

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Wednesday, May 28, 2025 4:35 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016521001

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

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www.tceq.texas.gov/customersurvey

From: joe.brown1214@gmail.com <joe.brown1214@gmail.com>
Sent: Monday, May 26, 2025 8:10 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016521001

REGULATED ENTY NAME 3405 WWTF

RN NUMBER: RN111953139

PERMIT NUMBER: WQ0016521001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: 3405 INVESTMENTS LLC

CN NUMBER: CN606251056

NAME: Joe Brown

EMAIL: joe.brown1214@gmail.com

COMPANY:

ADDRESS: 220 marbella way
georgetown, TX 78633

PHONE: 5127437387

FAX:

COMMENTS: Last year, I raised several questions with the TCEQ regarding the monitoring of noise and odors, as well as the timely removal of solid waste. I also suggested that my and my neighbors concerns could be addressed by relocating the plant further west, closer to the communities generating the waste. Does the concept of fairness even resonate with the TCEQ? It seems to me, it is their waste, why are you locating the plant immediately adjacent to innocent homeowners rather than those who are creating the problem? Based on TCEQ's preliminary decision on the permit application, it seems these concerns have fallen on deaf ears— Since I did not receive a response from the TCEQ and the location was not moved, I am formally requesting a contested case hearing on this matter. Per the TCEQ letter I received in April, here is the information the TCEQ requested in a request for a contested case hearing: Name: Joe Brown Address; 220 Marbella Way, (the closest house to the facility) Phone: 512-7437387 Applicants Name - 3405 Investments Permit number - wq0016521001 Location: 350 Feet east of proposed facility Adverse Impact specific to me - Due to the plant's proximity, the noise and odors from the facility will have a direct and negative impact on my family's quality of life. We cherish the time spent with our children and grandchildren in our backyard pool, and these odors and machinery noises threaten to disrupt those moments. Also, this plant could have a disastrous impact on the resale value of this property. Additionally the facility could potentially contaminate the creek immediately adjacent to the proposed facility, especially if we have a flooding event like we had in 2015. Activated Sludge plants are subject to many problems, such as machinery noise, and odors from the stored waste. In addition, usually there is no plan or monitoring to ensure timely removal of waste when storage tanks are full. Disputed issues : 3405 investments claims it would be a prohibitive cost to locate the plant further west . PROVE IT. It strains credibility since the more western plant location would be further up a gradient, making it easier for effluent to drain out to the septic field! The real explanation is the developer simply will find it more difficult to sell units if the plant is located closer to his facility. They created the waste, let them deal with it. Joe Brown 512-743-7387 220 Marbella Way

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Friday, July 12, 2024 1:14 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016521001
Attachments: tceq comments1.docx

From: joe.brown1214@gmail.com <joe.brown1214@gmail.com>
Sent: Friday, July 12, 2024 11:08 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016521001

REGULATED ENTY NAME 3405 WWTF

RN NUMBER: RN111953139

PERMIT NUMBER: WQ0016521001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: 3405 INVESTMENTS LLC

CN NUMBER: CN606251056

NAME: Joe Brown

EMAIL: joe.brown1214@gmail.com

COMPANY:

ADDRESS: 220 MARBELLA WAY
GEORGETOWN TX 78633-4639

PHONE: 5127437387

FAX:

COMMENTS: Please see attached document regarding my concerns about the proposed waste water plant.

I am the homeowner of the closest residence to the proposed wastewater plant referenced permit number WQ0016521001, applied for by 3405 Investments. My house is directly across the creek from this project.

The plant in question is planned to set approximately 100' west of the creek, or about 600' from my back door, but only 150' from my property line. I am told the plant would be of an activated sludge type, operated in a dissipated mix mode.

My concerns fall into several areas:

1. Smell. These holding ponds are open to the air and may handle restaurant wastewater from the retail spaces they serve. My research indicates that restaurant grease discharge is problematic and a common source of odors for this type of waste. My request would be the design be changed from open to the air tanks to closed tanks to contain the smell.
 2. Creek discharge. My second concern is for water quality. If we have a rain event like we did in May of 2015 (approximately 13" in 2 days), the open holding ponds may overflow and drain into the creek. Even if they didn't drain into the creek, the contaminated water would be left on the ground, untreated and would create a long-term source of odor and contamination. Covering these ponds would greatly reduce the chances for both items 1 and 2.
- Below is how my backyard looked during that 2015 rain event:





3. Noise. The proposal does not indicate rated decibel levels for pumps designed to be installed. It is understood that noise from these facilities is a common problem. My question is how the noise would be monitored, by who (what company), and what actions would be taken if noise limits were exceeded.
4. Process. My research indicates an activated sludge process requires constant monitoring. How is the process being monitored, by whom, and how frequently?
5. Sludge disposal. A main source of odors with the activated sludge process is too infrequent removal of the sludge the process generates. How frequently will the sludge be disposed of, by whom, and how will governing authorities plan to verify timely disposal is being accomplished.

Another very low-cost partial solution for all concerns listed above is to simply move the plant to the west by 200'. The 3405 group owns the land already, and it would reduce, noise, odors, and the possibility the creek would be contaminated by a large rainfall event.

Respectfully, joe brown

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Thursday, May 16, 2024 4:17 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016521001

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Office Phone: 512-239-3319

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From: Reder09@gmail.com <Reder09@gmail.com>
Sent: Wednesday, May 15, 2024 10:40 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016521001

REGULATED ENTY NAME 3405 WWTF

RN NUMBER: RN111953139

PERMIT NUMBER: WQ0016521001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: 3405 INVESTMENTS LLC

CN NUMBER: CN606251056

NAME: Ryan L Eder

EMAIL: Reder09@gmail.com

COMPANY:

ADDRESS: 232 MARBELLA WAY
GEORGETOWN TX 78633-4639

PHONE: 8153702857

FAX:

COMMENTS: Ryan Eder, 232 Marbella Way, 815-370-2857; CN606251056 - 3405 INVESTMENTS LLC - WQ0016521001
Subject: Request for Contested Case Hearing on Water Quality Permit Application To Whom It May Concern, I am writing to formally contest the water quality permit application for the proposed facility at 30°42'16"N 97°50'52.0"W, which is approximately 200 feet from my property line at 30°42'15.2"N 97°50'49.0"W. I am deeply concerned about the potential adverse effects this facility may have on my property and my family's well-being. Proximity and Personal Impact: The proposed discharge location is alarmingly close to my property, separated only by a narrow 6-foot-wide creek. This creek is frequently used by my children and dogs, making the proximity of wastewater discharge a direct threat to our health and safety. Any wastewater discharged at this location poses a significant risk of contamination, essentially placing the effluent in our immediate living environment. Health and Environmental Concerns: The potential for airborne particulates and odors from the facility to affect my property is a serious concern. The health implications of such exposure cannot be overstated, as it could lead to respiratory issues and other health problems for my family. The contamination risk to the creek also threatens local wildlife and disrupts the natural ecosystem that we cherish and rely upon. Property Value and Quality of Life: The establishment of this facility so close to my property is likely to result in a significant decrease in property value. The presence of odors, noise, and visible contamination would deter potential buyers and diminish the quality of life for my family. The constant proximity to wastewater discharge is not a condition that the general public would have to endure, thereby placing an undue burden on us. Request for Contested Case Hearing: Given the substantial negative impact this facility would have on my property and family, I request a contested case hearing to thoroughly examine the potential consequences and explore alternative solutions. It is imperative that the specific concerns of nearby residents, like myself, are considered in this decision-making process. Thank you for your attention to this critical matter. I look forward to your response and the opportunity to discuss these concerns further. Sincerely, Ryan Eder 232 Marbella Way 815-370-2857

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2024 3:02 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016521001
Attachments: WQ0016521001-comments.docx

H
PM

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

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From: jsheld@hotmail.com <jsheld@hotmail.com>
Sent: Thursday, August 22, 2024 12:48 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016521001

REGULATED ENTY NAME 3405 WWTF

RN NUMBER: RN111953139

PERMIT NUMBER: WQ0016521001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: 3405 INVESTMENTS LLC

CN NUMBER: CN606251056

NAME: Jonathan Seth Held

EMAIL: jsheld@hotmail.com

COMPANY:

ADDRESS: 205 MARBELLA WAY
GEORGETOWN TX 78633-4639

PHONE: 4258774014

FAX:

COMMENTS: To Whom It May Concern: Re: TCEQ Permit WQ0016521001 I am writing to express my strong opposition to the proposed wastewater treatment system under TCEQ permit WQ0016521001, which would be located in close proximity to my residence. The project, proposed by 3405 Investments LLC, plans to dispose of up to 60,000 gallons of treated wastewater daily near residential areas. I have several significant concerns about this proposal: 1. Applicant Competence: 3405 Investments LLC was formed on May 23, 2023, just over a year ago. Their lack of experience in wastewater treatment is deeply concerning and should be grounds for permit denial. 2. Environmental Impact: The potential negative effects on local ecosystems, risk of water pollution, and increased greenhouse gas emissions have not been adequately studied or addressed. 3. Economic Consequences: The project may lead to decreased property values and negatively impact local tourism, particularly given the concentration of RV camps in the area. 4. Health and Safety: There are serious concerns about air quality, potential chemical spills, and the risk of pathogens or contaminants not being fully removed from the wastewater. 5. Land Use and Aesthetics: The facility would lead to loss of open space, increased traffic and noise, and potentially unsightly infrastructure in our community. 6. Wastewater Disposal: The proposal fails to adequately address how and where the treated wastewater will be disposed of. The small creek in the area is insufficient to handle the projected daily volume. 7. Environmental Impact Analysis: No comprehensive environmental impact analysis has been conducted. Given Texas's status as the largest emitter of greenhouse gases in the United States, it is crucial that we carefully consider the environmental implications of such projects. 8. Quality of Life: The facility is likely to generate unpleasant odors, particularly during Texas's hot and humid weather, severely impacting outdoor enjoyment and property values in the surrounding area. Given these significant concerns and the lack of thorough analysis, I formally request a public meeting and contested hearing on this project. I strongly believe that this facility should not be constructed in a residential area and that a more suitable location, with minimal impact on residential neighborhoods, should be found. Thank you for your attention to this matter. I look forward to participating in a public hearing to further discuss these concerns. Sincerely, Jonathan Held

To Whom It May Concern:

Re: TCEQ Permit WQ0016521001

I am writing to express my strong opposition to the proposed wastewater treatment system under TCEQ permit WQ0016521001, which would be located in close proximity to my residence. The project, proposed by 3405 Investments LLC, plans to dispose of up to 60,000 gallons of treated wastewater daily near residential areas.

I have several significant concerns about this proposal:

1. **Applicant Competence:** 3405 Investments LLC was formed on May 23, 2023, just over a year ago. Their lack of experience in wastewater treatment is deeply concerning and should be grounds for permit denial.
2. **Environmental Impact:** The potential negative effects on local ecosystems, risk of water pollution, and increased greenhouse gas emissions have not been adequately studied or addressed.
3. **Economic Consequences:** The project may lead to decreased property values and negatively impact local tourism, particularly given the concentration of RV camps in the area.
4. **Health and Safety:** There are serious concerns about air quality, potential chemical spills, and the risk of pathogens or contaminants not being fully removed from the wastewater.
5. **Land Use and Aesthetics:** The facility would lead to loss of open space, increased traffic and noise, and potentially unsightly infrastructure in our community.
6. **Wastewater Disposal:** The proposal fails to adequately address how and where the treated wastewater will be disposed of. The small creek in the area is insufficient to handle the projected daily volume.
7. **Environmental Impact Analysis:** No comprehensive environmental impact analysis has been conducted. Given Texas's status as the largest emitter of greenhouse gases in the United States, it is crucial that we carefully consider the environmental implications of such projects.
8. **Quality of Life:** The facility is likely to generate unpleasant odors, particularly during Texas's hot and humid weather, severely impacting outdoor enjoyment and property values in the surrounding area.

Given these significant concerns and the lack of thorough analysis, I formally request a public meeting and contested hearing on this project. I strongly believe that this facility should not be constructed in a residential area and that a more suitable location, with minimal impact on residential neighborhoods, should be found.

Thank you for your attention to this matter. I look forward to participating in a public hearing to further discuss these concerns.

Sincerely,

Jonathan Held

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Thursday, August 22, 2024 2:54 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: TECQ Permit WQ0016521001
Attachments: Search TCEQ Data - Texas Commission on Environmental Quality - www.tceq.texas.gov.pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

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From: Brad Patterson <Brad.Patterson@tceq.texas.gov>
Sent: Thursday, August 22, 2024 9:51 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: TECQ Permit WQ0016521001

From: Jonathan Held <jsheld@hotmail.com>
Sent: Thursday, August 22, 2024 9:24 AM
To: commisioner1@wilco.org; comm3@wilco.org; comm2@wilco.org; comm-pct4@wilco.org; Info@tceq.texas.gov
Cc: Jonathan Held <jsheld@hotmail.com>
Subject: TECQ Permit WQ0016521001

To whom it may concern:

First, I apologize - my voter registration card does not indicate what Williamson County precinct I reside in; hence, I am emailing all of you. Second, I am writing regarding TECQ permit WQ0016521001, which proposes to put a wastewater treatment system steps away from my front door. The project, led by 3405 Investments LLC, has plans to dispose of up to 60,000 gallons of "treated" wastewater right near my house. As you might imagine, I want your support in opposing this project, not just because of the environmental and health impact this poses (wastewater facilities also generate odorous smells on hot humid days, which Texas is no stranger to) but also because it defies common sense. There are plenty of other areas around non-residential homes that such a plant could be built (in fact, dump the 60,000 gallons into the north fork of the San Gabriel river which is always barren). The permit information is included as an attachment to this email. I look forward to hearing from at least one of you.

Third - TECQ, please forward the following to Brad Patterson - please give me a call at 425-877-4014 as I plan to do whatever is necessary to stop this project from proceeding. 3405 Investments LLC was created in May of

2023 - they have no experience or competence in managing or building waste water treatment systems. I would like to be informed (and I am hereby requesting a contested hearing on this matter) of any events, filings, etc related to the aforementioned permit.

I am more than happy to speak to anyone about this. Such a project would no doubt require a bond initiative that would need to be voted on and will be opposed by myself and many others.

Regards,
Jonathan Held



Questions or Comments > >

TCEQ Home

Search Results for TCEQ Commissioners' Integrated Database

Note: Any document type in activity action, filing, or comment letter, etc. appearing as a hyperlink has a copy of the document(s) viewable in PDF. (Help with PDF). See Glossary of Terms. for clarification of terms used.

For more information, about this permit application or the permitting process, please call the Public Education Program, toll free, at 1-800-687-4040.

Return to search form.

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| Report Results 1 of 1 | | |
|--|---|--|
| Applicant/Respondent Name, TCEQ Customer Number: 3405 INVESTMENTS LLC, CN606251056 | Status: ACTIVE Item Type: NEW | |
| Regulated Entity Name, Regulated Entity Number: 3405 WWTF, RN111953139 | | |
| TCEQ Docket Num: SOAH Docket Num: County, TCEQ Region: WILLIAMSON, REGION 11 - AUSTIN | Program: WWPERMIT Permit Number: WQ0016521001 | |
| Doc. Type: PERMIT | | |
| Protestant Information Note: Allow up to five or more business days after the end of the comment period for comments or hearing requests to be included in this total. | | |

Comments Received: 1 Hearing Requests Received: 2 Public Meetings Received: 0

11 Activity Actions found. Display all Activity Actions

Activity Action List:

| Date | Document Type | Action |
|-------------|--|---------------|
| 07/12/2024 | NOTICE OF RECEIPT/INTENT | COMPLETE |
| 07/12/2024 | AFFIDAVIT - NORI | RECEIVED |
| 07/12/2024 | ALTERNATIVE LANGUAGE VERIFICATION FORM | RECEIVED |
| 07/12/2024 | VERIFICATION/APPLICATION | RECEIVED |
| 07/12/2024 | NEWSPAPER TEARSHEET | RECEIVED |

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Filings:**Date Received**

No Filings found

Filing Title

Comment letters, etc. received since November 2008 can be downloaded as a PDF by clicking on the Correspondence Type.

| Date Received | Commentor | Correspondence Type | Comments Submitted Electronically |
|----------------------|------------------|----------------------------|---|
| 07/12/2024 11:07 AM | BROWN,JOE | Comment - Written English | Please see attached document regarding my concerns about the proposed waste water plant. |
| 05/22/2024 12:32 PM | YBARRA,MINGA M | Hearing Request English | In general, my household is not in favor of a wastewater treatment facility a few hundred feet from our neighborhood. If this is related to a specific development, why can't it be placed within the property boundaries of the development? Questions I have are as follows: Has an assessment on slope stability been done in the runoff area? Our neighborhood suffers greatly from issues with runoff. Will discharge be continuous, intermittent, or overflow path? When is the first date of discharge planned? Where do we get more detail on the discharge; storm water path/over land/retention pond? How |

| | | | |
|---------------------|--------------|----------------------------|---|
| 05/15/2024 10:39 AM | EDER, RYAN L | Hearing Request English | <p>many people are needed to request a hearing on the matter?</p> <p>Ryan Eder, 232 Marbella Way, 815-370-2857; CN606251056 - 3405 INVESTMENTS LLC - WQ0016521001 Subject: Request for Contested Case Hearing on Water Quality Permit Application To Whom It May Concern, I am writing to formally contest the water quality permit application for the proposed facility at 30°42'16"N 97°50'52.0"W, which is approximately 200 feet from my property line at 30°42'15.2"N 97°50'49.0"W. I am deeply concerned about the potential adverse effects this facility may have on my property and my family's well-being. Proximity and Personal Impact: The proposed discharge location is alarmingly close to my property, separated only by a narrow 6-foot-wide creek. This creek is frequently used by my children and dogs, making the proximity of wastewater discharge a direct threat to our health and safety. Any wastewater discharged at this location poses a significant risk of contamination, essentially placing the effluent in our immediate living environment. Health and Environmental Concerns: The potential for airborne particulates and odors from the facility to affect my property is a serious concern. The health implications of such exposure cannot be overstated, as it could lead to respiratory issues and other health problems for my family. The contamination risk to the creek also threatens local wildlife and disrupts the natural ecosystem that we cherish and rely upon. Property Value and Quality of Life: The establishment of this facility so close to my property is likely to result in a significant decrease in property value. The presence of odors, noise, and visible contamination would deter potential buyers and diminish the quality of life for my family. The constant proximity to</p> |
|---------------------|--------------|----------------------------|---|

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|--|--|---|
| | | <p>wastewater discharge is not a condition that the general public would have to endure, thereby placing an undue burden on us. Request for Contested Case Hearing: Given the substantial negative impact this facility would have on my property and family, I request a contested case hearing to thoroughly examine the potential consequences and explore alternative solutions. It is imperative that the specific concerns of nearby residents, like myself, are considered in this decision-making process. Thank you for your attention to this critical matter. I look forward to your response and the opportunity to discuss these concerns further. Sincerely, Ryan Eder 232 Marbella Way 815-370-2857 more</p> |
|--|--|---|

| 1 - 1 |

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Last Modified 2023-05-17 - Production v3.2.1

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Wednesday, May 22, 2024 5:01 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016521001

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

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From: minga.ybarra@gmail.com <minga.ybarra@gmail.com>
Sent: Wednesday, May 22, 2024 12:33 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016521001

REGULATED ENTY NAME 3405 WWTF

RN NUMBER: RN111953139

PERMIT NUMBER: WQ0016521001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: 3405 INVESTMENTS LLC

CN NUMBER: CN606251056

NAME: Minga M Ybarra

EMAIL: minga.ybarra@gmail.com

COMPANY:

ADDRESS: 144 MARBELLA WAY
GEORGETOWN TX 78633-4636

PHONE: 5127453907

FAX:

COMMENTS: In general, my household is not in favor of a wastewater treatment facility a few hundred feet from our neighborhood. If this is related to a specific development, why can't it be placed within the property boundaries of the development? Questions I have are as follows: Has an assessment on slope stability been done in the runoff area? Our neighborhood suffers greatly from issues with runoff. Will discharge be continuous, intermittent, or overflow path? When is the first date of discharge planned? Where do we get more detail on the discharge; storm water path/over land/retention pond? How many people are needed to request a hearing on the matter?

FAX:

COMMENTS: TO: TCEQ RE: 3405 Investments LLC TCEQ Permit No. WQ0016521001 Dear Sirs or Madams, I am writing on behalf of the residents of Beltorre to express our concerns regarding the Waste Water Treatment Plant proposed by 3405 Investments, LLC as part of their future development at the NE corner of Ronald Reagan Blvd and FM3405, particularly the potential impacts this project may have on our community. While we understand the nature of progression, we are deeply concerned about having a waste water treatment plant for the planned development of a new gas station, retail spaces, and high-density apartment housing in close proximity to our neighborhood. This proposed WWTP raises several questions about environmental, health, and quality-of-life impacts for nearby neighborhoods. Our primary concerns include: • Environmental Impact: The proximity of the plant to the South San Gabriel River raises concerns about potential contamination or ecological disruption, especially during construction and future high-capacity operations. • Air and Noise Pollution: Extended construction timelines and increased operational capacity may lead to elevated noise levels and air quality issues, affecting the well-being of nearby residents. • Lack of Community Engagement: Many residents feel that there has been insufficient outreach and transparency regarding the scope and timeline of this project. We stand in full support of our neighbor at 220 Marbella Way, Georgetown, TX 78633 Joe Brown's request for a contested case hearing and wish to formally go on record, as the Beltorre Property Owner's Association, in opposition to the proposed location and permitting of the 3405 Investments Wastewater Treatment Plant (WWTP) project. Additionally, three other residents of Beltorre have already submitted public comments expressing their concerns. These comments were addressed by the Executive Director in the attached response letter. Of note, Comments 2 and 5 are of concern. While the permit may address the issue of water pollution, other WWTP in the area have been known to have issues with discharging pollutants into the local waterways. How frequently are new WWTP inspected to ensure compliance with the permit requirements? When will the new permit requirements be addressed by 3405 Investments (Response 2)? We appreciate your attention to this matter and look forward to a constructive dialogue that prioritizes both infrastructure needs and community well-being. Sincerely, Minga M. Ybarra, PhD 144 Marbella Way Georgetown, TX 78633 512-745-3907 Minga.Ybarra@gmail.com Beltorre Property Owner's Association Board Member

TCEQ Permit No. WQ0016521001

| | | |
|--------------------------------------|----------|-------------------------|
| APPLICATION BY | § | BEFORE THE |
| 3405 INVESTMENTS LLC FOR TCEQ | § | TEXAS COMMISSION |
| PERMIT NO. WQ0016521001 | § | ON ENVIRONMENTAL |
| | § | 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 3405 Investments LLC (Applicant) for a new permit, Texas Land Application Permit (TLAP) TCEQ Permit No. WQ0016521001, 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 Joe Brown, Ryan L. Eder, Jonathan Seth Held, and Minga M. Ybarra. 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 3405 Investments LLC (Applicant) submitted an application to TCEQ for a new permit, TCEQ Permit No. WQ0016521001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day via public access subsurface area drip dispersal system on a minimum area of 13.77 acres.

The Applicant proposes to operate 3405 Wastewater Treatment Plant (WWTP), which will serve a C-store, 5 retail pads, and approximately 240 apartment units in Williamson County, Texas.

The 3405 Wastewater Treatment Facility will consist of an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase will include a primary screen, an aeration basin, a final clarifier, a digester, and a chlorine contact chamber. Treatment units in the Final phase will include a primary screen, two aeration basins, two final clarifiers, two digesters, and a chlorine contact chamber. The facility has not been constructed.

The facility and disposal site will be located approximately 1,100 feet east of the intersection of Farm-to-Market Road 3405 and Ronald Reagan Boulevard, in Williamson County, Texas 78642. The facility and disposal site will be located in the drainage basin of San Gabriel/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin. No discharge of pollutants into water in the State is authorized by this permit.

If the draft permit is issued, 60,000 gallons per day of treated effluent would be authorized to be land applied by public access subsurface area drip dispersal system to 13.77 acres at an application rate of 0.1 gallons per square foot per day. The effluent limits in the draft permit are consistent with 30 TAC, Chapter 309 and Table 1 in § 309.4.

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows are expressed in millions of gallons per day (MGD). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL).

Table 2. Interim Phase Effluent Limitations:

| Parameter/Pollutant | Daily Average | 7-day Average | Daily Maximum | Single Grab | Monitoring Requirement s |
|--|---------------|---------------|---------------|-------------|--|
| | mg/L | mg/L | mg/L | mg/L | |
| Flow (MGD) | 0.03 | N/A | N/A | N/A | Continuous |
| Biochemical Oxygen Demand, 5-day (CBOD ₅) | 20 | 30 | 45 | 65 | One/week |
| Total Suspended Solids (TSS) | 20 | 30 | 45 | 65 | One/week |
| <i>Escherichia coli</i> (<i>E. coli</i>) (CFU or MPN/100 mL) | N/A | N/A | N/A | 126 | One/quarter (chlorine) or five/week (UV) |

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored once per month by grab sample.

Table 3. Final Phase Effluent Limitations:

| Parameter/Pollutant | Daily Average | 7-day Average | Daily Maximum | Single Grab | Monitoring Requirement s |
|--|---------------|---------------|---------------|-------------|--|
| | mg/L | mg/L | mg/L | mg/L | |
| Flow (MGD) | 0.06 | N/A | N/A | N/A | Continuous |
| Biochemical Oxygen Demand, 5-day (CBOD ₅) | 20 | 30 | 45 | 65 | One/week |
| Total Suspended Solids (TSS) | 20 | 30 | 45 | 65 | One/week |
| <i>Escherichia coli</i> (<i>E. coli</i>) (CFU or MPN/100 mL) | N/A | N/A | N/A | 126 | One/quarter (chlorine) or five/week (UV) |

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored once per month by grab sample.

B. Procedural Background

The permit application was received on April 8, 2024, and declared administratively complete on May 8, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on May 22, 2024, in the *Williamson County Sun*. The Notice of Application and Preliminary Decision (NAPD) was published on February 26, 2025, in the *Williamson County Sun*.

The public comment period ended on March 28, 2025. 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/indxpdx.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: Liberty Hill Public Library, 355 Loop 332, Liberty Hill, in Williamson County, Texas.

II. COMMENTS AND RESPONSES

COMMENT 1:

Jonathan Held commented that 3405 Investments LLC was formed on May 23, 2023, and lacks experience in wastewater treatment.

RESPONSE 1:

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

The Applicant is required to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies. This Category C facility must be operated by a chief operator or an operator holding a Class C license or higher.

COMMENT 2:

Jonathan Held and Ryan Eder expressed concern that the WWTP would have potential negative effects on local ecosystems and risk of water pollution. Jonathan Held commented that there is a risk of pathogens or contaminants not being fully removed from the wastewater. Ryan Eder expressed concern about the treated effluent posing a health risk to humans and animals in the creek nearby.

RESPONSE 2:

The proposed permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharge. The treated domestic wastewater would be disposed of onsite via a subsurface area drip irrigation system on a minimum area of 13.77 acres. The proposed permit includes provisions that are designed to protect surface water quality (such as run-on/run-off controls, springs and seeps monitoring, etc.). The proposed permit also requires a minimum buffer distance of 100 feet between effluent irrigation areas and surface water in the state.

TCEQ staff performed a technical review of the permit application. This technical review includes agronomic, geologic, and engineering reviews. Staff evaluated the soil thickness, proposed crops, climatic conditions, hydraulic and nitrogen application rates, and suitability of the soil for wastewater irrigation. Staff also ensured proper identification of recharge features such as water wells, creeks, or other waters in the state; evaluated the depth to groundwater and the existence of aquifer; pond liner requirements as well as the treatment requirements for the effluent, storage capacity, and whether the proposed wastewater treatment system is appropriate for the effluent limits.

Based on staff review and analysis, TCEQ established effluent limits and additional permit requirements to be included in the draft permit to assure protection of groundwater quality, human health, and the environment.

COMMENT 3:

Ryan Eder, Jonathan Held, and Joe Brown commented that the WWTP would decrease property values and negatively impact local tourism. They also commented that the WWTP would also lead to loss of open space, an increase traffic and noise, and would be unsightly infrastructure in the community.

RESPONSE 3:

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

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

COMMENT 4:

Jonathan Held and Ryan Eder commented that there are serious concerns about air quality from the WWTP.

RESPONSE 4:

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere, and that human health and the environment will be protected. According to TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted by rule, provided the wastewater treatment plant only performs the functions listed in the rule. In its application, the Applicant indicated that the treatment process of the proposed wastewater treatment facility would use the activated sludge process. This treatment

process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's (THSC) Texas Clean Air Act § 382.057 and § 382.05196, and is therefore permitted by rule.

COMMENT 5:

Jonathan Held commented that the draft permit fails to adequately address how and where the treated wastewater will be disposed of since the small creek in the area is insufficient to handle the projected daily volume.

RESPONSE 5:

The proposed permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharge. The treated domestic wastewater would be disposed of onsite via a subsurface area drip irrigation system, on a minimum area of 13.77 acres.

COMMENT 6:

Jonathan Held commented that no comprehensive environmental impact analysis has been conducted.

RESPONSE 6:

Due to the type of disposal method of the treated effluent, there should be minimal exposure to the surrounding environment since the dispersal system is under six inches of soil and the proposed permit includes provisions that are designed to protect surface water quality (such as run-on/run-off controls, springs and seeps monitoring, etc.).

TCEQ staff performed a technical review of the permit application. This technical review includes agronomic, geologic, and engineering reviews. Staff evaluated the soil thickness, proposed crops, climatic conditions, hydraulic and nitrogen application rates, and suitability of the soil for wastewater irrigation. Staff also ensured proper identification of recharge features such as water wells, creeks, or other waters in the state; evaluated the depth to groundwater and the existence of aquifer; pond liner requirements as well as the treatment requirements for the effluent, storage capacity, and whether the proposed wastewater treatment system is appropriate for the effluent limits.

Based on staff review and analysis, TCEQ established effluent limits and additional permit requirements to be included in the draft permit to assure protection of groundwater quality, human health, and the environment.

COMMENT 7:

Ryan Eder, Jonathan Held, and Joe Brown commented that the WWTP would likely generate unpleasant odors that would impact outdoor enjoyment and property values in the surrounding area.

RESPONSE 7:

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

According to its application, the Applicant intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line. This requirement is incorporated in the draft permit.² Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

Further, the Applicant proposes in its application that the WWTP will be an activated sludge process plant. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater and 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.

¹ 30 TEX. ADMIN. CODE § 309.13(e).

² 3405 Investments LLC Draft Permit, Special Provisions, Item No. 7, page 34.

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints.

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

COMMENT 8:

Jonathan Held commented that WWTP should be moved to another location that is away from residential homes. Joe Brown suggests moving the WWTP to the west by 200 feet.

RESPONSE 8:

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting."

If the applicant updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

COMMENT 9:

Joe Brown expressed concern that the open holding ponds of the WWTP would overflow during a rain event and potentially contaminate the ground and the creek.

RESPONSE 9:

The permittee is required to provide at least three days of temporary storage for times when the facility is out of service due to an emergency or for scheduled maintenance. According to the application, the proposed facility will be located above

the 100-year flood plain. The proposed permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharge. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints.

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

COMMENT 10:

Joe Brown commented that an activated sludge process requires constant monitoring. He would like to know how the process is being monitored and by whom.

RESPONSE 10:

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

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

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

supervised by an operator in charge who is licensed not less than one level below the category for the facility.

The Applicant is required to analyze the treated effluent prior to disposal and to provide monthly reports to TCEQ that include the results of the analyses. The Applicant may either collect and analyze the effluent samples itself, or it may contract with a third party for either or both the sampling and analysis. However, all samples must be collected and analyzed according to 30 TAC Chapter 319, Subchapter A, Monitoring and Reporting System. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification. The Applicant is also required to notify the agency if the effluent does not meet the permit limits according to the requirements in the permit. In addition, TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint.

The TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. The Region 11 office is required to conduct a mandatory comprehensive compliance investigation (CCI) at minor facilities (facilities with permitted flow less than 1 million gpd) once every five fiscal years. Additional mandatory investigations can be required if the facility is categorized as significant noncompliance (SNC). SNC is determined by the Compliance Monitoring Section of the TCEQ and is based on self-reported effluent violations.

If the facility is found to be out of compliance with the terms or conditions of the permit, 3405 Investments LLC may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 11 Office in CITY at (512) 239-4540. Citizen complaints may also be filed on-line at <http://www2.tceq.texas.gov/oce/complaints/index.cfm>. If 3405 Investments LLC fails to comply with all requirements of the permit, it may be subject to enforcement action.

COMMENT 11:

Joe Brown asked how frequently the sludge from the WWTP would be disposed of, by whom, and how will the governing authority plan to verify timely disposal.

RESPONSE 11:

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation. The Provisions require that sludge generated from the treatment facility be hauled by a registered transporter and disposed of at a TCEQ-authorized land application site, Austin Wastewater Processing Facility, MSW Permit No. 2384, in Travis County. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. There are no requirements relating to the frequency of sludge disposal; however, the draft permit provides for sludge transported by a registered transporter that the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge transported. The Provisions also require the permittee to provide at least three days of temporary storage for times when the facility is out of service due to an emergency or for scheduled maintenance.

The permittee shall submit the following information in an annual report to the TCEQ by September 30th of each year:

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. the annual sludge or biosolids production;
3. the amount of sludge or biosolids transported;
4. the owner of each receiving facility;
5. the location of each receiving facility; and
6. the date(s) of disposal at each receiving facility.

In accordance with 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the

permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected; the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

COMMENT 12:

Minga M. Ybarra asked if the WWTP has performed an assessment on slope stability for the runoff area.

RESPONSE 12:

A slope stability assessment was not required and was not performed as part of this wastewater permit application. The proposed permit includes provisions that are designed to protect surface water quality (such as run-on/run-off controls, springs and seeps monitoring, etc.). The permittee shall construct berms or swales, or other engineering controls to prevent or divert stormwater from entering all subsurface wastewater application areas. So, runoff onto the drip fields should be eliminated.

Regarding the slope of the drip fields, irrigation to treated effluent on land with a slope of 10% or greater is prohibited, as well as drip irrigation lines are also required to be installed with contour and lateral slopes of the tubing not exceeding 1 percent.

COMMENT 13:

Minga M. Ybarra asked if the discharge will be continuous, intermittent, or overflow path.

RESPONSE 13:

The proposed permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharge. The treated domestic wastewater

would be disposed of onsite via a subsurface area drip irrigation system, on a minimum area of 13.77 acres.

No treated effluent will be allowed to be irrigated when the soil of the drip field is saturated or frozen. The Applicant is also required to provide at least three days of temporary storage for times when the facility is out of service due to an emergency or for scheduled maintenance.

COMMENT 14:

Minga M. Ybarra asked when the first date of discharge is planned.

RESPONSE 14:

The proposed permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharge. According to the permit application, the estimated waste disposal start date is September 2025.

COMMENT 15:

Minga M. Ybarra would like to know where they can get more detail on the discharge.

RESPONSE 15:

The application and the draft permit for this facility have been available for viewing and copying at the Liberty Hill Public Library, 355 Loop 332, Liberty Hill, in Williamson County, Texas,

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 16:

Minga M. Ybarra asked how many people are needed to request a hearing.

RESPONSE 16:

There is no minimum number of people required to request a hearing. Any individual can request a hearing. This RTC will be mailed out to everyone who submitted public comments and to those persons who are on the mailing list for this application. The mailing will provide instructions for requesting a contested case hearing or reconsideration of the ED's decision. Following the close of all applicable comment and request periods, the ED will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant material water quality concerns submitted during the comment period. If the application does go to hearing, the final decision regarding this application will be made by the TCEQ's Commissioners.

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

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

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Phillip Ledbetter, Director
Office of Legal Services

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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY