



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 30, 2025

TO: All interested persons.

RE: 3405 Investments LLC
TCEQ Permit No. WQ0016521001

Decision of the Executive Director.

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Liberty Hill Public Library, 355 Loop 332, Liberty Hill, in Williamson County, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

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

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

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

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

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

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

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

Deadline for Submitting Requests.

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

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

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

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

Laurie Gharis
Chief Clerk

LG/vr

Enclosure

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

3405 Investments LLC
TCEQ Permit No. WQ0016521001

The Executive Director has made the Response to Public Comment (RTC) for the application by 3405 Investments LLC for TCEQ Permit No. WQ0016521001 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 (WQ0016521001) and click the "Search" button. The search results will display a link to the RTC.

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

Additional Information

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Liberty Hill Public Library, 355 Loop 332, Liberty Hill, in Williamson County, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

30 de mayo de 2025

TO: Todas las personas interesadas.

RE: 3405 Investments LLC
TCEQ Permiso No. WQ0016521001

Decisión del Director Ejecutivo.

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

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la librería de Biblioteca pública de Liberty Hill, 355 Loop 332, Liberty Hill, en el condado de Williamson, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

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

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

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/vr

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO para

3405 Investments LLC
TCEQ Permiso No. WQ0016521001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de 3405 Investments LLC del permiso de TCEQ No. WQ0016521001. 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 (WQ0016521001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

Información adicional

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca pública de Liberty Hill, 355 Loop 332, Liberty Hill, en el condado de Williamson, Texas.

MAILING LIST / LISTA DE CORREO
for / para
3405 Investments LLC
TCEQ Permit No. WQ0016521001 / TCEQ Permiso No. WQ0016521001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Soef Maknojiya, Managing Partner
3405 Investments LLC
11917 Oak Knoll Drive, Suite D
Austin, Texas 78759

Ashraya Upadhyaya
JA Wastewater LLC
5765 Fig Way
Arvada, Colorado 80002

Jamie Miller
JA Wastewater LLC
5765 Fig Way
Arvada, Colorado 80002

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

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

Kimberly Kendall, 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

BROWN , JOE
220 MARBELLA WAY
GEORGETOWN TX 78633-4639

EDER , RYAN L
232 MARBELLA WAY
GEORGETOWN TX 78633-4639

HELD , JONATHAN SETH
205 MARBELLA WAY
GEORGETOWN TX 78633-4639

YBARRA , MINGA M
144 MARBELLA WAY
GEORGETOWN TX 78633-4636

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

Commission records for this application are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the following location: 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

Charmaine Backens, Deputy Director
Environmental Law Division



Caleb Shook, Staff Attorney
Environmental Law Division
State Bar No. 24130852
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-5425
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY