

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*

May 1, 2025

TO: All interested persons.

RE: Plum Creek Caldwell, LP  
TPDES Permit No. WQ0015738001

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

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Dr. Eugene Clark Library, 217 South Main Street, Lockhart.

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.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

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

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

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

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

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

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

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

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

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

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

### **Processing of Requests.**

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

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

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

Sincerely,

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

Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Plum Creek Caldwell, LP**  
**TPDES Permit No. WQ0015738001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Plum Creek Caldwell, LP for TPDES Permit No. WQ0015738001 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 (WQ0015738001) and click the "Search" button. The search results will display a link to the RTC.

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

**Additional Information**

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Dr. Eugene Clark Library, 217 South Main Street, Lockhart.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

1 de mayo de 2025

TO: Todas las personas interesadas.

RE: Plum Creek Caldwell, LP  
TPDES Permiso No. WQ0015738001

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

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

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Dr. Eugene Clark Library, 217 South Main Street, Lockhart.

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

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

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

La solicitud debe incluir lo siguiente:

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

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

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

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

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

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

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

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

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

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

### **Procesamiento de solicitudes.**

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

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

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

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/cb

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Plum Creek Caldwell, LP**  
**TPDES Permiso No. WQ0015738001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Plum Creek Caldwell, LP del permiso de TPDES WQ0015738001. 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 (WQ0015738001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

**Información adicional**

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Dr. Eugene Clark Library, 217 South Main Street, Lockhart.



MAILING LIST / LISTA DE CORREO  
for / para  
Plum Creek Caldwell, LP  
TPDES Permit No. WQ0015738001 / TPDES Permiso No. WQ0015738001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Shannon Livingston  
Plum Creek Caldwell, LP  
1909 Woodall Rodgers Freeway, Suite 300  
Dallas, Texas 75201

Chris Vela, P.E.  
Kimley-Horn and Associates  
801 Cherry Street, Suite 1300, Unit 11  
Fort Worth, Texas 76102

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

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

Sonia Bhuiya, 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

ADKINS , JUSTIN C  
GUADALUPE BLANCO RIVER AUTHORITY  
2225 E COMMON ST  
NEW BRAUNFELS TX 78130-3157

CALDWELL , MELANIE  
PO BOX 335  
PRAIRIE LEA TX 78661-0335

DAVIS , KELLY DEANNE  
SAVE OUR SPRINGS ALLIANCE  
STE D401  
4701 W GATE BLVD  
AUSTIN TX 78745-1479

DEESE , NORMAN  
PO BOX 74  
FENTRESS TX 78622-0074

HENIZE , SCOTT D  
721 BURLESON ST  
SAN MARCOS TX 78666-4334

OHLENDORF , MICHAEL W  
1845 FM 1977  
MARTINDALE TX 78655-3974

PARKER , VIRGINIA  
SAN MARCOS RIVER FOUNDATION  
2275 RIDGECREST ST  
SAN MARCOS TX 78666-4955

ROSE , VICTORIA ANN  
SAVE OUR SPRINGS ALLIANCE  
STE D401  
4701 W GATE BLVD  
AUSTIN TX 78745-1479

VASQUEZ , ROBERT  
475 RIVER GROVE RD  
KINGSBURY TX 78638-2028

ZAFFIRINI , THE HONORABLE JUDITH STATE  
SENATOR  
THE SENATE OF TEXAS DISTRICT 21  
PO BOX 12068  
AUSTIN TX 78711-2068

ZAFFIRINI , THE HONORABLE JUDITH STATE  
SENATOR  
THE SENATE OF TEXAS DISTRICT 21  
PO BOX 627  
LAREDO TX 78042-0627

**TPDES PERMIT NO. WQ0015738001**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>PLUM CREEK CALDWELL, LP</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
<b>FOR TPDES PERMIT NO.</b>	<b>§</b>	<b>ON ENVIRONMENTAL</b>
<b>WQ0015738001</b>	<b>§</b>	<b>QUALITY</b>

---

**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 Plum Creek Caldwell, LP (Applicant) for an amended Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0015738001, 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 whether or not withdrawn. The Office of the Chief Clerk received public meeting requests from State Senator Judith Zaffirini. The Office of the Chief Clerk received timely comments from Justin C. Adkins on behalf of Guadalupe Blanco River Authority (GBRA), Virginia Parker and Victoria Rose on behalf of San Marcos River Foundation (SMRF), Scott D. Henize, Michael W. Ohlendorf, Melanie Caldwell, Norman Deese, and Robert Vasquez.

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 would like a hard copy of this RTC, please contact Harrison Cole Malley Staff Attorney at (512) 239-1439. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at the following website: [www.tceq.texas.gov](http://www.tceq.texas.gov)

## I. BACKGROUND

### *A. Description of Facility*

Plum Creek Caldwell, LP has applied for a major amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0015738001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 160,000 gallons per day to an annual average flow not to exceed 3,080,000 gallons per day.

The Caldwell County MUD 1 Wastewater Treatment Facility will be a membrane bioreactor facility. Treatment units in the Interim I Phase will include one mechanical screen, one vortex grit chamber, two fine screen, two anoxic basins, two aeration basins, two membrane basins and one Ultraviolet Light (UV) chamber. Treatment units in the Interim II Phase will include one mechanical screen, one vortex grit chamber, two fine screens, four anoxic basins, four aeration basins, four membrane basins, and three UV chambers. Treatment units in the Final Phase will include two mechanical screens, two vortex grit chambers, four fine screens, twelve anoxic basins, twelve aeration basins, twelve membrane basins, and six UV chambers. The facility has not been constructed.

The plant site will be located approximately 600 feet south of the intersection of Dickerson Road and State Highway 80, in Caldwell County, Texas 78655.

#### Outfall Location:

Outfall Number	Latitude	Longitude
001	29.811188 N	97.798757 W

The treated effluent will be discharged to Dickerson Creek, thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Dickerson Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use.

### **Endangered Species Review**

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed

species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) 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.

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

TCEQ received the Application on March 23, 2023, and received additional information on April 13, 2023, and September 22, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on April 27, 2023, in the *Lockhart Post Register* in English and on April 27, 2023, in *El Mundo Newspaper* in Spanish. The Combined Notice of NORI and Notice of Application and Preliminary Decision (NAPD) was published on February 22, 2024, in the *Lockhart Post Register* in English and on October 11, 2024, in *El Mundo* in Spanish.

A public meeting was scheduled for March 26, 2024, Publication of the Notice of Public Meeting was published on February 20, 2024, in the *Lockhart Post Register* in English and the February 15, 2024, *El Mundo Newspaper* in Spanish. A public meeting was held on March 26, 2024, at the Lockhart Evening Lions Club in 220 Bufkin Lane, Lockhart, Texas, 78644.

The public comment period ended March 26, 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:

to access the Secretary of State website: [www.sos.state.tx.us](http://www.sos.state.tx.us);

for TCEQ rules in 30 TAC: [www.sos.state.tx.us/tac/](http://www.sos.state.tx.us/tac/) (select “TAC Viewer” on the right, then “Title 30 Environmental Quality”);

for Texas statutes: [www.statutes.legis.state.tx.us/](http://www.statutes.legis.state.tx.us/);

TCEQ website: [www.tceq.texas.gov/rules/indxpdx.html](http://www.tceq.texas.gov/rules/indxpdx.html) (for downloadable rules in Microsoft Word or Adobe PDF formats, select “Rules,” then “Current Rules and Regulations,” then “Download TCEQ Rules”);

for Federal rules in Title 40 of the Code of Federal Regulations: [www.ecfr.gov/current/title-40](http://www.ecfr.gov/current/title-40); and

for Federal environmental laws: [www.epa.gov/lawsregs/](http://www.epa.gov/lawsregs/).

Commission records for this facility 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 locations: Dr. Eugene Clark Library, 217 South Main Street, Lockhart.

## **II. COMMENTS AND RESPONSES**

### **COMMENT 1:**

Robert Vasquez, SMRF, Guadalupe Blanco River Authority (GBRA), Melanie Caldwell, and Micheal Ohlendorf raised concerns about the effluent limitations for the permit. These concerns included issues related to phosphorus limits and algae, nitrogen, Total Suspended Solids (TSS), and Carbonaceous Biochemical Oxygen Demand (CBOD). SMRF requested that the effluent limits for the permit at a minimum should be set at 5-5-2- 0.15.

### **RESPONSE 1:**

In order to address nutrient concerns related to this discharge, technical staff performed a nutrient screening procedure as described in the Implementation

Procedures. The nutrient screening scored relatively low and thus nutrients such as Total phosphorus (TP) and Total Nitrogen (TN) from this facility were not determined to be a concern. The characteristics of the receiving water such as muddy and sandy bottom substrate, substantial canopy cover, and turbid waters, are not conducive to increased algal growth. For these reasons, nutrient limits were not seen as necessary to prevent water quality degradation due to nuisance algal growth. Similar facilities that discharge to the same receiving waters also do not have TP limits. However, the preliminary determination can be reexamined and may be modified if new information is received.

**COMMENT 2:**

SMRF raised Scott D. Henize, and Micheal Ohlendorf concerns about the draft permit's potential impact on agriculture and local wildlife, including aquatic life.

**RESPONSE 2:**

The proposed permit was drafted in accordance with 30 TAC § 307.5 and the TCEQ *Procedures for the Implementation of the Texas Surface Water Quality Standards* (IPs; June 2010). The Texas Surface Water Quality Standards (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 Executive Director has determined that the proposed 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.

**COMMENT 3:**

SMRF, GBRA, Scott D. Henize, and Micheal Ohlendorf raised concerns the permit's impact on groundwater and local wells.

**RESPONSE 3:**

The legislature has determined that, "the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of

non-degradation does not mean zero-contaminant discharge. 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.”

The Water Quality Division has determined that the draft permit is in accordance with the TSWQS, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 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.

The Ground Water Rule does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and are therefore not subject to TCEQ regulation. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well.

**COMMENT 4:**

SMRF raised concerns about the ED’s antidegradation review, specifically the Tier 1 review. SMRF also requested that a Tier 2 review be performed for this application. SMRF, Michael W. Ohlendorf, and Scott D. Henize also raised concerns about the draft permit’s impact on existing uses.

**RESPONSE 4:**

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit’s requirements. The methodology outlined in the *Procedures to*



*Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

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

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

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

**COMMENT 5:**

SMRF stated that the applicant has not demonstrated sufficient need for the draft permit.

**RESPONSE 5:**

Domestic Technical Report 1.1 of the application requires justification and demonstration of sufficient need for the permit. A new treatment plant is needed to serve the Caldwell County Mud No.01 development. Ultimately, the development will include 3,134 acres of single-family, multi-family, and commercial properties. With the proposed acreage distribution and number of single-family lots, industry standard flows from Metcalf and Eddy were used to determine that a 3.08 MGD plant would be needed to meet the needs of this future community.

**COMMENT 6:**

SMRF raised concerns about the draft permit's impact on human health.

**RESPONSE 6:**

As specified in the Texas Surface Water Quality Standards, water in the state must 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 has been developed to ensure that the proposed discharge will comply with numeric water quality criteria to protect human health, provided that the Applicant operates in accordance with TCEQ rules and the proposed permit's requirements.

In addition, the proposed facility will be categorized as a major facility by the EPA and therefore will require priority pollutant screening or whole effluent toxicity (WET) permit requirements.<sup>1</sup> Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the TSWQS (30 TAC Chapter 307). TCEQ's practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation for aquatic life and human health protection.

The applicant is required to submit the analytical data within 120 days from operation of the facility and will be screened to make sure no criteria is exceeding the Human Health criteria and will provide any reporting or effluent limitations based on the results, if necessary.

---

<sup>1</sup> *Procedures to Implement the Texas Surface Water Quality Standards (IPs)*, page 102.

**COMMENT 7:**

SMRF raised concerns about odors emanating from the proposed facility.

**RESPONSE 7:**

All wastewater treatment facilities have the potential to generate odors. To control and abate odors the TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. 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 Applicant; or 3) providing nuisance odor control.

According to its application, Plum Creek Caldwell, LP intends to comply with the requirement to abate and control nuisance odor by locating the treatment units at least 150 feet from the nearest property line. This requirement is incorporated in the draft permit. Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit. The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e)

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. Citizen complaints may also be filed on-line at [www.tceq.texas.gov/compliance/complaints](http://www.tceq.texas.gov/compliance/complaints).

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

**COMMENT 8:**

Michael W. Ohlendorf raised concerns about the accuracy and sufficiency of the discharge route.

**RESPONSE 8:**

The discharge route is described as to Dickerson Creek, thence to Lower San Marcos River in Segment 1808 of the Guadalupe River Basin. The outfall coordinates are 29.811188, -97.798757. The accuracy of this information was verified using online USGS maps and aerial photos.

**COMMENT 9:**

GBRA raised concerns about regionalization.

**RESPONSE 9:**

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

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

In the application, the applicant stated that there were no facilities or collection systems nearby to provide service to this development. It was confirmed using the Water and Sewer CCN viewer by the Public Utility Commission of Texas and the Wastewater Outfalls Viewer on the TCEQ website. It confirmed that there were no constructed facilities nor approved permits in the area at the time of review.

**COMMENT 10:**

Norman Deese requested information about TCEQ's enforcement procedures in the event of unauthorized discharges, including trash or other debris.

**RESPONSE 10:**

The proposed permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements. 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. In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ. 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. Finally, the Applicant will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

**COMMENT 11:**

SMRF stated that the draft permit was not available at the public viewing location as specified in the notices. SMRF requested that the NAPD be reissued and the comment period extended.

**RESPONSE 11:**

There are two public notices regarding this permit action, the Notice of Receipt of Application and Intent to Obtain a Wastewater Permit (NORI) and the Notice of Application and Preliminary Decision (NAPD). The TCEQ's notice rules require applicants to provide public notices for wastewater permits by publishing the NORI in a "newspaper of largest circulation in the county in which the facility is located or proposed to be located ... if the facility is located or proposed to be located in a

municipality, the applicant [must] publish notice in any newspaper of general circulation in the municipality.” After the Office of the Chief Clerk has mailed the preliminary decision and the NAPD to the applicant, they are required to publish the NAPD “at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge.

Additionally, the TCEQ’s notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant’s property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

In accordance with TCEQ’s notice rules, two public notices were published for the submitted application. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on April 27, 2023, in the *Lockhart Post Register* in English and on April 27, 2023, in *El Mundo Newspaper* in Spanish. The Combined Notice of NORI and Notice of Application and Preliminary Decision (NAPD) was published on February 22, 2024, in the *Lockhart Post Register* in English and on October 11, 2024 in *El Mundo* in Spanish. The ED has determined that all notice requirements have been met and the comment period will not be extended. The Applicant communicated to the ED that a copy of the draft permit has been placed at the public viewing location. The comment period will not be extended.

**COMMENT 12:**

SMRF and Michael Ohlendorf questioned whether previous settlement agreements related to reuse would be incorporated into the proposed draft permit.

**RESPONSE 12:**

The Applicants did not request to have Other Requirement No. 8 related to reuse from the existing permit to be removed in the draft permit. Any type of Other Requirement that is added per a settlement agreement will continue to be added in future permit actions unless the agreement were to change between the permittee and parties.

**COMMENT 13:**

SMRF, Michael W. Ohlendorf, and Robert Vasquez raised concerns about flooding, whether the facility is located in a floodplain, erosion, and stormwater planning for the proposed facility.

**RESPONSE 13:**

The TCEQ does not have jurisdiction to regulate these types of issues in the context of a wastewater discharge permit. 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.

According to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 7, which requires the permittee to provide protection for the facility from a 100-year flood.

For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at (512) 239-4691.

**COMMENT 14:**

SMRF, GBRA, Scott D. Henize, and Micheal Ohlendorf raised concerns about the draft permit's impact on water quality in the receiving waters the San Marcos River.

#### RESPONSE 14:

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

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

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

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

In accordance with §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water



quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. CBOD<sub>5</sub>, Ammonia-Nitrogen, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

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

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law Division



---

Harrison Cole Malley, Staff Attorney  
Environmental Law Division  
State Bar No. 24116710  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Phone (512) 239-1439  
Fax: (512) 239-0606

### **CERTIFICATE OF SERVICE**

I certify that on April 28, 2025, the Executive Director's Response to Public Comment for Permit No. WQ0015738001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

A handwritten signature in black ink, appearing to read "Harrison Cole Malley", written in a cursive style.

---

Harrison Cole Malley, Staff Attorney  
State Bar No. 24116710