

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 24, 2025

TO: All interested persons.

RE: Buffalo Hills Development
TPDES Permit No. WQ0016216001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Nicholas P. Sims Library & Lyceum, 515 West Main Street, Waxahachie, in Ellis County Texas and at Alvarado Public Library, 210 North Baugh Street, Alvarado, in Johnson County 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/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Buffalo Hills Development
TPDES Permit No. WQ0016216001

The Executive Director has made the Response to Public Comment (RTC) for the application by Buffalo Hills Development for TPDES Permit No. WQ0016216001 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 (WQ0016216001) 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 Nicholas P. Sims Library & Lyceum, 515 West Main Street, Waxahachie, in Ellis County Texas and at Alvarado Public Library, 210 North Baugh Street, Alvarado, in Johnson County Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

24 de marzo de 2025

TO: Todas las personas interesadas.

RE: Buffalo Hills Development
TPDES Permiso No. WQ0016216001

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 Nicholas P. Sims Library & Lyceum, 515 West Main Street, Waxahachie, en el Condado de Ellis, Texas, y en Alvarado Public Library, 210 North Baugh Street, Alvarado, en el Condado de Johnson, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

proporcione.

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de

reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Buffalo Hills Development
TPDES Permiso No. WQ0016216001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Buffalo Hills Development del permiso de TPDES No. WQ0016216001. 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 (WQ0016216001) 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 Nicholas P. Sims Library & Lyceum, 515 West Main Street, Waxahachie, en el Condado de Ellis, Texas, y en Alvarado Public Library, 210 North Baugh Street, Alvarado, en el Condado de Johnson, Texas.

MAILING LIST / LISTA DE CORREO
for / para
Buffalo Hills Development
TPDES Permit No. WQ0016216001 / TPDES Permiso No. WQ0016216001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Rick Miskimon, Managing Member
Buffalo Hills Development, LLC
5940 South West McGee Creek Road
Lane, Oklahoma 74555

Erin K. Banks, P.E., WWD Engineering
9217 Highway 290 West, Suite 110
Austin, Texas 78736

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

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

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

Shaun Speck, 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

ALBRIGHT , STEFANIE P BICKERSTAFF HEATH DELGADO ACOSTA LLP STE C400 1601 S MOPAC EXPY AUSTIN TX 78746-7009	ALSTON , CAROL CITIZENS AGAINST ELLIS COUNTY MUDS 600 TROJACEK RD ENNIS TX 75119-1466	ALSTON , ROBERT 600 TROJACEK RD ENNIS TX 75119-1466
ANDERSON , KAREN 466 BEE CREEK SCHOOL HOUSE RD GRANDVIEW TX 76050-5110	BECERRA , BRENDA 403 S LOCUST ST VENUS TX 76084-2123	BIRDWELL , THE HONORABLE BRIAN STATE SENATOR THE SENATE OF TEXAS DISTRICT 22 PO BOX 12068 AUSTIN TX 78711-2068
BURRISS , MARGARET 150 OAK HILL CT WAXAHACHIE TX 75167-8057	COOK , TERRY G COMMISSIONER WILLIAMSON COUNTY PRECINCT 1 STE 110 1801 E OLD SETTLERS BLVD ROUND ROCK TX 78664-1905	FARRELL , ROBYN ROBYN FARRELL SPECIAL 1308 OZRO RD VENUS TX 76084-4870
FARRELL , HAYDEN 1605 BEARPATH WAY GUNTER TX 75058-4208	FARRELL , MALIYA 1605 BEARPATH WAY GUNTER TX 75058-4208	FARRELL SR , PHILLIP 1308 OZRO RD VENUS TX 76084-4870
FARRELL JR , PHILLIP 1605 BEARPATH WAY GUNTER TX 75058-4208	FOWLER , NOLAN 8811 S FM 157 VENUS TX 76084-4730	GRIFFIN , GABRIEL 1308 OZRO RD VENUS TX 76084-4870
GRIFFIN , JACOB 1308 OZRO RD VENUS TX 76084-4870	GRIFFIN , NICK 1308 OZRO RD VENUS TX 76084-4870	GRIFFIN , RENE 1308 OZRO RD VENUS TX 76084-4870
HINDMAN , SHERYL 110 BRIGMAN RD MAYPEARL TX 76064-2510	JOHNSON , MARTHA 501 W SECOND ST MAYPEARL TX 76064	JOHNSON , EDWIN 1017 SHADY RIVER CT N BENBROOK TX 76126-2900
JOHNSON , MARTHA 1017 SHADY RIVER CT N BENBROOK TX 76126-2900	JUSTICE JR , MR JIM WILLIAM 5808 EARLE ST ARLINGTON TX 76016-1115	JUSTICE , MR JIM WILLIAM 5808 EARLE ST ARLINGTON TX 76016-1115
KATZ , JOSHUA D BICKERSTAFF HEATH DELGADO ACOSTA LLP STE C400 1601 S MOPAC EXPY AUSTIN TX 78746-7009	KEGLEY , AMANDA 4128 MURR RD VENUS TX 76084-4700	KELLEY , KIMBERLY G BICKERSTAFF HEATH DELGADO ACOSTA LLP STE C400 1601 S MOPAC EXPY AUSTIN TX 78746-7009
KNIGHT , JENNY 320 MARION RD VENUS TX 76084-4883	KNIGHT , MARK 320 MARION RD VENUS TX 76084-4883	LITTLE , TODD COUNTY JUDGE THE COUNTY OF ELLIS 101 W MAIN ST WAXAHACHIE TX 75165-0405

MANN , JOSEPH
UNIT A
951 FM 2258
VENUS TX 76084-4712

MARTINEK , EMERSYN D
R-CASTLE CONTRACTOR SERVICES LLC
2256 BELLS CHAPEL RD
WAXAHACHIE TX 75165-6756

MARTINEK , EMIL J
R-CASTLE CONTRACTOR SERVICES LLC
8046 FM 660
ENNIS TX 75119-0158

MARTINEK , ERNEST D
R-CASTLE CONTRACTOR SERVICES LLC
2256 BELLS CHAPEL RD
WAXAHACHIE TX 75165-6756

MARTINEK , EVAN
8820 AVIARY DR
MCKINNEY TX 75072-6726

MARTINEK , JENNIFER
ADDICTED TO ALL THINGS BEAUTIFUL LLC
2256 BELLS CHAPEL RD
WAXAHACHIE TX 75165-6756

MARTINEK , LEAH
L MARIE DESIGNS LLC
216 SILVER SPUR DR
WAXAHACHIE TX 75165-5355

MARTINEK , RAGEN
2256 BELLS CHAPEL RD
WAXAHACHIE TX 75165-6756

MARTINEK , AMBER
8820 AVIARY DR
MCKINNEY TX 75072-6726

NOVY , DALE
1218 NOVY RD
ENNIS TX 75119-1418

NOVY , THERESA
1218 NOVY RD
ENNIS TX 75119-1418

PARSONS , HARRY
8681 S FM 157
VENUS TX 76084-4715

PARSONS , INEZ
8681 S FM 157
VENUS TX 76084-4715

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

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

ROGERS , EMILY W
BICKERSTAFF HEATH DELGADO ACOSTA LLP
STE C400
1601 S MOPAC EXPY
AUSTIN TX 78746-7009

TAYLOR , CAROLYN
377 ELEVEN LEAGUE RD
ENNIS TX 75119-0298

TPDES Permit No. WQ0016216001

APPLICATION BY	§	BEFORE THE
BUFFALO HILLS DEVELOPMENT, LLC	§	TEXAS COMMISSION
FOR TPDES PERMIT NO.	§	ON ENVIRONMENTAL
WQ0016216001	§	QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response or RTC) on the application by Buffalo Hills Development, LLC (Applicant) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016216001, and the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments. The Office of the Chief Clerk received timely comments from Judge Todd Little, Emily Rogers on behalf of Ellis County, Karen Anderson, Brenda Bacerra, Hayden Farrell, Maliya Farrell, Phillip Farrell Jr., Robyn Farrell, Phillip Farrell Sr., Nolan Fowler, Gabriel Griffin, Jacob Griffin, Nick Griffin, Rene Griffin, Jim Justice, Amanda Kegley, Kyle McAfee, Mark Knight, Margaret Burriss, Martha Johnson, Courtney Poole, Pam Poole, and Harry Parsons. 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 TCEQ can be found at the following website: www.tceq.texas.gov.

I. BACKGROUND

A. Description Of Facility

The Buffalo Hills Development, LLC (Applicant) submitted an application to TCEQ for a new permit, TPDES Permit No. WQ0016216001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 850,000 gallons per day. The Applicant proposes to operate Buffalo Hills, a proposed wastewater treatment facility (WWTF) will serve the Buffalo Hills Subdivision and Brahma Ranch 2.

The Buffalo Hills WWTF will be an activated sludge process plant operated in the complete mix mode. Treatment units in the Interim I phase will include a bar screen, two aeration basins, a final clarifier, an aerobic sludge digester, and a chlorine contact chamber. Treatment units in the Interim II phase will include a bar screen, three aeration basins, two final clarifiers, three aerobic sludge digesters, and two chlorine contact chambers. Treatment units in the Final phase will include a bar screen, four aeration basins, three final clarifiers, five aerobic sludge digesters, three chlorine contact chambers, and a dechlorination chamber.

If the draft permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to Boggy Branch, thence to Armstrong Creek, thence to Cottonwood Creek, thence to North Fork Chambers Creek, thence to Chambers Creek Above Richland-Chambers Reservoir in Segment No. 0814 of the Trinity River Basin. The designated uses for Segment No. 0814 are primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

The facility would be located approximately 0.4 miles north of the intersection of County Road 213 and Farm-to-Market Road 2258, in Ellis and Johnson Counties County, Texas 76084. Geographic coordinates of the outfall location in decimal degrees are provided in Table 1.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	32.371294	-98.086669

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 I 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	Daily Average: 0.15 MGD			2-hr peak flow: 417 gpm	
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	13	10	15	25	35
Total Suspended Solids (TSS)	19	15	25	40	60
Ammonia Nitrogen (NH ₃ -N)	3.8	3	6	10	15
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH, SU	6.0-9.0				

Table 3. Interim Phase II 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	Daily Average: 0.50 MGD			2-hr peak flow: 1,389 gpm	
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	42	10	15	25	35
Total Suspended Solids (TSS)	63	15	25	40	60
Ammonia Nitrogen (NH ₃ -N)	13	3	6	10	15
<i>E. coli</i> (CFU or MPN/100 mL)	126	N/A	N/A	399	N/A
pH	6.0-9.0				

Table 4. Final Phase I 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	Daily Average: 0.85 MGD			2-hr peak flow: 2,361 gpm	
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	71	10	15	25	35
Total Suspended Solids (TSS)	106	15	25	40	60
Ammonia Nitrogen (NH ₃ -N)	21	3	6	10	15
<i>E. coli</i> (CFU or MPN/100 mL)	126	N/A	N/A	399	N/A
pH	6.0-9.0				

B. Procedural Background

The permit application was received on September 6, 2022, and declared administratively complete on September 29, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on October 20, 2022, in the *Cleburne Times Review*. The Notice of Application and Preliminary Decision (NAPD) was published on September 7, 2024, in the *Waxahachie Daily Light*. A public meeting was held on October 8, 2024 at the Venus Civic Center in Venus, Texas. The public comment period ended at the close of the meeting on October 8, 2024.

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

C. Access to Rules, Laws, and Records

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

- Secretary of State website: www.sos.state.tx.us;
- TCEQ rules in 30 TAC: www.sos.state.tx.us/tac;
- Texas statutes: www.statutes.legis.state.tx.us;
- TCEQ downloadable rules: www.tceq.texas.gov/rules/indxpdf.html;

- Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov/current/title-40; and
- Federal environmental laws: www.epa.gov/lawsregs.

Commission records for this application are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the following location: Nicholas P. Sims Library & Lyceum, 515 West Main Street, Waxahachie, in Ellis County Texas, and at Alvarado Public Library, 210 North Baugh Street, Alvarado, in Johnson County.

II. COMMENTS AND RESPONSES

COMMENT 1:

Ellis County commented that the issuance of the permit could affect water quality and impair existing uses with the county. Ellis County also expressed concern that the proposed permit does not comply with the state's water quality standards or antidegradation requirements, and that the discharge limits are not sufficiently stringent to protect the water quality in the receiving waters. Robyn Farrell and Phillip Farrell expressed concern about recreational uses of the receiving water including fishing.

RESPONSE 1:

In accordance with 30 TAC § 307.5 and the TCEQ *Procedures for the Implementation of 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.

Executive Director staff reviewed the potential for a discharge to create instream eutrophic conditions using the methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs) (RG-194). The IPs define the factors considered when determining nutrient limits. For this application, a typical nutrient screening was conducted during the review. The variables considered were flow, water clarity, instream dilution, substrate type, stream geomorphology, stream flow, consistency with permits in the area, vegetation, and listings on the Texas 303(d) list. Based on the nutrient screening conducted, total phosphorus effluent limits were not warranted for this permit action. As written, the draft permit will sufficiently control nutrient levels in the discharge.

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

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.¹ The effluent limits in the draft permit are set to maintain and protect the existing instream uses. In this case, the designated uses for Segment No. 0814 are primary contact recreation, public water supply, and high aquatic life use.² To determine that the instream uses will be protected, a dissolved oxygen analysis of the discharge was conducted using a default QUAL-TX model for effluent flows of 0.15 MGD, 0.50 MGD, and 0.85 MGD.

Based on model results, the proposed effluent limits of 10 mg/L CBOD₅, 3.0 mg/L NH₃-N, and 4.0 mg/L DO are predicted to be adequate to maintain dissolved oxygen levels above the criteria stipulated by the Standards Implementation Team for

¹ 30 TEX. ADMIN. CODE § 307.6(b)(4).

² Texas Surface Water Quality Standards, 30 TEX. ADMIN. CODE § 307.10.

the unnamed tributary (2.0 mg/L), Boggy Branch (3.0 mg/L), and Armstrong Creek (3.0 mg/L) for all effluent flow phases.

Coefficients and kinetics used in the model are standardized default values. The results of this evaluation can be reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

COMMENT 2:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin, and Todd Little expressed concern regarding the potential for detrimental effects on livestock, wildlife, or aquatic life in nearby creeks. Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin also expressed concern that their stock ponds used for food will be contaminated by the proposed discharge because the ponds are partially fed by Armstrong Creek and Boggy Branch.

RESPONSE 2:

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. To determine that the instream uses will be protected, a dissolved oxygen

analysis of the discharge was conducted using a default QUAL-TX model for effluent flows of 0.15 MGD, 0.50 MGD, and 0.85 MGD.

Based on model results, the proposed effluent limits of 10 mg/L CBOD₅, 3.0 mg/L NH₃-N, and 4.0 mg/L DO are predicted to be adequate to maintain dissolved oxygen levels above the criteria stipulated by the Standards Implementation Team for the unnamed tributary (2.0 mg/L), Boggy Branch (3.0 mg/L), and Armstrong Creek (3.0 mg/L) for all effluent flow phases.

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

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

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. TPWD received notice of Applicant's permit application.

COMMENT 3:

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

RESPONSE 3:

In accordance with the *Procedures to Implement the State Surface Water Quality Standards*, the Executive Director reviewed the application for potential impacts to aquatic or aquatic-dependent federally listed endangered or threatened species. While a priority watershed of critical concern had been identified in Ellis County for the interior least tern (*Sterna antillarum athalassos*), this applies to

Municipal Separate Storm Sewer Systems and Stormwater General Permits and does not apply to this facility. Upon further review, it was discovered that the United States Fish and Wildlife Service (USFWS) removed the interior least tern from the Endangered Species Act on January 13, 2021. Therefore, the endangered species language was updated in a Standards Implementation memorandum dated March 3, 2025, which stated that the discharge from this permit action is not expected to have an effect on any federally listed endangered or threatened aquatic or aquatic-dependent species, 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 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 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.

Regarding potential effects on endangered species and migratory birds that use the waterways in Ellis County, as specified in the TSWQS, water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, and domestic animals resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three. The draft permit includes provisions to ensure that surface water quality standards will be maintained. Therefore, the permit has been drafted to be protective of endangered species and migratory birds that use the waterways in Ellis County and no deleterious effects on these species is expected as a result of a discharge compliant with the terms of this permit.

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.³ The effluent limits in the draft permit are set to maintain and protect the existing instream

³ 30 TEX. ADMIN. CODE § 307.6(b)(4).

uses. In this case, the designated uses for Segment No. 0814 are primary contact recreation, public water supply, and high aquatic life use.⁴ To determine that the instream uses will be protected, a dissolved oxygen analysis of the discharge was conducted using a default QUAL-TX model for effluent flows of 0.15 MGD, 0.50 MGD, and 0.85 MGD.

Based on model results, the proposed effluent limits of 10 mg/L CBOD₅, 3.0 mg/L NH₃-N, and 4.0 mg/L DO are predicted to be adequate to maintain dissolved oxygen levels above the criteria stipulated by the Standards Implementation Team for the unnamed tributary (2.0 mg/L), Boggy Branch (3.0 mg/L), and Armstrong Creek (3.0 mg/L) for all effluent flow phases.

COMMENT 4:

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

RESPONSE 4:

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

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.”⁵ 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.”⁶

⁴ Texas Surface Water Quality Standards, 30 TEX. ADMIN. CODE § 307.10.

⁵ Texas Water Code § 26.401(b).

⁶ Texas Water Code § 26.401(c)(2).

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

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

Finally, the issuance of a permit by the TCEQ does not authorize any injury to persons or property or an invasion of others property rights. In addition, the scope of TCEQ's regulatory jurisdiction does not, nor does the proposed permit, limit the ability of nearby landowners to seek relief from a court or use common law remedies in response to trespass, nuisance, other causes of action in response to activities that may or do interfere with the use and enjoyment of their property, or that may or do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property.

COMMENT 5:

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

RESPONSE 5:

The proposed TPDES application addresses only the wastewater aspect of the development and operation. The construction and anything else related to the development itself is outside of the jurisdiction of the TCEQ. The permittee is required to obtain other authorizations, as applicable, that further ensure protection of the environment. Every TPDES permit application undergoes administrative and technical reviews to ensure that the applicant adequately addressed all required technical issues

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

In addition, the Applicant is required to submit plans and specifications of the plant design for review and approval pursuant to 30 TAC Chapter 217, relating to "Design Criteria for Domestic Wastewater Systems," before starting the construction of the wastewater treatment plant to ensure the safety of the environment.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of the Applicant's permit application.

COMMENT 6:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin, Jim Justice, Amanda Kegley, Kyle McAfee, Todd Little, and Martha Johnson expressed concern about the potential of this discharge contributing to flooding in the area including impact to agricultural activity, the lack of flood mitigation dams downstream to protect landowners, and the potential of bank erosion from the discharge. They note how the application indicates that the facility is located below the 100-year flood elevation. Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin also noted that a comprehensive flood study to determine the potential of flooding downstream from the development has not been conducted.

RESPONSE 6:

TCEQ does not have jurisdiction to address flooding or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters.

The original submittal of the application indicated in Domestic Technical Report 1.1 (DTR 1.1) Section 5A that the proposed facility is located below the 100-year flood plain. However, the applicant submitted a revised Section 5A of DTR 1.1 on October 7, 2024, which indicates that the facility will be located above the 100-year flood plain. Additionally, during the technical review of the application, an analysis was performed using the FEMA floodplain viewer that confirmed that the facility would be located above the 100-year floodplain. The applicant indicated that the original question posed in DTR 1.1 Section 5A was answered incorrectly by mistake. For additional protection, the proposed permit includes Other Requirement No.4 which requires the permittee to provide protection for the facility from a 100-year flood.¹⁹

For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call TCEQ Resource Protection Team at 512-239-4691. For Ellis County Floodplain Management call County Engineer Ted Kantor at 972-825-5111.

COMMENT 7:

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

RESPONSE 7:

The TCEQ does not have jurisdiction to address runoff, flooding, or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to

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

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

COMMENT 8:

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

RESPONSE 8:

All WWTFs have the potential to generate odors. To control and abate odors TCEQ rules require domestic WWTFs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. The Applicant can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor control.⁷

According to its application, the Applicant intends to comply with the requirement to abate and control nuisance odor by use of a nuisance odor prevention plan, which must be approved by TCEQ engineers prior to construction of the facility⁸ This requirement is incorporated in the draft permit.⁹ The nuisance odor prevention plan request must adhere to the requirements of 30 TAC § 309.13(e)(2). Therefore, nuisance odor is expected to be minimal 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.

⁷ 30 TEX. ADMIN. CODE § 309.13(e).

⁸ Buffalo Hills Development, LLC Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2.

⁹ Buffalo Hills Development, LLC Draft Permit, Other Requirements, Item No. 3, page 34.

Further, the Applicant proposes in its application that the Buffalo Hills WWTF will be an activated sludge process plant operated in the complex mix mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater. The WWTF will have three phases, Interim I, Interim II and a Final phase. Each phase includes several bar screens, clarifiers, sludge digesters, and aeration basins. The use of a sludge process plant 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 toll-free 1-888-777-3186, or the TCEQ Region 4 Office in CITY at (817) 588-5800. Citizen complaints may also be filed on-line at www.tceq.texas.gov/compliance/complaints.

COMMENT 9:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin, and Ellis County commented that the applicant did not properly contact nearby WWTFs regarding regionalization of WWTFs. Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin noted that the letter sent to the City of Venus inquired if they could accommodate a flow of 3.94 MGD. Ellis County noted that the TCEQ should deny the application on the basis that it would be contrary to the State of Texas policy regarding regionalization.

RESPONSE 9:

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 WWTFs.¹⁰ 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 WWTF 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 WWTF 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.

At the time the application was submitted, there was only one permitted entity within three miles (City of Venus). However, the City of Venus WWTF has not been constructed and denied service when it was requested by the Applicant. During the technical review of the application, the mismatch of the daily average flow and the flow used in the request letter was brought to the attention of the Applicant. The Applicant explained that a 3.94 MGD flow estimation was used in the letter because after discussions with City of Venus staff, the engineers were asked to estimate the proposed flow with consideration to inflow and infiltration in the collections system and peak flow conditions, which are usually three to four times the daily average flow.

COMMENT 10:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin, Karen Anderson, Margaret Burriss, Courtney Poole, Pam Poole, and Ellis County commented that the application was missing information or incomplete. Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and

¹⁰ Domestic Technical Report 1.1 (TCEQ Form 10054), Section 1, Item B, page 21

Jacob Griffin stated that the justification, buffer zone map, flow diagrams, and site drawings provided in the application were inadequate.

RESPONSE 10:

A revised buffer zone map and justification was requested during the technical review of the application. Revisions to the buffer zone map and justification were received November 20, 2023. 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 including updates are to be made available to the public at Nicholas P. Sims Library & Lyceum, 515 West Main Street, Waxahachie, in Ellis County Texas and at Alvarado Public Library, 210 North Baugh Street, Alvarado, in Johnson County Texas. The flow diagrams, and site drawings were determined to be accurate and sufficient during the technical review of the application.

COMMENT 11:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin commented that the amount of sludge being contained on site is too large for a floodplain.

RESPONSE 11:

The applicant provided a sewage sludge solids management plan (SMP) in the application. The SMP outlines how often the sludge produced at the facility will be hauled for disposal and the maximum volume of sludge that can be contained in the onsite holding tanks. According to the plan in the application, at 100 percent flow, the sludge will be removed from the holding tanks at a frequency of roughly every two months. The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation.

The draft permit contains a requirement for the permittee to provide facilities for the protection of its WWTF (including sludge holding tanks) from a 100-year flood.

Furthermore, the proposed permit prohibits unauthorized discharge of sludge and includes appropriate requirements to preclude such events. For example, a permittee must maintain adequate safeguards to prevent the discharge of untreated or

inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater or sludge.¹¹ In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ.¹² All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, the Applicant will be required to report an unauthorized discharge to TCEQ within 24 hours.¹³ The Applicant will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

COMMENT 12:

Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, Jacob Griffin Ellis County, and Mark Knight commented that the Applicant is not an experienced facility and system operator. Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob Griffin commented that the proposed operator have a class A wastewater treatment operator license.

RESPONSE 12:

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.¹⁴ The applicant has indicated that the facility will be operated by an individual possessing a Class A license, which is a higher licensing level than what is required by 30 TAC Rule § 30.350(e).

¹¹ 30 Tex. Admin. Code § 217.36.

¹² Buffalo Hills Development, LLC, Draft Permit, Other Requirements, Item 6, pages 35-36; *see also* 30 TEX. ADMIN. CODE § 217.6(d).

¹³ Buffalo Hills Development, LLC, Draft Permit, Monitoring and Reporting Requirements, Item 7, page 7.

¹⁴ Buffalo Hills Development, LLC Draft Permit, Other Requirements, Item 1, page 34; *see also* 30 TEX. ADMIN. CODE § 30.350.

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.

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 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. If the Applicant fails to comply with all requirements of the permit, it may be subject to enforcement action.

COMMENT 13:

Brenda Bacerra commented that the new developments in the area are going to burden their already overpopulated schools and inquired where the new development will be located. Jim Justice and Brenda Bacerra also commented that they are in support of controlled and smart growth.

RESPONSE 13:

The TCEQ acknowledges these comments. The TCEQ does not have jurisdiction to address issues of school population, nor can it consider issues of population growth. The facility will be located approximately 0.4 miles north of the intersection of

County Road 213 and Farm-to-Market Road 2258, in Ellis and Johnson Counties County, Texas 76084. Additionally, the application for this facility including maps of the facility location have been available for viewing and copying at Nicholas P. Sims Library & Lyceum, 515 West Main Street, Waxahachie, in Ellis County Texas and at Alvarado Public Library, 210 North Baugh Street, Alvarado, in Johnson County Texas since publication of the NORI. The draft permit, the Statement of Basis/Technical Summary, and the Executive Director's preliminary decision have been available for viewing and copying at the same location since publication of the NAPD.

Additionally, during regular business hours, the public may review or copy the public file for this application, which includes the application, its attachments, the comment letters, this Response to Public Comment, the Hearing Requests, the Responses to Hearing Requests, and any other communications made during the review of this application, at TCEQ's Office of the Chief Clerk located in Building F, 12100 Park 35 Circle, Austin, Texas.

COMMENT 14:

Ellis County and Todd Little commented regarding the potential of emerging contaminants entering the public water supply through the discharge of treated domestic wastewater into nearby waterways from the proposed facility.

RESPONSE 14:

TCEQ has not investigated the potential effects of emerging contaminants in effluent. Neither TCEQ nor EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. EPA is currently investigating emerging contaminants and potential adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants. Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants such as pharmaceuticals in domestic wastewater.

COMMENT 15:

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

RESPONSE 15:

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

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

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

COMMENT 16:

Todd Little, Jim Justice, Phillip Farrell Sr., Phillip Farrell Jr., Hayden Farrell, Maliya Farrell, Robyn Farrell, Nick Griffin, Gabriel Griffin, Rene Griffin, and Jacob

Griffin commented regarding the pending Municipal Utility District (MUD) applications associated with the nearby developments.

RESPONSE 16:

Chapter 54 of the TWC governs municipal utility districts and their creation, whereas Chapter 26 of the TWC governs TCEQ's permitting process. District creation is not part of the review process for wastewater applications.

The Executive Director acknowledges these comments and encourages the participation of all individuals in the environmental permitting process. However, there are certain concerns of individuals that TCEQ cannot address in the review of a wastewater discharge permit, as the scope of the ED's jurisdiction in a TPDES application is limited to the issues set out by statute. While the Texas Legislature has given the TCEQ the responsibility to protect water quality, the water quality permitting process is governed by Tex. Water Code Chapter 26 and is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. TPDES applications are reviewed by TCEQ staff in the Water Quality Division and are subject to the laws and regulations under Tex. Water Code Chapter 26 and 30 TAC Chapters 30, 305, 307, 309, 312, and 319. Applications for the creations of water districts, including MUDs, undergo a separate review process by TCEQ Districts staff in the Water Supply Division, and are subject to the laws and regulations under Tex. Water Code Chapters 49 and 54, and 30 TAC Chapter 293. [New November 2024]

For general information and resources regarding MUDs and water districts, please visit TCEQ's website at:

<https://www.tceq.texas.gov/waterdistricts/districts.html> and
<https://www.tceq.texas.gov/waterdistricts/rules-forms.html>.

COMMENT 17:

Amanda Kegley expressed concern about an increase in crime in the area due to the increase in residents.

RESPONSE 17:

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 crime.

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.

For concerns about crime, please contact local law enforcement or either the Johnson County Sherriff's Office at 817-556-6058, or the Ellis County Sherriff's Office at 972-825-4901.

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

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

Respectfully submitted,

Texas Commission on Environmental Quality

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