

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 28, 2025

TO: All interested persons.

RE: Mustang Springs Utility, LLC and Jaffe Interests, LP
TPDES Permit No. WQ0016524001

Decision of the Executive Director.

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Salado Public Library, 1151 North Main Street, Salado, in Bell 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.

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

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

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

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

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

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

Deadline for Submitting Requests.

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

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

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

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

Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Mustang Springs Utility, LLC and Jaffe Interests, LP
TPDES Permit No. WQ0016524001

The Executive Director has made the Response to Public Comment (RTC) for the application by Mustang Springs Utility, LLC and Jaffe Interests, LP for TPDES Permit No. WQ0016524001 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 (WQ0016524001) and click the "Search" button. The search results will display a link to the RTC.

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

Additional Information

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Salado Public Library, 1151 North Main Street, Salado, in Bell County, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

28 de julio de 2025

TO: Todas las personas interesadas.

RE: Mustang Springs Utility, LLC and Jaffe Interests, LP
TPDES Permiso No. WQ0016524001

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 Salado Public Library, 1151 North Main Street, Salado, in Bell County, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

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

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

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Mustang Springs Utility, LLC and Jaffe Interests, LP
TPDES Permiso No. WQ0016524001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Mustang Springs Utility, LLC and Jaffe Interests, LP del permiso de TPDES No. WQ0016524001. 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 (WQ0016524001) 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 Salado Public Library, 1151 North Main Street, Salado, in Bell County, Texas.

MAILING LIST / LISTA DE CORREO
for / para
Mustang Springs Utility, LLC and Jaffe Interests, LP
TPDES Permit No. WQ0016524001 / TPDES Permiso No. WQ0016524001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Ron Lusk, Director
Mustang Springs Utility, LLC and
Jaffe Interests, LP
4925 Greenville Avenue, Suite 1400
Dallas, Texas 75206

INTERESTED PERSONS /
PERSONAS INTERESADAS:

see attached list / ver lista adjunta

FOR THE EXECUTIVE DIRECTOR /
PARA EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

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

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

ARD , DAVID
1202 E CREEKVIEW DR
SALADO TX 76571-6602

BEAN , LYNDA R
1476 LONG MDW
SALADO TX 76571-5367

BEAN , RICHARD G
1476 LONG MDW
SALADO TX 76571-5367

BISHOP , JAMES
1362 E CREEKVIEW DR
SALADO TX 76571-6179

BISHOP , PATRICIA
1410 E CREEKVIEW DR
SALADO TX 76571-5377

BUCKLEY , THE HONORABLE BRAD STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 54
PO BOX 2910
AUSTIN TX 78768-2910

BUCKLEY , THE HONORABLE BRAD STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 54
7321 FM 2843
SALADO TX 76571-5061

BURNETT , MR DANNY
1492 E CREEKVIEW DR
SALADO TX 76571-5377

BYRD , ASHLEY
1409 TRAILS END
SALADO TX 76571-6062

CANTRELL , MR GARY LEE
2196 MISSION TRL
SALADO TX 76571-6088

CONCERNED CITIZEN ,
STE 203
4407 S INTERSTATE 35
GEORGETOWN TX 78626-7775

COOK , JOHN B
PO BOX 672
SALADO TX 76571-0672

COOPER , DR. JAMES K
1609 TRAILS END
SALADO TX 76571-6163

DALTON , JENNIFER
1308 MISSION TRL
SALADO TX 76571-6024

ENGLISH , MIKE
1249 HIDDEN PARK CT
SALADO TX 76571-6117

FARABAUGH , MRS JANE
2069 CHEYENNE PASS
SALADO TX 76571-6022

FIEBER , DEBORAH
1605 MISSION TRL
SALADO TX 76571-6107

FLECK , MATT
2330 TAHUAYA DR
BELTON TX 76513-7424

FLECK , CAROL
2330 TAHUAYA DR
BELTON TX 76513-7424

GRACE , BILL & TERE
125 MUSTANG CREEK RD
SALADO TX 76571-5309

GRACE , TERE & WILLIAM T
PO BOX 1038
SALADO TX 76571-1038

HUMISTON , DAVID & SUSAN
PO BOX 1249
SALADO TX 76571-1249

INGRAM , WHITNEY
700 KENNEDY CT
BELTON TX 76513-4686

JOHNSTON , MARK L
PO BOX 907
SALADO TX 76571-0907

KENNEDY , JANET MAY
9001 FM 2843
SALADO TX 76571-6237

KING , JEFFRI
1346 E CREEKVIEW DR
SALADO TX 76571-6179

KING , JOHN C
1346 E CREEKVIEW DR
SALADO TX 76571-6179

LIVELY , MRS DEBRA ANN
1294 LONG MDW
SALADO TX 76571-5318

LIVELY , JAMES
1294 LONG MDW
SALADO TX 76571-5318

LONG , CY
2003 WORTH LN
BELTON TX 76513-7812

MARSHALL , ANDREW
3939 ALTAMONT AVE
OAKLAND CA 94605-2601

MATOCHA , BRIAN & KIMBER
1401 E CREEKVIEW DR
SALADO TX 76571-5996

MCBURNEY , BARBARA
1736 TRAILS END
SALADO TX 76571-5799

MCBURNEY , DANIEL R
1192 HIDDEN PARK CT
SALADO TX 76571-6006

MCCREA , JEANNE
1173 HIDDEN SPRINGS DR
SALADO TX 76571-6505

MCWHERTER , VIC
PERALES ALLMON & ICE PC
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

MICHELOS , LARRY
STE 103-31Q
3809 S GENERAL BRUCE DR
TEMPLE TX 76502-1035

MICHELS , LARRY
1346 LONG MDW
SALADO TX 76571-6000

MORENO , OSCAR
1372 LONG MDW
SALADO TX 76571-6000

MORENO , SHERRI
1372 LONG MDW
SALADO TX 76571-6000

MORIN F , JAMES
1320 LONG MDW
SALADO TX 76571-6000

MORROW , SCOTT
1741 TRAILS END
SALADO TX 76571-6184

PRINTZ , MAXIMILLIAN RANDOLPH
1507 HIDDEN SPRINGS DR
SALADO TX 76571-6610

SMITH , TED
2202 HIGH VIEW DR
BELTON TX 76513-1061

STACH , PHILLIP
CPS SOLUTIONS LLC
1398 LONG MDW
SALADO TX 76571-6000

STACH , MRS TERI
1398 LONG MDW
SALADO TX 76571-6000

STEARNS , EARL
1160 PIN OAK TRL
SALADO TX 76571-5282

STEARNS , AMY
1160 PIN OAK TRL
SALADO TX 76571-5282

WEATHERHOLT , MR MAURICE R
1378 E CREEKVIEW DR
SALADO TX 76571-6179

TPDES PERMIT No. WQ0016524001

APPLICATION BY	§	BEFORE THE
MUSTANG SPRINGS UTILITY, LLC	§	TEXAS COMMISSION
AND JAFFE INTERESTS, LP FOR	§	ON ENVIRONMENTAL
TPDES PERMIT NO. WQ0016524001	§	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 Mustang Springs Utility, LLC and Jaffe Interests, LP (Applicants) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016524001, 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 a public meeting request from State Senator Brad Buckley. The Office of the Chief Clerk received timely comments from David Ard, Lynda Bean, Richard Bean, James Bishop, Patricia Bishop, Senator Brad Buckley, Danny Burnett, Ashley Byrd, Gary Lee Cantrell, John Cook, James K. Cooper, Deborah Fieber, Tere Grace, William Grace, Whitney Ingram, Mark Johnston, Janet May Kennedy, John King, Debra Ann Lively, Cy Long, Andrew Marshall, Jeanne McCrea, Larry Michels, Oscar Moreno, Sherri Moreno, James F. Morin, Maximillian Randolph Printz, Phillip Stach, Teri Stach, Earl Sterns, and Maurice Weatherholt. Groups and organizations that provided comments are Vic McWherter representing Grace Ranches, LLC, d/b/a/ Mustang Creek Ranch, LLC, and Bill and Tere Grace (Grace Ranches, LLC), and Whitney Ingram representing Clearwater Underground Water Conservation District (CUWCD). 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

Mustang Springs Utility, LLC and Jaffe Interests, LP (Applicants) submitted an application to TCEQ for a new permit, TPDES Permit No. WQ0016524001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The Applicants propose to operate Mustang Springs Wastewater Treatment Facility (WWTF), and the proposed WWTF will serve the Mustang Springs subdivision.

The Mustang Springs Wastewater Treatment Facility will be a Membrane Bioreactor (MBR) system. Treatment units in the Interim I phase will include a rotary drum screen, an aerated equalization tank, an anoxic tank, an aeration tank, a post-anoxic tank, a preaeration tank, an aerated MBR tank, four Ultraviolet (UV) reactors, and a sludge holding tank. Treatment units in the Interim II phase will include a rotary drum screen, two aerated equalization tanks, three anoxic tanks, two aeration tanks, two post-anoxic tanks, three pre-aeration tanks, six aerated MBR tanks, twelve UV reactors, and two sludge holding tanks. Treatment units in the Final phase will include four rotary drum screens, four aerated equalization tanks, four pre-anoxic tanks, four aeration tanks, four post-anoxic tanks, eight aerated MBR tanks, six UV reactors, and four sludge holding tanks.

If the draft permit is issued, the treated effluent will be discharged via pipe to Mustang Creek, thence to Salado Creek in Segment No. 1243 of the Brazos River Basin. The designated uses for Segment No. 1243 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Geographic coordinates of the outfall location in decimal degrees are provided in Table 1. The plant site will be located approximately 900 feet west of the

intersection of Farm-to-Market Road 2843 and Mustang Creek Road, in Bell County, Texas 76571.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	30.935308 N	97.638007 W

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). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL).

Table 2. Interim I Phase Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow	0.072 MGD				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	3.0	5	10	20	30
Total Suspended Solids (TSS)	3.0	5	10	20	30
Ammonia Nitrogen (NH ₃ -N)	1.2	2	5	10	15
Total Nitrogen (TN)	3.6	6	N/A	N/A	Report
Total Phosphorus (TP)	0.090	0.15	0.30	0.60	0.90
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH	6.0-9.0				

Table 3. Interim II Phase Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow	0.25 MGD				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	10	5	10	20	30
Total Suspended Solids (TSS)	10	5	10	20	30
Ammonia Nitrogen (NH ₃ -N)	4.2	2	5	10	15
Total Nitrogen (TN)	13	6	N/A	N/A	Report
Total Phosphorus (TP)	0.31	0.15	0.30	0.60	0.90
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH	6.0-9.0				

Table 4. Final Phase Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow	0.99 MGD				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	41	5	10	20	30
Total Suspended Solids (TSS)	41	5	10	20	30
Ammonia Nitrogen (NH ₃ -N)	17	2	5	10	15
Total Nitrogen (TN)	50	6	N/A	N/A	Report
Total Phosphorus (TP)	1.2	0.15	0.30	0.60	0.90
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	399	N/A
pH	6.0-9.0				

B. Procedural Background

The permit application was received on April 5, 2024, and declared administratively complete on June 13, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on June 18, 2024, in the *Killeen Daily Herald* and on June 20, 2024, in *El Mundo*. The combined Notice of Application and Preliminary Decision (NAPD) and Notice of Public Meeting was published on December 21, 2024, in the *Killeen Daily Herald*, and on December 26, 2024, in *El Mundo*.

A public meeting was held on February 3, 2025, as scheduled, at the Salado Independent School District Conference Room in Salado, Texas.

The public comment period ended at the close of the public meeting on February 3, 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 (for downloadable rules in WordPerfect or Adobe PDF formats select “Rules Policy & Legislation” then “Current TCEQ Rules” then “Download TCEQ Rules”)
- Federal rules in Title 40 of the Code of Federal Regulations: <https://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: Salado Public Library, 1151 North Main Street, Salado, in Bell County, Texas.

II. COMMENTS AND RESPONSES

COMMENT 1:

David Ard, Richard Bean, James Bishop, Patricia Bishop, Senator Brad Buckley, Danny Burnett, Ahsley Burd, Deborah Fieber, Tere Grace, William Grace, Mark Johnston, Vic McWherter representing Grace Ranches, LLC, Larry Michels, Maximillian Randolph Printz, Phillip Stach, and Maurice Weatherholt made comments expressing concern for impacts to surface water quality of the streams along the discharge route. These commentors suggested that the proposed discharge would lead to excess algae growth and an overall decline in water quality of Mustang and Salado Creeks. Richard Bean, Mark Johnston, Larry Michels, and Phillip Stach commented that the discharge should be subject to “5, 5, 2, 1” or 5 mg/l CBOD₅, 5 mg/l TSS, 2 mg/l NH₃-N, and 1 mg/l TP effluent limitations or better. Additionally, Vic McWherter, representing Grace Ranches, LLC made comments stating that the antidegradation requirements have not been met. Additionally, Patricia Bishop, Phillip Grace, and Tere Grace made comments expressing concern about potential contamination of their livestock ponds from the proposed discharge.

RESPONSE 1:

TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water. TCEQ has a legislative

responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific rules regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards (TSWQS) to be protective of water quality, provided that the Applicants operate and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307). While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of cattle or wildlife.

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

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

In accordance with 30 TAC § 307.5 and the IPs, an antidegradation review of the receiving waters was performed. In accordance with 30 TAC §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no

water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

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

The effluent limitations in all phases of the draft permit, based on a 30-day average, are 5 mg/l CBOD₅, 5 mg/l TSS, 2 mg/l NH₃-N, 6 mg/l TN, 0.15 mg/l TP, 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum DO. The permittee is required to utilize a UV system for disinfection purposes and shall not exceed a daily average *E. coli* limit of 126 CFU or MPN per 100 ml. Therefore, effluent limitations in all phases of the draft permit are equal to or more stringent than what was suggested by the commentors (5, 5, 2, 1).

Furthermore, phosphorus is a key nutrient necessary for algae growth and is often in limited supply in freshwater systems. By restricting the amount of phosphorus in the treated wastewater, the likelihood of the discharge stimulating excessive growth of algae or other aquatic vegetation is reduced significantly. To ensure the effluent from the Mustang Springs WWTF will not cause an excessive accumulation of algae, the Executive Director performed a nutrient screening which indicated that because of the high clarity of the water column, lack of shade along the banks, and minimal dilution, a total phosphorus limit is needed in the draft permit. The Executive Director included a TP limit of 0.15 mg/L to preclude the excessive accumulation of algae. Additionally, the Executive Director added a TN limit of 6 mg/L to the draft permit which will also help preclude the excessive accumulation of algae and protect drinking water uses.

COMMENT 2:

James Bishop, John King, and Phillip Stach provided comments stating that the assessment of Mustang Creek provided in Worksheet 2.0 of the Domestic Technical Report was inaccurate.

RESPONSE 2:

The information provided by the applicants in Worksheet 2.0 of the Domestic Technical Report was deemed technically complete by TCEQ staff. As provided by state law, a permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, Texas Water Code §§ 26, 27, and 28, and the Texas Health and Safety Code § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under the draft permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.¹

Worksheet 2.0 of the Technical Report is correct in stating that the first receiving water, Mustang Creek, is intermittent and describes the downstream characteristics of perennial ponds and impoundments within three miles of the discharge point. The Executive Director concluded that Mustang Creek is intermittent with perennial pools which is consistent with Worksheet 2.0 of the Technical Report.

COMMENT 3:

Maximillian Randolph Printz provided comments inquiring where the TCEQ water quality monitoring locations are upstream and downstream of the proposed discharge and how often they are monitored.

RESPONSE 3:

The TCEQ Surface Water Quality Management Program (SWQMP) operates a monitoring station (Station ID: 12051) in the Village of Salado located approximately

¹ Mustang Springs Utility, LLC and Jaffe Interests, LP, Draft Permit, Monitoring and Reporting Requirements, Item 1, page 5.

250 feet downstream of Farm-to-Market Road 2268. SWQMP monitoring station 12051 is located upstream of the confluence of Mustang Creek and Salado Creek. There are currently no monitoring stations located downstream of the confluence of Mustang Creek and Salado Creek. A map of the monitoring stations can be found at the following link: <https://www.tceq.texas.gov/gis/segments-viewer>.

COMMENT 4:

Whitney Ingram representing Clearwater Underground Water Conservation District (CUWCD) submitted comments on behalf of the district expressing approval and appreciation with the requirements and conditions of the draft permit. In its comments, the district asked that all future permits over the outcrop of the Edwards Balcones Fault Zone Aquifer and the spring shed of Salado Creek which lies in Bell Conty and the CUWCD's jurisdiction be permitted with the same requirements.

RESPONSE 4:

The TCEQ acknowledges this comment.

COMMENT 5:

David Ard, Lynda Bean, James Bishop, James K. Cooper, Senator Brad Buckley, Danny Burnett, Ashley Byrd, Gary Lee Cantrell, Deborah Fieber, Whitney Ingram, Mark Johnston, John King, Debra Ann Lively, Jeanne McCrea, Larry Michel, Phillip Stach, Maurice Weatherholt, Vic McWherter representing Grace Ranches, LLC provided comments suggesting that the proposed discharge would negatively impact the nearby Edwards and Trinity Aquifers which they state that the nearby residents rely on for drinking water. Additionally, David Ard, Lynda Bean, Richard Bean, James Bishop, Patricia Bishop, James K. Cooper, Sherri Moreno, Oscar Moreno, Senator Brad Buckley, Danny Burnett, Ashley Byrd, Deborah Fieber, Whitney Ingram, Mark Johnston, John King, Debra Ann Lively, Jeanne McCrea, James F. Morin, and Maurice Weatherholt provided comments stating that the proposed discharge would negatively impact the drinking water wells downstream..

RESPONSE 5:

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

degradation does not mean zero-contaminant discharge.”² Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.”³ Although the proposed discharge route for this facility does not include the Edwards Aquifer recharge, contributing, or transition zones, a 6 mg/L total nitrogen limit was included in the draft permit to help ensure protection of drinking water uses. There are no applicable regulatory requirements for the Trinity Aquifer’s recharge, contribution, or transition zones for this specific permit.

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

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

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

² Texas Water Code § 26.401(b).

³ Texas Water Code § 26.401(c)(2).

COMMENT 6:

Sherri Moreno, Oscar Moreno, Patricia Bishop, Phillip Stach, and Teri Stach made comments stating that the proposed WWTF is located near a 100-year floodplain. Additionally, Vic McWherter representing Grace Ranches, LLC made comments stating that the applicants provided two different FEMA floodplain maps in their application materials, with one map locating the WWTF site in a FEMA Special Flood Hazard Area, and the other map locating the proposed WWTF site approximately 1000 feet west, and is designated as Zone X, which is also at risk of flooding.

RESPONSE 6:

TCEQ does not have jurisdiction to regulate flooding in the context of a wastewater discharge permit. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicants are required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

According to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 4, which requires the permittee to provide protection for the facility from a 100-year flood in accordance with subchapter B of Chapter 309 of the TAC.⁴ For flooding concerns, please contact the local floodplain administrator for this area.

COMMENT 7:

David Ard, Lynda Bean, Richard Bean, James Bishop, Gary Lee Cantrell, James K. Cooper, Tere Grace, William Grace, Larry Michels, Vic McWherter representing Mustang Creek Ranches, LLC, Phillip Stach, and Teri Stach made comments inquiring about the backup power for the proposed facility and their overall emergency preparedness in the event of a mechanical failure. Phillip Stach made a comment suggesting that the

⁴ Mustang Springs Utility, LLC and Jaffe Interests, LP, Draft Permit, Other Requirements, Item No. 4, page 34.

applicants should have an emergency overflow pond on the site of the proposed WWTF.

RESPONSE 7:

Wastewater treatment plants are required to submit engineering plans and specifications for new wastewater treatments systems or for improvements to existing systems to ensure each system is capable of meeting water quality standards. The plans must be reviewed before construction can begin. The plans are required to include emergency preparedness provisions as provided in 30 TAC Chapter 217.

Furthermore, the proposed permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements. For example, a permittee must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.⁵ In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ.⁶ All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, the Applicants will be required to report an unauthorized discharge to TCEQ within 24 hours.⁷ The Applicants will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

In addition, the Applicants provided a list of overflow prevention features for this plant that includes the redirection to the largest holding tank to prevent spills when overflow occurs from open top basins.

COMMENT 8:

Richard Bean, James Bishop, Gary Lee Cantrell, Tere Grace, William Grace, John King, Andrew Marchall, Phillip Stach, Teri Stach, Vic McWherter representing Grace Ranches, LLC, and Maurice Weatherholt made comments stating that the existing uses

⁵ 30 Tex. Admin. Code § 217.36.

⁶ Mustang Springs Utility, LLC and Jaffe Interests, LP Draft Permit, Other Requirements, Item 4, page 34; *see also* 30 TEX. ADMIN. CODE § 217.6(d).

⁷ Mustang Springs Utility, LLC and Jaffe Interests, Draft Permit, Monitoring and Reporting Requirements, Item 7, page 7.

of the streams along the discharge route will be impaired by the proposed discharge. James Bishop, James K. Cooper, Jeanne McCrea, Andrew Marshall, and Maximillian Randolph Printz submitted comments about the environmental impact of the proposed facility, including the potential impacts on human health. And Phillip Stach made comments expressing concern for the livestock that use the streams along the discharge route as a drinking water source.

RESPONSE 8:

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.⁸ The effluent limits in the draft permit are set to maintain and protect the existing instream uses. The *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) states that water in the state shall be maintained to preclude adverse toxic effects on aquatic life, terrestrial wildlife, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, or consumption of water.

In this case, the designated uses for Segment No. 1243 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use,⁹ though the aquifer protection uses do not occur in the discharge route. The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

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

⁸ 30 TEX. ADMIN. CODE § 307.6(b)(4).

⁹ Texas Surface Water Quality Standards, 30 TEX. ADMIN. CODE § 307.10.

COMMENT 9:

Richard Bean, James Bishop, Ahsley Burd, James K. Cooper, Debora Fieber, John King, Andrew Marshall, Vic McWherter representing Grace Ranches, LLC, Larry Michel, Maximillian Randolph Printz, Phillip Stach, and Teri Stach made comments expressing concern regarding impacts to wildlife in the area including endangered and threatened species. John King inquired if the TCEQ has contacted the United States Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) regarding the proposed discharge.

RESPONSE 9:

As provided in the *Procedures to Implement the State Surface Water Quality Standards* (June 2010) the Executive Director reviewed the application for potential impacts to aquatic or aquatic-dependent federally listed endangered or threatened species. A priority watershed of critical concern has been identified in Segment No. 1243 in Bell County. The Salado salamander, *Eurycea chisholmensis*, a threatened aquatic species, has been determined to occur in the watershed of Segment No. 1243. To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of the threatened Salado salamander requires EPA review and, if appropriate, consultation with USFWS.

The USFWS and TPWD were afforded an opportunity to review the permit application and proposed permit. Neither of these agencies expressed concern about the discharge's effects on wildlife in the area. Along with the other effluent limitations in the draft permit, these measures will further safeguard water quality and minimize potential threats to endangered species such as potential habitat degradation. Potential impacts to endangered terrestrial species do not specifically fall under the purview of the Executive Director's evaluation of the proposed discharge, however, the requirements included in the draft permit to protect aquatic and aquatic-dependent endangered species should also benefit terrestrial species.

COMMENT 10:

Maximillian Randolph Printz and Phillip Stach made comments expressing concerns about the potential release of pharmaceuticals, personal care products, hormones, heavy metals, and other emerging contaminants from the proposed discharge.

RESPONSE 10:

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

Conventional domestic sewage does not typically contain toxic compounds like heavy metals in measurable quantities that might result in toxic effects in the receiving waterbodies, unless there are significant industrial users contributing to the waste stream. There are no expected industrial users for this facility.

COMMENT 11:

Maximillian Randolph Printz made comments stating that Salado Creek, which is on the discharge route, was designated as Texas's first Natural Landmark.

RESPONSE 11:

The Executive Director acknowledges this comment. The permit application went through a rigorous technical review process, and as part of the application review process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a sufficient level of water quality to protect existing water body uses, the proposed

permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with 30 TAC § 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Salado Creek, which has been identified as having high aquatic life use. Salado Creek was designated as a Texas Natural Landmark in 1967 according to a Historical marker in Bell County. The draft permit will maintain and protect the existing uses of the water body. The preliminary determination can be reexamined and may be modified if new information is received. The preliminary determination can be reexamined and may be modified if new information is received.

COMMENT 12:

Tere and William Grace and Vic McWherter representing Grace Ranches, LLC made comments expressing concern regarding the potential of nuisance odors from the proposed WWTF. Additionally, Vic McWherter representing Grace Ranches, LLC, made comments stating that the applicants have not complied with 30 TAC Chapter 309 location standards specifically regarding odor abatement.

RESPONSE 12:

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 Applicants 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.¹⁰

¹⁰ 30 TEX. ADMIN. CODE § 309.13(e).

According to its application, the Applicants intend to comply with the requirement to abate and control nuisance odor by use of a nuisance odor prevention plan.¹¹ This requirement is incorporated in the draft permit.¹² The nuisance odor prevention plan request must be submitted prior to construction of the facility, must adhere to the requirements of 30 TAC § 309.13(e)(2), and be approved by the TCEQ. 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.

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 Applicants 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 13:

Debra Ann Lively made comments expressing concern for impacts to air quality in the area from the proposed discharge.

RESPONSE 13:

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.

¹¹ Mustang Springs Utility, LLC and Jaffe Interests, LP, Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2.

¹² Mustang Springs Utility, LLC and Jaffe Interests, LP, Draft Permit, Other Requirements, Item No. 3, page 34.

In its application, the Applicants indicated that the treatment process of the proposed wastewater treatment facility would be a Membrane Bioreactor (MBR) system. 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 14:

James Bishop and Gary Lee Cantell made comments inquiring about the monitoring and reporting requirements for the proposed WWTF.

RESPONSE 14:

The Applicants are required to analyze the treated effluent prior to discharge and to provide monthly reports to TCEQ that include the results of the analyses. The Applicants 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. The Applicants are required to further 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 effluent limitations in all phases of the draft permit, based on a 30 day average, are 5 mg/l five-day carbonaceous biochemical oxygen demand (CBOD5), 5 mg/l total suspended solids (TSS), 2 mg/l ammonia-nitrogen (NH3-N), 6 mg/l total nitrogen (TN), 0.15 mg/l total phosphorus (TP), 126 colony forming units (CFU) or most probable number (MPN) of Escherichia coli (E. coli) per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The permittee shall utilize a UV system for disinfection purposes and shall not exceed a daily average E. coli limit of 126 CFU or MPN per 100 ml.

COMMENT 15:

Tere and William Grace made comments inquiring about the permittee's biosolids management plan.

RESPONSE 15:

Biosolids are related to sewage sludge but are two distinct terms. Sewage sludge refers to the untreated solids that are a byproduct of the wastewater treatment process. Biosolids are treated sewage sludge that has undergone a process to reduce pathogens. The draft permit addresses both in the Sludge Provisions. Domestic Technical Report 1.1 requests that the applicants provide a sludge management plan as an attachment to the application. The sludge management plan was provided in the publicly accessible application and outlines the intended sludge handling methods for the proposed facility in all three phases. The permittee is authorized to dispose of sludge or biosolids only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge or biosolids.

COMMENT 16:

James Bishop made comments inquiring if a “risk model” had been performed for the proposed WWTF.

RESPONSE 16:

The Executive Director acknowledges this comment. No risk model assessment is performed during the technical review of a TPDES application. Every TPDES permit application undergoes administrative reviews, and thorough technical reviews, to ensure that the applicants adequately addressed all required technical issues to show that wastewater from the facility will be treated to required standards and effluent limits that will ensure protection of existing uses for the receiving water bodies. The ED’s staff in the WQD reviewed the treated wastewater proposed discharge route, the designated uses and dissolved oxygen criteria of the receiving water bodies, antidegradation analysis of the discharges, and identification of any endangered species that may be present in the receiving water bodies. Based on WQD’s review and

analysis, the draft permit contains effluent limits and conditions designed to maintain the receiving water body's designated uses and protect human health and aquatic life.

As described in Section I.A. (Description of Facility), the Executive Director's staff in the Water Quality Division performed a technical review of the Application and prepared the Draft Permit, which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary determination that this permit, if issued, meets all statutory and regulatory requirements.

COMMENT 17:

Tere and William Grace made comments stating that the proposed discharge of around 1 MGD is equivalent to the discharge output of approximately 100,000 people.

RESPONSE 17:

According to Domestic Technical Report, 1.1, Item No. 1(A), page 21 of the Permit Application, at full buildout the applicants estimate that it will be serving 4,950 living unit equivalents (LUEs). A LUE is the typical flow that would be produced by a single-family residence located in a typical subdivision and is estimated at three people per LUE or roughly 14,850 people total. The applicants estimated that with 4,950 LUEs the approximate daily average flow at full buildout required would be 990,000 gallons per day, or 200 gallons per LUE per day.

COMMENT 18:

Gary Lee Cantrell made comments inquiring if TCEQ has reviewed other potential discharge points on the applicants' property.

RESPONSE 18:

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." The proposed discharge route is compliant with the above regulations. TCEQ does not have jurisdiction over zoning.

If Mustang Springs Utility, LLC and Jaffe Interests, LP updates their 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's location or the discharge route.

COMMENT 19:

Gary Lee Cantrell, Oscar Moreno, Sheri Moreno, and Phillip Stach made comments inquiring about the operator requirements for the proposed WWTF. Additionally, Larry Michels and Phillip Stach made comments stating that the developer is not licensed as a utility provider.

RESPONSE 19:

Other Requirement No. 1 in the draft permit requires that this Category B facility be operated by a chief operator or an operator holding a Category B license or higher. A permittee may operate the facility itself or contract with an individual operator, company, and other entity to operate the facility. According to the permit application, a facility operator has not been determined yet; however the person or persons who are selected will still have to hold a Category B license or higher. The permittee may collect and analyze the effluent samples themselves, or it may contract with a third party for either or both the sampling and analysis.

Sampling, analysis, and reporting for compliance of the permit provisions shall be performed in accordance with the Monitoring and Reporting Requirements section and the Definitions and Standard Permit Conditions section of the draft permit.

COMMENT 20:

John Cook and Teri Stach made comments inquiring if the TCEQ researched the applicants' "past precedence, performance, adherence, and fines associated with our state and local laws, building codes, ordinances, processes and procedures."

RESPONSE 20:

A compliance history was performed for both Mustang Springs Utility, LLC and Jaffe Interests, LP. The compliance history is reviewed for the company and site for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance. Neither entity has had any violations recorded by the Office of Compliance and Enforcement in the last five years.

As provided by state law, a permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, Texas Water Code §§ 26, 27, and 28, and the Texas Health and Safety Code § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under the draft permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.¹³

COMMENT 21:

John Cook, Cy Long, and Earl Sterns made comments inquiring about the zoning and annexation of the proposed development by the Village of Salado.

RESPONSE 21:

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicants' proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic

¹³ Mustang Springs Utility, LLC and Jaffe Interests, LP, Draft Permit, Monitoring and Reporting Requirements, Item 1, page 5.

Wastewater Effluent Limitations and Plant Siting.” TCEQ does not have jurisdiction over zoning or annexation aspects of the proposed development.

COMMENT 22:

David Ard, Richard Bean, Phillip Stach, and Maurice Weatherholt made comments suggesting that the applicants should beneficially reuse the treated wastewater as irrigation water for the proposed development. Sherri Moreno, Oscar Moreno, Phillip Stach, and Teri Stach made comments suggesting the applicants should install a purple pipe system for beneficial reuse of the effluent from the proposed facility.

RESPONSE 22:

The Applicants applied for a beneficial reuse authorization from the TCEQ on January 30, 2025, to authorize the disposal of the treated domestic wastewater via irrigation on the proposed development. In addition, the attachments in the permit application that was submitted shows proposed reuse storage tanks and pump station.

TCEQ’s rules applicable to the beneficial reuse of reclaimed water are found in 30 TAC Chapter 210. In order for an applicant to obtain this authorization, the Applicants must first have a Texas Pollutant Discharge Elimination System (TPDES) permit or a no-discharge Texas Land Application (TLAP) state permit.¹⁴ TCEQ’s rules provide that use of reclaimed water may only be authorized for “on demand” use, which prevents treated water from being provided during times it cannot be beneficially used and allows the reclaimed water user to refuse delivery of reclaimed water at any time.¹⁵ Subsequently, the reclaimed water producer must have a guaranteed method of effluent disposal via either a TPDES or TLAP permit. TCEQ does not have the authority to require a permittee to obtain a Chapter 210 reuse authorization, which includes the installation of a purple pipe system.

If the permit is issued, the Applicants will have to notify the Executive Director that it intends on using the reclaimed water and obtain approval to reuse reclaimed

¹⁴ 30 TEX. ADMIN. CODE § 210.5(a).

¹⁵ 30 TEX. ADMIN. CODE § 210.7.

water.¹⁶ Treated effluent that is used for irrigation under a reuse authorization must meet the appropriate effluent limits as required by 30 TAC Chapter 210.

COMMENT 23:

James Bishop, Ashley Byrd, and John King made comments suggesting that the Applicants should use septic systems to service the proposed development instead of the proposed WWTF.

RESPONSE 23:

Decentralized wastewater treatment units such as septic tanks or aerobic systems are types of on-site sewage facilities (OSSF). A septic tank is a buried, watertight tank designed and constructed to partially treat raw wastewater.¹⁷ The tank separates and retains floatable and settleable solids in the wastewater. Following the primary treatment, wastewater is then discharged to a drain field for further treatment by and dispersal to the environment. Aerobic systems are similar to septic systems in that they use natural processes to treat wastewater, however aerobic systems use a mechanism to inject and circulate air inside the treatment tank for more efficient treatment.¹⁸

If the Applicants decide to utilize individual septic tanks to serve the proposed residential area, they will be subject to 30 TAC Chapter 285, relating to “On-site Sewage Facilities (OSSF)”.¹⁹ However, the anticipated combined flow from all systems on a tract of land must be less than 5,000 gallons per day (gpd) on an annual average basis.²⁰ If the anticipated combined flow exceeds 5,000 gpd, a domestic wastewater treatment facility is required, because wastewater treatment facilities produce a higher quality effluent than septic tanks and are therefore more protective of the environment.

The quality of effluent from an individual anaerobic OSSF and from a WWTP is significantly different. An OSSF treats a limited volume of domestic wastewater to primary treatment standards. The wastewater strength, or organic loading, of BOD₅

¹⁶ 30 Tex. Admin. Code § 210.4.

¹⁷ U.S. EPA Decentralized Systems Technology Fact Sheet: Septic Tank System. (EPA 832-F-00-040).

¹⁸ U.S. EPA Decentralized Systems Technology Fact Sheet: Aerobic Treatment. (EPA 832-F-00-031).

¹⁹ 30 Tex. Admin. Code § 285.4.

²⁰ 30 TEX. ADMIN. CODE § 285.8(a)(3).

and NH₃-N in untreated or raw sewage from a residential subdivision is estimated to be 250-400 mg/l and 15-75 mg/l, respectively.²¹ The draft permit, for example, requires that the treated effluent shall not exceed 5 mg/l CBOD₅ with 2 mg/l NH₃-N.²² Therefore, the Mustang Springs WWTP will be required to achieve a more than 95% reduction in CBOD₅ concentration in the treated effluent prior to discharge.

In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/l BOD₅ prior to discharging into the underground drainfield or soil absorption field. To meet its effluent limits, the proposed facility will have to provide better than secondary treatment including disinfection. For a proposed development of this type, a wastewater treatment facility will provide a higher level of environmental protection than septic tanks.

For more information regarding OSSF rules and regulations please contact the TCEQ OSSF Program at 512-239-3799.

COMMENT 24:

Danny Burnett and Mark Johnston made comments suggesting that the Applicants should utilize a better wastewater treatment method.

RESPONSE 24:

The proposed treatment process involves a Membrane Bioreactor (MBR) system. Treatment units in the Interim I phase will include a rotary drum screen, an aerated equalization tank, an anoxic tank, an aeration tank, a post-anoxic tank, a pre-aeration tank, an aerated MBR tank, four Ultraviolet (UV) reactors, and a sludge holding tank. Treatment units in the Interim II phase will include a rotary drum screen, two aerated equalization tanks, three anoxic tanks, two aeration tanks, two post-anoxic tanks, three pre-aeration tanks, six aerated MBR tanks, twelve UV reactors, and two sludge holding tanks. Treatment units in the Final phase will include four rotary drum screens, four aerated equalization tanks, four pre-anoxic tanks, four aeration tanks, four post-anoxic tanks, eight aerated MBR tanks, six UV reactors, and four sludge holding tanks. TCEQ design criteria for a domestic wastewater system under 30 TAC Chapter 217, identify

²¹ 30 TEX. ADMIN. CODE § 217.32(a)(3).

²² Mustang Springs Utility, LLC and Jaffe Interests, LP, Draft Permit, Effluent Limitations and Monitoring Requirements, pages 2. 2a, and 2b.

types of treatment technology that can achieve the treatment levels required in the proposed permit.

Other Requirement No. 6 in the proposed permit requires the Applicants to submit a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans and specifications and a final engineering design report which comply with 30 TAC Chapter 217, relating to “Design Criteria for Domestic Wastewater Systems.” The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Pages 2, 2a, 2b, and 2c of the draft permit.²³ The Executive Director’s staff will ensure that the plant design can adequately treat the domestic wastewater in accordance with the effluent limitations in the proposed permit during the review of the plans and specifications for this facility.

COMMENT 25:

Patricia Bishop, John Cook, Janet May Kennedy, Vic McWherter representing Grace Ranches, LLC, Sherri Moreno, Oscar Moreno, and Phillip Stach submitted comments stating that there were inconsistencies in the application specifically regarding the location of the WWTF, the owner and co-applicant.

RESPONSE 25:

As provided by state law, a permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, Texas Water Code §§ 26, 27, and 28, and the Texas Health and Safety Code § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under the draft permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.²⁴

²³ Mustang Springs Utility, LLC and Jaffe Interests, LP, Draft Permit, Other Requirements, Item 6, pages 34-35.

²⁴ Mustang Springs Utility, LLC and Jaffe Interests, LP, Draft Permit, Monitoring and Reporting Requirements, Item 1, page 5.

Every TPDES permit application undergoes administrative and technical reviews. This is to ensure that the applicants adequately addressed all required technical issues to demonstrate that wastewater from the facility will be treated to TCEQ standards and that the prescribed effluent limits will ensure protection of existing uses for the receiving water bodies. The owner and co-applicant were included in the original permit application that was submitted on April 5, 2024. The location of the proposed WWTF was updated to 900 feet west of the intersection of FM 2843 and Mustang Creek Road near Salado, in Bell County, Texas 76571 in a letter from the applicants on June 11, 2024. This was the same address that was stated in the NORI and Combined PM/NAPD notices. This permit application was declared administratively complete on June 13, 2024 and technically complete on October 7, 2024. The ED's staff in the WQD reviewed the treated wastewater proposed discharge route, the designated uses and dissolved oxygen criteria of the receiving water bodies, antidegradation analysis of the discharges, and identification of any endangered species that may be present in the receiving water bodies. Based on WQD's review and analysis, the draft permit contains effluent limits and conditions designed to maintain the receiving water body's designated uses, and protect human health and aquatic life.

COMMENT 26:

Vic McWherter representing Grace Ranches, LLC, Phillip and Teri Stach, and John Cook made comments stating that the applicants did not properly notify nearby residents about the wastewater permit application for the proposed facility.

RESPONSE 26:

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

municipality.”²⁵ After the Office of the Chief Clerk has mailed the preliminary decision and the NAPD to the applicant, they are required to publish the NAPD “at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge.”²⁶

In accordance with TCEQ’s notice rules, two public notices were published for the submitted application. The Applicants published the NORI on June 18, 2024, in the Killeen Daily Herald and on June 20, 2024, in El Mundo. The combined NAPD and Notice of Public Meeting was published on December 21, 2024, in the Killeen Daily Herald, and on December 26, 2024, in El Mundo.

Furthermore, TCEQ’s notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk.²⁷ The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant’s property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. The landowner map provided by the Applicants did not explicitly indicate Phillip and Teri Stach, or John Cook as being adjacent landowners. Therefore, they may not have been included on the mailing list for the NORI, or the owner name associated with the property identification number is different from the names the commentors provided in their comments. A copy of the adjacent landowner map and accompanying list are included in the application.²⁸ The landowner map provided by the Applicants did however indicate Grace Ranches, LLC, as being an adjacent landowner and were therefore included on the mailing list for the NORI. Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

²⁵ 30 TEX. ADMIN. CODE § 39.405(f)(1). *See generally* 30 Tex. Admin. Code §§ 39.405, 39.418, 39.419, and 39.551.

²⁶ 30 TEX. ADMIN. CODE § 39.551(c)(1).

²⁷ *See* 30 TEX. ADMIN. CODE §§ 39.413, 39.418, 39.419, and 39.551.

²⁸ Mustang Springs Utility, LLC and Jaffe Interests, LP, Permit Application, Administrative Report, 1.0, Attachment 1c: Adjacent & Downstream Landowners.

COMMENT 27:

Janey May Kennedy submitted comments stating that a previous wastewater permit application was submitted for the proposed development.

RESPONSE 27:

The Executive Director acknowledges this comment. One previous permit application was submitted for the regulated entity number RN111677324, Mustang Springs WWTF, in February 2023, but that application was withdrawn in November 2023.

COMMENT 28:

Vic McWherter representing Grace Ranches, LLC made comments stating that the proposed WWTF would be harmful for the economic interest of the white-tail deer breeding operation nearby.

RESPONSE 28:

TCEQ cannot consider economic impacts as part of the decision to issue the permit as these types of impacts are not within TCEQ's jurisdiction. However, the proposed permit was drafted in accordance with 30 TAC § 307.5 and the TCEQ Procedures for the Implementation of the Texas Surface Water Quality Standards (IPs; June 2010). The TSWQS provide that surface waters cannot be toxic to aquatic or terrestrial organisms. While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle, deer, or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of cattle, deer, or wildlife.

COMMENT 29:

CY Long, Larry Michels, James F. Morin, and Teri Stach made comments stating that the Applicants have not secured a source of drinking water for the proposed development.

RESPONSE 29:

Drinking water or potable water connection is not part of the consideration for evaluating a wastewater TPDES application. The permittee is required to seek drinking water authorization separately.

COMMENT 30:

John King, Cy Long, Andrew Marchall, and Maurice Weatherholt made comments expressing concern for a potential loss in their property value due to the proposed discharge. James K. Cooper made comments expressing concern about the impact on local traffic and roads from the proposed development. James F. Morin made a comment stating that the development would cause excessive growth in the area.

RESPONSE 30:

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 traffic, housing density, or property values.

However, the permit does not limit the ability of an individual to seek legal remedies against the Applicants 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.

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

In response to Public Comments, the Executive Director has made one change to the draft permit:

1. The Operator Classification for the draft permit was revised from Class C to Class B per § 30.350(f).

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



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

CERTIFICATE OF SERVICE

I certify that on July 22, 2025, the Executive Director's Response to Public Comment for Permit No. WQ0016524001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

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

Harrison Cole Malley, Staff Attorney
State Bar No. 24116710