls.

For all four phases, the Applicant proposes to comply with the rules using the nuisance odor control requirement of having submitted evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the Applicant according to 30 TAC § 309.13(e)(3). This requirement is incorporated in the draft permit and as a result, the potential for any nuisance odors from operation of the CWC facility is limited if the Applicant operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit. Further, the Applicant indicated in the application that the proposed the expansion of the CWC facility will include an activated sludge process plant operated in the conventional, single-stage nitrification mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the extended (complex mix) 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.

However, if anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to the TCEQ by calling 1-888-777-3186, or the TCEQ's OCE regional office (Region 11) in Austin, Texas at (512) 339-2929. Citizen complaints may be filed online by sending an email to: complaint@TCEQ.Texas.gov or by visiting the following website address: www.tceq.texas.gov/compliance/complaints.

COMMENT 5:

The WCCA members commented that the draft permit does not adequately address potential malfunctions at the facility and does not require a monitoring frequency that would help limit the extent of malfunctions and noncompliant discharges.

RESPONSE 5:

TPDES permits that the TCEQ issues describe the conditions under which WWTFs must operate. All facilities must be designed, operated, and maintained consistent with applicable TCEQ rules. These provisions require that the CWC facility, always, is properly operated and maintained.

The draft permit was developed according to the TSWQS and the TCEQ IPs to be protective of water quality, provided that the Applicant, through its Operator, runs and maintains the CWC facility according to the applicable TCEQ rules and the draft permit's requirements. The monitoring and compliance requirements for the CWC facility can be found in the draft permit on page 2, 2a, and 2b.

Additionally, the plans and specifications of the CWC facility's expansion must follow 30 TAC Chapter 217, relating to "Design Criteria for Domestic Wastewater Systems." The Applicant must always ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.²

Other Requirement No. 6 of the draft permit requires the Applicant to submit a summary transmittal letter of the expanded CWC facility's plans and specifications according to 30 TAC § 217.6(d). If requested by WQD staff, the Applicant must submit final plans and specifications, *and* a final engineering design report which comply with the TCEQ's 217 rules. The Applicant must clearly show how the treatment system will meet the permitted limits required on Pages 2, 2a, and 2b of the draft permit.⁶ The ED's staff will ensure that the plant design can adequately treat the wastewater according to the effluent limits in the draft permit during the review of the plans and specifications for the CWC facility.

Operational Requirement No. 9, of the draft permit requires that the CWC facility be operated and maintained by operators holding a valid certificate of competency at the required level, as defined in 30 TAC Chapter 30 (Occupational Licenses and Registrations), Subchapter J (Wastewater Operators and Operations Companies). According to 30 TAC § 30.350, the draft permit requires the CWC facility to be operated by a chief operator or an operator holding a Category C license or higher (Figure: 30 TAC § 30.350(e)). The ED determines the level of operator required based on the treatment technology and the maximum permitted flow. A Class C operator must have a high school diploma (or equivalent), two years of work experience and 60 hours of training. The CWC facility must be operated a minimum of

² City of Manor Draft Permit, Operational Requirements, Item 1, page 13.

five days a week by the licensed chief operator or an operator holding the required level of license or higher. The Applicant may also contract with a licensed operator or operations company for the day-to-day operations of the CWC facility with a Class C license or higher.

Similarly, Other Requirement No.1 of the draft permit requires the Applicant to employ or contract with one or more licensed WWTF operators holding a valid license or registration according to the requirements of 30 TAC Chapter 30, While it is the Applicant's responsibility to hire the appropriate operator and although any operator selected by the Applicant is required to operate and maintain the CWC facility according to the TCEQ rules and draft permit, the Applicant is required to ensure the CWC facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

The TCEQ's Office of Compliance and Enforcement (OCE) plays an important role in protecting human health and the environment because it ensures the Applicant, its operator, and the CWC facility follow applicable state and federal regulations.

OCE's regional office in Austin Texas (Region 11) conducts mandatory Comprehensive Compliance Investigations at minor facilities (WWTF with permitted flow under 1 MGD) once every five fiscal years, unless the WWTF has received the classification of Significantly Non-Compliant (SNC) which is a determination by the Compliance Monitoring Section of the OCE based on self-reported effluent violations. A SNC classification can lead to additional mandatory investigations and is a determination by the Compliance Monitoring Section of the OCE based on self-reported effluent violations.

With respect to self-inspections of the CWC facility the draft permit describes the conditions under which the CWC facility must operate and has maintenance and operational safeguards intended to minimize the occurrence of operational mishaps. For example, Operational Requirement No. 1 that requires the Applicant to ensure that the CWC facility and all its systems of collection, treatment, and disposal are always operated and maintained consistent with applicable TCEQ rules, including regular, periodic examination of wastewater solids within the CWC facility by the operator to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Operational Requirement No. 4 makes the Applicant responsible for installing, prior to plant start-up, and subsequently maintaining adequate safety measures to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and retention of inadequately treated wastewater.

Operational Requirement No. 2 of the draft permit requires the Applicant, upon request by the ED, to take appropriate samples and provide proper analysis to demonstrate compliance with Commission rules. Sampling, analysis, and reporting for compliance with provisions of the draft permit must be performed by the Applicant according to the draft permit's provisions on Monitoring and Reporting Requirements, the draft permit's Definitions and Standard Permit Conditions, which are based on the TCEQ's rules found at 30 TAC §§ 319.4 - 319.12. Data from Discharge Monitoring Reports (DMRs) must be submitted monthly to the TCEQ's Compliance Monitoring Team within the OCE and must be available for inspections by investigators from OCE's Region 11 office.

Compliance Condition 2(a), of the draft permit requires the Applicant to acknowledge that acceptance of an issued permit is an agreement to comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission. Compliance Condition 2(b) requires the Applicant to comply with all conditions of the draft permit, and failure to do so constitutes a violation of the permit and the TWC or the Texas Health and Safety Code. Compliance Condition 2(d) requires the Applicant to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment, and Compliance Condition 2(g) prohibits unauthorized discharges of wastewater or any other waste.

Lastly, Compliance Condition 2(i) ties all these draft permit conditions together and allows them to function as intended because it subjects the Applicant to administrative, civil, and criminal penalties from Chapter 7 of the TWC (Enforcement), for violations of the draft permit and TCEQ rules, including, but not limited to, negligently or knowingly violating the federal Clean Water Act (CWA) §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in the draft permit issued under the CWA § 402, or requirements imposed in the draft permit's pretreatment requirements approved under the CWA §§ 402(a)(3) or 402(b)(8).

These and other requirements in the draft permit have historically been effective at keeping applicants informed as to conditions at the facility related to meeting the effluent limits, avoiding treatment system problems, and preventing unauthorized discharges of raw sewage.

Additionally, according to the TCEQ rules any noncompliance which may endanger human health or safety, or the environment must be reported to the TCEQ by the Applicant and the report of noncompliance must be provided orally or by facsimile transmission to OCE's Regional office in Austin, Texas (Region 11) within 24 hours of becoming aware of the noncompliance.³ A written submission of the report of noncompliance information must also be provided by the Applicant to the Region 11 OCE office *and* the Compliance Monitoring Team within five working days of becoming aware of the noncompliance. This includes any unanticipated bypass that exceeds any effluent limitation in the draft permit, and any effluent violation which deviates from the permitted effluent limitation by more than 40% must be reported in writing to the OCE's Region 11, and the Compliance Monitoring Team within five working days of becoming aware of the noncompliance by more than 40%. The written submission must describe the noncompliance; its cause; the potential danger to human health or safety or the environment; the period of noncompliance, including exact dates and times; the time the noncompliance is expected to continue if has not been corrected; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

As provided by Chapter 7 of the TWC (Enforcement), the Applicant is subject to applicable administrative (TWC §§ 7.051 - 7.075), civil (TWC §§ 7.101 - 7.111), and criminal penalties (TWC §§ 7.141 - 7.202) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402 (a)(3) or 402 (b)(8); *Ch.* 26, 27, and 28 of the TWC; and Ch. 361 of the Texas Health and Safety Code including but not limited to knowingly making any false

³ 30 TAC § 305.125(9).

statement, representation, or certification on any report, record, or other document submitted or required to be maintained under a 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 a permit or violating any other requirement imposed by state or federal regulations.

If the facility is found to be out of compliance with the terms or conditions of the draft 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 OCE regional office (Region 11). Complaints may also be filed online at 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 6:

The WCCA members commented that the draft permit is not protective of water quality, nor aquatic and terrestrial wildlife and livestock during dry and low-flow conditions. The WCCA members commented that the TCEQ has not properly modeled the cumulative impact of the multiple existing discharges, nor has the TCEQ adequately considered the cumulative impacts of the draft permit together with the existing permitted waste discharges into Cottonwood and Wilbarger Creeks.

RESPONSE 6:

The draft permit is protective of aquatic and terrestrial wildlife and livestock during dry and low-flow conditions because the TCEQ rules, policies, and procedures all ensure permits that are protective during low-flow conditions. For example, the potential impact of the proposed discharge on instream dissolved oxygen levels is evaluated under hot, dry, low-flow summertime conditions, which are typically the most trying conditions regarding dissolved oxygen levels. Critical low-flow, as defined in 30 TAC § 307.3(a)(16), is a “low-flow condition that consists of the seven-day, two-year flow (7Q2),” which is the lowest seven-day average discharge with a recurrence interval of two years. The criteria of the TSWQS (30 TAC Chapter 307) are applicable even during critical low-flow, therefore critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge.

According to TCEQ rules and policies, the effluent limits and the conditions of the draft permit must maintain and protect the existing instream uses and comply with the TSWQS (30 TAC §§ 307.1 - 307.10). Because the draft permit includes monitoring requirements, this ensures that the CWC facility will meet water quality standards for the protection of surface water quality, even during periods of low flow. This is possible because not only is a TPDES-permitted discharge required to achieve a certain level of effluent quality, a TPDES-permitted WWTF's, such as the CWC facility, method of achieving that quality must also meet certain standards to protect water quality. Just as the TSWQS & the IPs provide a roadmap for a TPDES permit's limits and conditions, the TCEQ's 30 TAC Chapter 217 (217 rules) (Design Criteria for WWTFs) provide a guide for identifying the types of treatment technology that can achieve the treatment levels required by applicable water quality protection measures. Similarly, according to 30 TAC § 217.6(d), the draft permit requires the Applicant to submit a summary transmittal letter of the proposed CWC facility's expansion plans and specifications to the WQD's Plans & Specifications Review Team (P&S Team) for

approval. The Applicant must clearly show how the treatment system will meet the permitted limits required on Pages 2, 2a, and 2b of the draft permit. If more information is requested by the P&S Team, the Applicant must submit *final* plans and specs, and a Final Engineering Design Report which must comply with the TCEQ's 217 rules. When reviewing submitted plans and specifications for a proposed facility, the P&S Team uses the TCEQ's 217 rules to ensure a proposed facility's design can adequately treat the effluent according to the limits in the draft permit.

Additionally, the Applicant is required to build a collection system and the CWC facility according to the plans and specifications approved by the P&S Team and must ensure the proposed CWC facility's expansion plans and specifications meet all design requirements in the draft permit and the 30 TAC Chapter 217 rules

The TSWQS in 30 TAC Chapter 307 require that discharges not degrade the receiving waters and not result in situations that impair existing, attainable, or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the applicant operates and maintains the CWC facility according to TCEQ rules and the draft 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. This permit was developed in accordance with this methodology.

The draft permit was drafted in accordance with the TSWQS (30 TAC § 307.5) and the TCEQ's IPs (*June 2010*). The TSWQS provide that surface waters cannot be toxic to aquatic or terrestrial organisms. While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of cattle or wildlife.

The draft permit was developed according to the TSWQS to protect aquatic life and human health. As part of the application review process, TCEQ must determine the uses of the receiving water and set effluent limitations that are protective of those uses, including aquatic and terrestrial life uses. The Commission does not have specific water-quality based effluent limitations for cattle. However, the Executive Director has determined that the draft permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms.

The draft permit includes effluent limits and monitoring requirements for: flow, carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), ammonia nitrogen (NH3-N), total phosphorus, dissolved oxygen (DO), E. coli, chlorine residual, and pH to ensure that discharges from the CWC facility meet water quality standards for the protection of surface water, groundwater, and human health in accordance with TCEQ rules and policies. The draft permit includes requirements for

the disposal of domestic sludge generated from the WWTF based on TCEQ rules. The Executive Director expects that human health, and the environment will be protected if the City of Manor operates and maintains the facility as permitted and in accordance with TCEQ rules. Any noncompliance with the terms of the draft permit could result in an enforcement action against the City of Manor.

The effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the TSWQS and 30 TAC §§ 307.1 - 307.10 because the ED properly modeled the cumulative impact of the multiple existing discharges. The draft permit includes effluent limitations and monitoring requirements to ensure that the CWC facility meets water quality standards for the protection of surface water quality, even during periods of low flow, according to TCEQ rules and policies.

The TCEQ appropriately considered the cumulative impacts of the draft permit together with the existing permitted waste discharges into Cottonwood and Wilbarger Creeks. In the case of permits with oxygen-demanding constituents, such as this one, modeling is done to enable each permit to be drafted such that the permit by itself, and in combination with any other permits authorizing discharge flowing into the same waterbody(s), will not result in any adverse impacts the dissolved oxygen criteria assigned in the TSWQS (30 TAC Chapter 307). In other words, each prospective permit to authorize discharge with oxygen-demanding constituents is modeled taking into consideration all the other permits authorizing discharge flowing into the same waterbody(s) to make sure that the waterbody(s) will still have adequate levels of dissolved oxygen assuming the prospective permit is approved. The WQD's Water Quality Assessment Team performed a dissolved oxygen modeling analysis for this permit and determined the limits in the draft permit would not be expected to cause to any adverse impacts to the applicable criteria for dissolved oxygen. With all constituents other than oxygen-demanding ones, the TCEQ ensures that permits are crafted in such a way that, if followed, neither any one of the permits nor any of them in conjunction result in an exceedance of the TSWQS (30 TAC Chapter 307).

The Texas Parks and Wildlife Department (TPWD) is another state agency that protects wildlife and its habitat. It is the Texas agency that oversees 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, or at the link below. The TPWD received notice of the Applicant's TPDES application and did not make any comments on the application.

- <https://tpwd.texas.gov/about/administration-divisions/wildlife>

COMMENT 7:

The WCCA members commented that the TCEQ should enforce its regionalization policy and approve of larger plants that are more diligently monitored instead of the multiple package plants.

RESPONSE 7:

Before drafting this permit, the ED applied the TCEQ's regionalization policy. Texas Water Code § 26.081 enumerates the state's regionalization policy. Section 26.081 states that the policy "encourage[s] and promote[s] 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 the TCEQ, when considering the issuance of a permit to discharge waste, to deny or alter the terms and conditions of a draft 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 (Report 1.1) of the application requires information concerning regionalization of permitted WWTFs. Applicants requesting a new permit or certain major amendments are required to review a three-mile area surrounding a proposed facility's expansion to determine if there is an existing, permitted WWTF or sewer collection system with lines in the area that can be utilized. Applicants are required to contact those facilities, and provide copies of all correspondence with them, inquiring if the WWTF or collection system has the capacity, or is willing to expand to accept the flow of wastewater proposed in Report 1.1. If an existing WWTF within three miles has the capacity and is willing to accept the proposed flow, applicants must submit an analysis of expenditures required to connect to that existing WWTF or collection system versus the cost of constructing a new facility or if relevant, an expansion of an applicant's existing facility. Finally, applicants are required to provide copies of all correspondence with the owners of existing WWTFs within three miles of a proposed facility regarding regionalization with their system to WQD staff as part of the application submittal. When applicants provide documentation of correspondence with WWTFs or collection systems within three miles of a proposed facility rejecting an applicant's service request the ED will approve the application as it relates to Regionalization.

For this application, there are two existing wastewater treatment facility permits whose discharge points are listed as being within a three-mile radius of the location of the proposed expansion to the CWC facility. However, no actual WWTFs have been built for either of the two permits. The applicant submitted a response from one of the existing permittees documenting that the facility has not been built yet. The other existing WWTF that the Applicant verified was not built yet, failed to respond in writing to the Applicant's emails and calls requesting a written response.

The TCEQ agrees that the TCEQ should enforce its regionalization policy and approve of larger plants instead of multiple package plants, and the TCEQ does so to the extent allowable by its authority, as it has done in the case of this application.

According to the Applicant, there are no other WWTFs located within a three-mile area of the site of the CWC facility's expansion that are willing to provide service. WQD staff rely, when reviewing TPDES applications, on the representations made in the application because applicants are required to certify the accuracy of the information submitted and the application must be signed by a responsible party under penalty of law. General Permit Condition No. 1(b) states that the draft permit is granted based on the information supplied and representations made by applicants in a TPDES application and its permitting process. Relying upon the accuracy and completeness of all information and representations, WQD staff concluded that the draft permit is consistent with the Regionalization policy of Texas.

COMMENT 8:

Eric and Denise Lof commented that after the CWC facility was constructed there has been an increase of beaver activity, and the Lofs are concerned that the expansion of the CWC facility will exacerbate the problem of flooding on their hay fields. The Lofs also commented on whether an engineer has reviewed the crossing over the creek to determine if it is adequate to handle the increased wastewater

discharge proposed in the application. The Lofs also commented that they would like to know what noise, and light pollution control measures are being taken with the expansion of the CWC facility.

The WCCA members commented that due to the addition of waste discharges into Cottonwood Creek there has been increased erosion and widening of the creek bed making it extremely dangerous for their livestock to access the creek.

RESPONSE 9:

The ED acknowledges these comments on the application and expansion of the CWC facility, and the concerns expressed by all commenters. However, the TCEQ is statutorily mandated by the Texas Water Code (TWC) § 26.028 (Action on Application) to begin processing applications for TPDES permits when it receives the application, and then to issue notices to the public of the TCEQ's processing of the application. Likewise, TWC § 26.027 makes clear that the TCEQ may issue permits for discharges into WITS through the ED's evaluation of TPDES permit applications using the information provided in the application and recommending permit issuance or denial, based on the application's compliance with the TWC, TCEQ rules, and the TSWQS (30 TAC Chapter 307).

Additionally, the ED encourages and advocates for public participation in the environmental permitting process and appreciates participation from all the citizens that do. Although the ED gives due consideration to public input and participation in the permitting process, the scope of the TCEQ's jurisdiction for reviewing TPDES applications is limited to what information the TWC allows the TCEQ to require and evaluate in a TPDES application. Thus, there are certain concerns of citizens that the ED cannot address as part of the technical review for a TPDES application, and while the ED understands the significance of these concerns, she does not have the authority to address these concerns in the context of a TPDES permit. The ED is limited to providing pollution control by limiting the discharge of pollutants through a TPDES permit, which protects the water quality of waters in the state. More specifically, the technical review performed by the ED for TPDES applications focuses on controlling the discharge of pollutants into WITS. Likewise, TPDES permits establish terms and conditions that apply pollution control for TPDES discharges based on TCEQ's water quality pollution control; as such, the water quality permitting process is limited to controlling the discharge of pollutants into WITS, which includes both navigable and non-navigable water bodies. The TWC defines WITS to mean groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering Texas or inside the jurisdiction of Texas.

The Commission and the ED, in their respective determinations of whether to issue a TPDES permit, do not have jurisdiction under the TWC or the TCEQ rules to address or consider light or noise pollution, unless related to a permit violation, if water quality is maintained.

Additionally, while the Texas Legislature has given the TCEQ the responsibility to protect water quality and the TWC authorizes the TCEQ to issue TPDES permits to provide water quality pollution control by limiting the discharges of pollutants to WITS

through a TPDES permit, neither the TCEQ nor the ED has any jurisdiction to address flooding or erosion along the discharge route.

Despite the TCEQ not having jurisdiction to regulate flooding in the context of a TPDES permit, to the extent that a concern over flooding also involves water quality, the Applicant is always required to comply with all the numeric and narrative effluent limitations and other conditions in the draft permit, including during flooding conditions. Likewise, the draft permit has limits and other requirements that the Applicant must meet even during rainfall events and periods of flooding. According to the application, the CWC facility's expansion will be located above the 100-year flood plain. For additional protection, the draft permit includes Other Requirement No. 4, which requires the Applicant to provide protection for the facility against a 100-year flood event.

Alternatively, the issues raised by the commenters are more appropriately addressed by departments within local governmental entities such as the County of Travis and other local governmental entities. For more information, please visit the websites or the phone numbers listed below related to the issue raised.

In addition, the TCEQ's Resource Protection Team may be contacted for identifying and contacting the appropriate local or county officials or offices, by calling (512) 239-4600, or by email listed below.

- wcp@tceq.texas.gov

For flooding concerns, members of the public may contact the Travis County Floodplain Administrator at (512) 854-7563 8:00 a.m. – 5:00 p.m., Monday through Friday or at the link below. However, Travis County only has floodplain jurisdiction in the unincorporated areas of the County, outside of any city limits.

- <https://www.traviscountytexas.gov/tnr/environmental-quality/stormwater/floodplain>

Additionally, in the City of Manor, Texas, the mayor is appointed as the floodplain administrator to administer and implement the provisions related to flood damage prevention. The Development Services Department of the City of Manor can be contacted at (512) 272-8636 8:00 a.m. – 5:00 p.m., Monday through Friday or through the link below.

- https://www.cityofmanor.org/page/ds_main

For any applicable noise ordinances or light pollution ordinances, members of the public may contact the City of Manor Police Department at 512-974-0845 #3, to enforce the City's noise ordinance 8:00 a.m. – 5:00 p.m., Monday through Friday or at the link below. Additionally, for light pollution related ordinances, members of the public may contact the City's Code Enforcement Officer at (512)-365-4447 8:00 a.m. – 5:00 p.m., Monday through Friday or at the link below.

- https://www.cityofmanor.org/page/pd_main
- cenforcement@manortx.gov

Neither the scope of TCEQ's regulatory authority, nor the draft permit, prevents landowners from seeking relief from a court in response to activities that interfere with the landowner's use and enjoyment of their property, or their quality of life. Likewise, nothing in the draft permit limits the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to

activities that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property. If the Applicant's activities create any nuisance conditions, the TCEQ may be contacted to investigate whether a permit violation has occurred. Potential permit violations may be reported to the TCEQ's DFW Regional OCE office at (817) 588-5800, or toll-free at 1-888-777-3186. Citizen complaints may be filed online by sending an email to: complaint@TCEQ.Texas.gov or by visiting the website address below.

- <https://www.tceq.texas.gov/compliance/complaints>

IV. CHANGES MADE TO THE PERMIT IN RESPONSE TO COMMENT

- No changes to the draft permit were made in response to comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine Backens, Deputy Director
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REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

V. CERTIFICATE OF SERVICE

I certify that on April, 4, 2025, the Executive Director's Response to Public Comment for Permit No. WQ0016336001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

A handwritten signature in black ink, appearing to read "Michael T. Parr II", is positioned above a horizontal line.

Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936