

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 7, 2025

TO: All interested persons.

RE: HighTen Jarrell 115 LLC
TPDES Permit No. WQ0016565001

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 City of Jarrell City Hall, Development Services, 161 Town Center Boulevard, Jarrell, in Williamson County, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: [Pending Application Information: TPDES \(Treated Wastewater Discharge Permits\) - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov).

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,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
HighTen Jarrell 115 LLC
TPDES Permit No. WQ0016565001

The Executive Director has made the Response to Public Comment (RTC) for the application by HighTen Jarrell 115 LLC] for TPDES Permit No. WQ0016565001 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 (WQ0016565001) 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 City of Jarrell City Hall, Development Services, 161 Town Center Boulevard, Jarrell, in Williamson County, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: [Pending Application Information: TPDES \(Treated Wastewater Discharge Permits\) - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov)..

Brooke T. Paup, *Presidenta*
Catarina R. Gonzales, *Comisionada*
Tonya R. Miller, *Comisionada*
Kelly Keel, *Directora Ejecutiva*



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

7 de noviembre de 2025

TO: Todas las personas interesadas.

RE: HighTen Jarrell 115 LLC
TPDES Permiso No. WQ0016565001

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 el Ayuntamiento de la Ciudad de Jarrell, Servicios de Desarrollo, 161 Town Center Boulevard, Jarrell, en el Condado de Williamson, Texas. La solicitud, incluidas las actualizaciones, y los avisos asociados están disponibles electrónicamente en la siguiente página web: [Información pendiente de la solicitud: TPDES \(Permisos de descarga de aguas residuales tratadas\) - Comisión de Calidad Ambiental de Texas - www.tceq.texas.gov](http://www.tceq.texas.gov).

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/erg

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
HighTen Jarrell 115 LLC
TPDES Permiso No. WQ0016565001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de HighTen Jarrell 115 LLC del permiso de TPDES No. WQ0016565001. 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 (WQ0016565001) 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 una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en el Ayuntamiento de la Ciudad de Jarrell, Servicios de Desarrollo, 161 Town Center Boulevard, Jarrell, en el Condado de Williamson, Texas. La solicitud, incluidas las actualizaciones, y los avisos asociados están disponibles electrónicamente en la siguiente página web: [Información pendiente de la solicitud: TPDES \(Permisos de descarga de aguas residuales tratadas\) - Comisión de Calidad Ambiental de Texas - www.tceq.texas.gov](#).

MAILING LIST / LISTA DE CORREO
for / para
HighTen Jarrell 115 LLC
TPDES Permit No. WQ0016565001 / TPDES Permiso No. WQ0016565001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Srinivasa Gogineni, Manager
HighTen Jarrell 115 LLC
6464 Savoy Drive, Suite 865
Houston, Texas 77036

Lauren Crone, P.E., Senior Project Manager
LJA Engineering, Inc.
7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735

Daniel Ryan, P.E., Vice President
LJA Engineering, Inc.
7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735

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

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

Abdur Rahim, 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

ANCHORS , HOLLY
141 FAUBION DR
GEORGETOWN TX 78628-9604

APPICE , KELLY
2223 GEORGIAN DR
GEORGETOWN TX 78626-8662

ARCHER , LAURIE
1309 SOMERSET DR
ROUND ROCK TX 78681-2857

AUSTIN , DORA ELIA
12032 CALLIE CHRISTINA CT
SALADO TX 76571-6603

BEAM , KEVIN
881 E COUNTY ROAD 304
JARRELL TX 76537-9502

BEAM , REGINA
881 E COUNTY ROAD 304
JARRELL TX 76537-9502

BEAM , KEVIN MICHAEL
LANKFORD FAMILY TRUST
881 E COUNTY ROAD 304
JARRELL TX 76537-9502

BEAM , REGINA CAROL
LANKFORD FAMILY TRUST
881 E COUNTY ROAD 304
JARRELL TX 76537-9502

BRAME , MRS BRIDGET
127 LAYTON WAY
GEORGETOWN TX 78633-1853

BREWER , MEGAN
133 ATHENA WAY
JARRELL TX 76537-1965

BROWN , JOANN
400 PATRICIA RD
GEORGETOWN TX 78628-9686

COBLE , ELLEN
2804 CLINTON CT
ROUND ROCK TX 78665-4670

DECKER , SARAH
124 SUDDEN IMPACT DR
JARRELL TX 76537-8030

EXLEY , ELIZABETH ANNA
EXLEY FARMS
653 E COUNTY ROAD 304
JARRELL TX 76537-2213

EXLEY , JAMES B
EXLEY FARMS
653 E COUNTY ROAD 304
JARRELL TX 76537-2213

EXLEY , LUKE DEAN
653 E COUNTY ROAD 304
JARRELL TX 76537-2213

EXLEY , NATHAN
1301 PARKDALE DR
WACO TX 76710-4148

EXLEY , PAUL
1251 DOUBLEGATE LN
FLATONIA TX 78941-5449

FREEMAN , CHERI
204 DEREK LN
JARRELL TX 76537-4407

FULLMER , HOLLY
529 CRANE CREST DR
JARRELL TX 76537-1936

HALLAM , DARIN
3221 FOOTHILLS TRL
ROUND ROCK TX 78681-2261

HARRIS DAVILA , THE HONORABLE CAROLINE
STATE REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 52
RM E1.312
PO BOX 12910
AUSTIN TX 78711-2910

HARRIS , NICOLE
HYDRATE, LLC
STE C
2502 WILLIAMS DR
GEORGETOWN TX 78628-3225

HERRING , JOYCE
1502 PEARL CV
ROUND ROCK TX 78681-1967

HUNT , MR JAMES D
379 WESTBURY LN
GEORGETOWN TX 78633-4384

ISLAS , JENNIFER
118 DOUBLE CREEK SPUR
JARRELL TX 76537-1115

KEISER , EUNICE
250 LOGAN RANCH RD
GEORGETOWN TX 78628-1205

LANDIN , TEXANNA
907 GARDEN VIEW DR
GEORGETOWN TX 78628-2942

LANKFORD , CAROLYN RAY
LANKFORD FAMILY TRUST
881 E COUNTY ROAD 304
JARRELL TX 76537-9502

LARSON , VIRGINIA
1946 RACHEL LN
ROUND ROCK TX 78664-7454

LUNG , CHAD
104 PEARLAND ST
HUTTO TX 78634-4551

MARTONE , JOHNNIE R
551 E COUNTY ROAD 304
JARRELL TX 76537-5142

MARTONE , JOHNNY
451 E COUNTY ROAD 304
JARRELL TX 76537-1123

MARTONE , VIRGINIA
451 E COUNTY ROAD 304
JARRELL TX 76537-1123

MARTONE , W J
451 E COUNTY ROAD 304
JARRELL TX 76537-1123

MCKENZIE , KALYNN
902
1919 COUNTY ROAD 313
JARRELL TX 76537-1738

MEADOWS , ASHLEY
374 COUNTY ROAD 396
JARRELL TX 76537-1261

MILLER , GRACE
GROUP OF VENDORS FROM WOLF RANCH FARMERS
MARKET
702 LIVE OAK DR
CEDAR PARK TX 78613-3716

MITCHELL , DANIELLE
109 ZOISITE LN
JARRELL TX 76537-1725

NADON , PAT
620 SAN GABRIEL OVERLOOK E
GEORGETOWN TX 78628-7638

NANCE , MEGAN
112 PLATA LN
JARRELL TX 76537-2002

POLLOCK , ANA
11006 LA PALOMA LOOP W
SALADO TX 76571-6340

RANGEL , LAUREN
FOX 7 AUSTIN
119 E 10TH ST
AUSTIN TX 78701-2419

RODRIGUEZ , BRITTANY
1520 190 LN
BELTON TX 76513-7165

SERRANO , MR ALFRED
2195 COUNTY ROAD 105
HUTTO TX 78634-3134

SERRANO , MRS MARIA
2195 COUNTY ROAD 105
HUTTO TX 78634-3134

SERRANO , MS MARY
321 CITATION DR
JARRELL TX 76537-2130

SERRANO , MS SAMANTHA SUNSHINE
2195 COUNTY ROAD 105
HUTTO TX 78634-3134

SIERRA , MARIA GUADALUPE
550 E COUNTY ROAD 304
JARRELL TX 76537-1393

SNELSON , MS ROBERT
108 S CARRIAGE HILLS DR
GEORGETOWN TX 78626-6303

STEPHENS , JULIE
835 E COUNTY ROAD 304
JARRELL TX 76537-9502

STEVICK , SARAH
224 XANADU DR
JARRELL TX 76537-4422

THOMAS , MARY
653 E COUNTY ROAD 304
JARRELL TX 76537-2213

THOMAS , MS MARY
PO BOX 823
JARRELL TX 76537-0823

TURNET , GAYE
GAYES WOOD PRODUCTS
2204 EL DORADO DR
KILLEEN TX 76543-2583

UYECHI , KIMBERLY
7129 VALLEY MIST DR
TEMPLE TX 76502-4302

VAN WAARDE , ALYSSA
125 ROCKING CHAIR DR
GEORGETOWN TX 78633-2900

VAN WAARDE , MR PIETER WILLEM
125 ROCKING CHAIR DR
GEORGETOWN TX 78633-2900

WILLIAMS , STEPHANIE
3007 COUNTY ROAD 303
JARRELL TX 76537-1178

WILLIAMS , MS CHRISTA LEA
917 SANTA MARIA RD
SALADO TX 76571-5414

WILLIAMS , JOYCE
102 KICKAPOO CREEK LN
GEORGETOWN TX 78633-6016

TPDES PERMIT NO. WQ0016565001

APPLICATION BY	§	BEFORE THE
HIGHTEN JARRELL 115,	§	TEXAS COMMISSION
LLC FOR TPDES PERMIT	§	ON ENVIRONMENTAL
NO. WQ0016565001	§	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 HighTen Jarrell 115 LLC (Applicant) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016565001, 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 Representative Caroline Harris Davila. The Office of the Chief Clerk received timely comments from the individuals listed in the Response and Appendices A - V. 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.

BACKGROUND

A. Description Of Facility

HighTen Jarrell 115 LLC (Applicant) submitted an application to TCEQ for a new permit, TPDES Permit No. WQ0016565001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 450,000 gallons per day. The Applicant proposes to operate High Ten WWTP, to serve the proposed HighTen Subdivision.

The High Ten Wastewater Treatment Facility will be an activated sludge process plant operated in the extended aeration mode. Treatment units in the Interim I phase will include bar screen, one aeration basin, one aerobic digester, one final clarifier, and one chlorine contact chamber. Treatment units in the Interim II phase will include two bar screens, two final clarifiers, two aeration basins, two aerobic digestors, and two chlorine contact chambers. Treatment units in the Final phase will include three bar screens, three aeration basins, three final clarifiers, three aerobic digestors, and three chlorine contact chambers. The facility has not been constructed.

The facility will be located approximately 0.5 miles northeast of the intersection of East County Road 304 and North Interstate Highway 35 Frontage Road, near the City of Jarrell, in Williamson County, Texas 76537. If the proposed permit is issued, the treated effluent will be discharged to North Fork Donahoe Creek, thence to Donahoe Creek, thence to Little River in Segment No. 1213 of the Brazos River Basin. The designated uses for Segment No. 1213 are primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Geographic coordinates of the outfall location in decimal degrees are provided in Table 1.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	30.850411 N	97.584804 W

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow, are expressed in

[million gallons per day (MGD) / gallons per day (gpd)]. The two-hour (2-hr) peak flow is expressed in gallons per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL).

Table 2. Interim 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	0.15 MGD		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	6.2	5	10	20	30
Total Suspended Solids (TSS)	6.2	5	25	40	60
Ammonia Nitrogen (NH ₃ -N)	2.5	2	5	10	15
Total Phosphorus (TP)	0.63	0.50	1	2	3
<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	0.30 MGD		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	12	5	10	20	30
Total Suspended Solids (TSS)	12	5	25	40	60
Ammonia Nitrogen (NH ₃ -N)	5	2	5	10	15
Total Phosphorus (TP)	1.25	0.50	1	2	3
<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		0.45 MGD	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	18.8	5	10	20	30
Total Suspended Solids (TSS)	18.8	5	25	40	60
Ammonia Nitrogen (NH ₃ -N)	2	7.5	5	10	15
Total Phosphorus (TP)	1.88	0.50	1	2	3
<i>E. coli</i> (CFU or MPN/100 mL)		126	N/A	N/A	399
pH	6.0-9.0				

B. Procedural Background

The permit application was received on June 26, 2024, and declared administratively complete on July 29, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on August 5, 2024, in the *Austin American-Statesman* in English and in *El Mundo* in Spanish on August 1, 2024. The Notice of Application and Preliminary Decision (NAPD) was published on March 14, 2025, in the *Austin American-Statesman* in English and in *El Mundo* on March 20, 2025, in Spanish. Publication of the Notice of Public Meeting was published on March 14, 2025, in the *Austin American-Statesman* in English and in *El Mundo* in Spanish. A public meeting was held on April 22, 2025, at the Jarrell Memorial Park Community Center in Jarrell, Texas. The public comment period ended at the close of the meeting on April 22, 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;
- 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: City of Jarrell City Hall, Development Services, 161 Town Center Boulevard, Jarrell, in Williamson County, Texas.

II. COMMENTS AND RESPONSES

A. General Opposition

COMMENT 1:

The Individuals in Appendix A expressed general opposition about the application and proposed draft permit.

RESPONSE 1:

The Executive Director acknowledges these comments.

B. Concerns related to Water Quality

COMMENT 2:

Individuals in Appendix B expressed concerns related to the proposed facility being near the Edwards Aquifer Recharge zone.

RESPONSE 2:

The proposed discharge is located approximately one mile downstream of the Edwards Aquifer Recharge Zone. The designated uses and dissolved oxygen criterion as stated in Appendix A of the Texas Surface Water Quality Standards (30 Texas

Administrative Code (TAC) § 307.10) for Segment No. 1213 are primary contact recreation, public water supply, high aquatic life use, and 5.0 mg/L dissolved oxygen.

TCEQ has developed rules for regulated activities on the Edwards Aquifer recharge and contributing zones under 30 Tex. Admin. Code, Chapter 213 (Edwards Aquifer). These rules authorize the discharge of treated wastewater within the contributing zone of the Edwards aquifer and specify effluent limits for those facilities located within 10 miles of the Recharge Zone. TCEQ's Edwards Aquifer Rules prohibit the direct discharge of municipal and industrial wastewater discharges on the Edwards Aquifer Recharge Zone into or adjacent to water in the state that would create additional pollutant loading.¹ TCEQ has established minimum effluent treatment levels for new or increased discharges of treated wastewater into or adjacent to water in the state, other than industrial wastewater discharges, within zero to five miles upstream from the Recharge Zone² and for new or increased discharges into or adjacent to water in the state, other than industrial wastewater discharges, more than five miles but within ten miles upstream from the Recharge Zone.³

COMMENT 3:

Individuals in Appendix C expressed concern that the proposed wastewater treatment facility will impact local private wells in the area.

RESPONSE 3:

The Legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.”⁴ 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.”⁵

¹ 30 TEX. ADMIN. CODE § 213.8(a)(6).

² 30 TEX. ADMIN. CODE § 213.6(c)(1).

³ 30 TEX. ADMIN. CODE § 213.6(c)(2).

⁴ TEX. WATER CODE § 26.401(b).

⁵ TEX. WATER CODE § 26.401(c)(2)

The Executive Director has determined that the Draft Permit's effluent limitations are consistent with the Texas Surface Water Quality Standards (TSWQS) in 30 Tex. Admin. Code, Chapter 307, 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. Also, under 30 Tex. Admin. Code § 309.13(c), 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.

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 regularly. 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 TCEQ publication titled *Disinfecting Your Private Well* (GI-432). TCEQ also regulates public water supply systems in Texas. Please contact TCEQ's Water Supply Division at 512-239-4691 for more information.

COMMENT 4:

Individuals in Appendix D expressed concern that the proposed wastewater treatment facility will cause algal blooms and impact the receiving waters.

RESPONSE 4:

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 proposed High Ten Wastewater Treatment Facility will not cause an excessive accumulation of algae, the Executive Director performed a nutrient screening, which indicated that a Total Phosphorus limit is necessary because of the high clarity of the water column, lack of shade along the

banks, and minimal dilution. The Executive Director included a Total Phosphorus limit of 0.50 mg/L in the Draft Permit to preclude the excessive accumulation of algae.

COMMENT 5:

Individuals in Appendix E expressed concern that the proposed wastewater treatment facility will have an impact on the water body and depletion of dissolved oxygen levels.

RESPONSE 5:

The effluent limitations in the Draft Permit were developed to maintain and protect the existing instream uses and comply with the Texas Surface Water Quality Standards.⁶ The proposed Draft Permit includes effluent limitations and monitoring requirements to ensure that the proposed wastewater treatment plant meets water quality standards for the protection of surface water quality, even during periods of low flow, according to TCEQ rules and policies.

The potential impact of the proposed discharge on instream dissolved oxygen levels is evaluated under hot and dry, low-flow summertime conditions, which are typically the most restrictive conditions regarding dissolved oxygen levels. Critical low-flow, as defined in 30 Tex. Admin. Code § 307.3(a)(16), is a “low-flow condition that consists of the seven-day, two-year flow (7Q2),” which is the lowest seven-day average discharge with a recurrence interval of two years. The criteria of the Texas Surface Water Quality Standards⁷ are applicable even during critical low-flow; therefore, critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge.

The Executive Director has performed a dissolved oxygen modeling review based on the information provided in the Application. Based on these model results, the proposed effluent set of 5 mg/L CBOD₅, 2 mg/L NH₃-N and 5.0 mg/L dissolved oxygen (DO) for all three phases, is predicted to be adequate to maintain the dissolved oxygen criteria stipulated by the Standards Implementation Team for North Fork Donahoe Creek (3.0 mg/L), and Donahoe Creek (5.0 mg/L). Also, according to these

⁶ 30 TEX. ADMIN. CODE §§ 307.1 - 307.10

⁷ 30 Tex. Admin. Code, Ch. 307.

model results, the dissolved oxygen levels in receiving water bodies would consistently meet or exceed the dissolved oxygen criteria.

COMMENT 6:

Individuals in Appendix F raised comments related to pathogens potentially being present in the wastewater that is discharged from the facility.

RESPONSE 6:

TCEQ's Water Quality Division has determined that the Draft Permit complies with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment.

The rules in 30 Tex. Admin. Code § 309.3(g)(1) further require that disinfection of domestic wastewater must be protective of both public health and aquatic life; however, the rules do not require a specific method of disinfection. A permittee may disinfect domestic wastewater through chlorination, ultra-violet light, or an equivalent method of disinfection with prior approval of the Executive Director.

For this facility, the Applicant has chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms. Chlorine is one of the most practical and effective means of disinfection because it can kill disease-causing bacteria and nuisance organisms and can eliminate certain noxious odors during disinfection.⁸ The permit limitation for maximum total chlorine residual is 4.0 mg/L and must be monitored five times per week.⁹

Additionally, 30 Tex. Admin. Code § 217.37 requires a disinfection system to include a backup power system capable of providing sufficient power to operate continuously during all power outages. The Draft Permit also includes limits for bacteria and monitoring requirements to verify proper disinfection. Under the Draft Permit, the treated effluent is required to meet a daily average bacteria limit of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* per 100

⁸ U.S. EPA Wastewater Technology Fact Sheet- Chlorine Disinfection (EPA 832-F-99-062).

⁹ Draft Permit, Effluent Limitations and Monitoring Requirements, page 2; *see also* 30 TEX. ADMIN. CODE § 309.3(g)(2).

ml. Further, the effluent must be sampled for bacteria once per month by grab sample.¹⁰

C. Concerns regarding Human Health

COMMENT 7:

Individuals in Appendix G expressed concern that the proposed wastewater treatment facility will impact human health.

RESPONSE 7:

Under the TSWQS, discharges into surface water may not degrade the water quality of the receiving waters or result in situations that impair existing, attainable or designated uses.¹¹ Further, surface waters may not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.¹²

In this case, the designated uses for Segment No. 1213 are primary contact recreation, public water supply, and high aquatic life use.¹³ 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's staff in the Water Quality Division has prepared the Draft Permit, with effluent limits that were developed to maintain and protect the existing instream uses. The ED has made a preliminary determination that the Draft Permit, if issued, meets all statutory and regulatory requirements.

D. Concerns regarding Impacts to Wildlife

COMMENT 8:

Individuals in Appendix H expressed concerns about potential impacts to wildlife in the area, including bees.

¹⁰ Draft Permit, Effluent Limitations and Monitoring Requirements, page 2; *see also* 30 TEX. ADMIN. CODE § 319.3(b).

¹¹ 30 Tex. Admin. Code, Ch. 307.

¹² 30 TEX. ADMIN. CODE § 307.6(b)(4).

¹³ 30 Tex. Admin. Code, Ch. 307, 30 Tex. Admin. Code § 307.10.

RESPONSE 8:

Under the TSWQS, discharges into surface water may not degrade the water quality of the receiving waters or result in situations that impair existing, attainable or designated uses.¹⁴ Further, surface waters may not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.¹⁵

TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010)¹⁶ provides the methodology designed for its staff to ensure compliance with the TSWQS. 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 Executive Director's staff in the Water Quality Division prepared the proposed Draft Permit to comply with the TSWQS and be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ's rules and the permit's requirements. The Executive Director has made a preliminary determination that the Draft Permit, if issued, meets all statutory and regulatory requirements.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. TPWD received notice of Applicant's permit application. For further information or questions, the commenters may wish to contact TPWD by calling 1-800-792-1112 or visiting TPWD's website at: <https://tpwd.texas.gov/about/administration-divisions/wildlife>.

¹⁴ 30 Tex. Admin. Code, Ch. 307.

¹⁵ 30 TEX. ADMIN. CODE § 307.6(b)(4).

¹⁶ For the current IPs, visit TCEQ's website at:

<https://www.tceq.texas.gov/downloads/permitting/water-quality-standards-implementation/june-2010-ip.pdf>.

E. Concerns related to Odors

COMMENT 9:

Individuals in Appendix I expressed concerns related to the proposed facility emitting strong odors from the facility.

RESPONSE 9:

All wastewater treatment facilities have the potential to generate odors. To control and abate odors, TCEQ's rules require domestic WWTFs to comply with buffer zone requirements for the abatement and control of nuisance odors.¹⁷ The Applicant can comply with these buffer zone requirements through: 1) ownership of the buffer zone area; 2) obtaining a restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor controls.¹⁸

According to its Application, the Applicant intends to comply with the requirement to abate and control nuisance odor by locating the treatment units at least 150 feet from the nearest property line.¹⁹ The Executive Director's staff in the Water Quality Division has incorporated this requirement into the Draft Permit.²⁰ Further, the Applicant proposes in its application that the High Ten WWTP will be an activated sludge process plant operated in the extended aeration mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the extended aeration variation 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. Therefore, if the Applicant operates the proposed facility according to TCEQ's rules and the Draft Permit's terms, then nuisance odors related to the permitted activities are not expected to occur.

Issuance of the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other

¹⁷ 30 TEX. ADMIN. CODE § 309.13(e).

¹⁸ 30 TEX. ADMIN. CODE § 309.13(e).

¹⁹ HighTen Jarrell 115, LLC, Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Exhibit 6.

²⁰ HighTen Jarrell 115, LLC, Draft Permit, Other Requirements, Item No. 3, page 34.

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.

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.

F. Concerns regarding Application

COMMENT 10:

Individuals in Appendix J made comments related to information in the application not being correct or true.

RESPONSE 10:

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.²¹

TCEQ has completed an administrative and technical review of the permit application to verify the submitted permit application is administrative and technically complete. During this review if any deficiencies arise in the permit application review process TCEQ will issue a Notice of Deficiency (NOD) to request the permit application materials by the applicant to be updated. The NODs that were sent out for this permit were to verify if all the wastewater treatment plants within three miles have been contacted for regionalization, and an NOD to correct the gallons per minute number

²¹ Draft Permit, Monitoring and Reporting Requirements, Item 1, page 5.

the applicant provided for the Interim I phase to be in comparison with the MGD flow the applicant is proposing.

COMMENT 11:

Individuals in Appendix K raised concerns related to regionalization.

RESPONSE 11:

The State's regionalization policy is enumerated in Texas Water Code § 26.081, which provides that this policy is to "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state." In furtherance of that policy, Tex. Water Code § 26.0282 authorizes TCEQ, when considering the issuance of a permit to discharge waste, to deny or alter the terms and conditions of a proposed permit based on need and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems.

Within the application, Domestic Technical Report 1.1 requires applicants to provide information related to regionalization of wastewater treatment plants.²² Applicants requesting a new TPDES permit, or certain major amendments, are required to review a three-mile area surrounding the proposed facility to determine if there is a wastewater treatment plant or sewer collection lines within the area that the permittee can utilize. Further, TCEQ requires Applicants to contact those facilities to inquire if they either currently have the capacity or are willing to expand to accept the proposed volume of wastewater. If an existing wastewater facility does have the capacity and is willing to accept the proposed wastewater, the applicant must submit an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within three miles relative to the cost of the proposed facility or expansion. Finally, applicants must provide copies of all correspondence with the owners of existing plants within three miles of the proposed plant regarding regionalization with their system.

According to the information provided by the Applicant, there is an existing wastewater treatment facility within a three-mile radius of the proposed facility site

²² Domestic Technical Report 1.1 (TCEQ Form 10054), Section 1, Item B, page 21.

location. The Applicant has indicated that they have reached out to the City of Jarrell existing facility but have not received a response to their service request.

COMMENT 12:

Individuals in Appendix L raised comments related to wetlands. They stated that the applicant did not provide evidence that wetlands are present on the property.

RESPONSE 12:

TCEQ's rules in 30 TAC Chapter 309, Subsection B, describe (the) applicable unsuitable site characteristics. Under 30 Tex. Admin. Code § 309.13, a wastewater treatment plant unit may not be located in wetlands; however, this prohibition is not applicable to constructed wetlands.²³

As part of the Executive Director's technical review of the Application, the Standards Implementation Team reviewed the initial portion of the discharge route as described in the Application, aerial imagery using GIS, and the submitted USGS topographical map. According to the USGS topographical map, "North Fork Donahoe Creek is intermittent with pools per USGS and aerials, with an on-channel pond (0.29 ac.) approximately 0.61 miles downstream of the discharge." The Executive Director's staff in the Water Quality Division also conducted site visit on April 22, 2025; however, no wetlands were identified during the site visit or in the technical review of the discharge route.

G. Concerns regarding Proposed Facility

COMMENT 13:

Individuals in Appendix M expressed concerns related to flooding occurring due to the proposed wastewater treatment plant being built.

RESPONSE 13:

TCEQ does not have the authority under Texas Water Code Chapter 26 to address issues related to runoff, flooding, or erosion in the TPDES permitting process.²⁴ The scope of the permitting process is limited to controlling the discharge of pollutants into (or adjacent to) water in the state and protecting the water quality of

²³ 30 TEX. ADMIN. CODE § 309.13(b).

²⁴ See TEX. WATER CODE § 26.011.

the state's rivers, lakes, and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions as specified in the proposed permit at all times, including during flooding conditions.

Also, 30 Tex. Admin. Code § 309.13 does specify certain limitations related to the location of wastewater treatment plant units. Under 30 Tex. Admin. Code § 309.13(a), a wastewater treatment plant unit may not be located within a 100-year flood plain unless the plant unit is protected from inundation and damage that may occur during that flood event.

For any flooding concerns or additional information related to floodplain management, the commenters may wish to contact the Williamson County Engineer's office at (512) 943-1100 or by visiting Williamson County's website at: <https://www.wilcotx.gov/652/Floodplain-Management>. TCEQ's Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling 512-239-4691. Also, the Texas Water Development Board (TWDB) recently adopted its 2024 State Flood Plan. TWDB's 2024 State Flood Plan and additional information related to floodplains are available on its website at: <http://www.twdb.texas.gov/flood/planning/sfp/index.asp>. Further, the Federal Emergency Management Agency (FEMA) has programs designed to mitigate damage caused by flooding. The commenters may wish to contact FEMA Region 6 for additional information at 940-898-5399 or by visiting FEMA's website at: <https://www.fema.gov/about/contact>.

COMMENT 14:

Individuals in Appendix N expressed concerns related to the proposed facility possibly having potential spills. The commenters also ask who would be responsible for such spills.

RESPONSE 14:

An unauthorized discharge is a violation of the proposed permit for which an enforcement action can be brought by TCEQ against the Applicant. Further, the issuance of the proposed permit would not limit anyone's ability to seek legal remedies from the Applicant regarding any potential trespass, nuisance, or other cause

of action in response to the proposed facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property.

If you would like to make an environmental complaint, you may call 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](https://www.tceq.texas.gov/compliance/complaints). For additional information regarding TCEQ's compliance and enforcement processes, please visit TCEQ's website: <https://www.tceq.texas.gov/compliance/enforcement>.

COMMENT 15:

Individuals in Appendix O expressed concerns related to the potential site location of the proposed wastewater treatment plant.

RESPONSE 15:

If an applicant's proposed location and discharge route comply with the applicable requirements under Tex. Water Code Chapter 26 and 30 Tex. Admin. Code Chapter 309 relating to Domestic Wastewater Effluent Limitations and Plant Siting, TCEQ does not have the authority to mandate a different discharge route or wastewater treatment plant location. TCEQ also does not have jurisdiction over zoning.

If an applicant amends its application to provide a different facility location or a revised discharge route, the Executive Director will reevaluate the revised location or discharge route to ensure that the Draft Permit contains the appropriate limits and requirements for the revised discharge location or route. An applicant may also be required to notify any new landowners due to the change to the proposed facility's location or discharge route.

COMMENT 16:

Individuals in Appendix P expressed interest in why the facility is not proposing to reuse the wastewater after it is treated instead of having it discharged.

RESPONSE 16:

TCEQ's rules applicable to the beneficial reuse of reclaimed water are found in 30 Tex. Admin. Code Chapter 210. In order for an applicant to obtain this authorization, the applicant must first have either a TPDES permit or a no-discharge

Texas Land Application Permit (TLAP).²⁵ Under TCEQ's rules, the 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.²⁶ Subsequently, the reclaimed water producer must first have a guaranteed method of effluent disposal either through a TPDES or TLAP permit.

TCEQ does not have the authority to require a permittee to obtain a Chapter 210 reuse authorization. If the permit is issued, the Applicant will have to notify the Executive Director of its intention to reuse reclaimed water and obtain the necessary authorization to provide reclaimed water.²⁷ Treated effluent intended for irrigation under a reuse authorization must comply with the appropriate effluent limits under 30 Tex. Admin. Code Chapter 210.

H. Concerns regarding Draft Permit

COMMENT 17:

Individuals in Appendix Q expressed concern that the proposed wastewater treatment facility will not maintain compliance with the permit, monitoring, and reporting requirements.

RESPONSE 17:

The Applicant is required to analyze the treated effluent prior to discharge and to provide monthly reports to TCEQ that include the results of the analyses. The Applicant may either collect and analyze the effluent samples themselves, or they may contract with a third party for either or both the sampling and analysis. However, under 30 Tex. Admin. Code Chapter 319, Subchapter A, all samples must be collected and analyzed. The Applicant is further required to notify TCEQ if the effluent does not meet the specified permit limits. Also, TCEQ regional staff are authorized to sample the effluent during routine inspections or in response to a complaint.

²⁵ 30 TEX. ADMIN. CODE § 210.5(a).

²⁶ 30 Tex. Admin. Code § 210.7.

²⁷ 30 Tex. Admin. Code § 210.4.

COMMENT 18:

Individuals in Appendix R made comments related to grease limits not being included in the draft permit.

RESPONSE 18:

The Texas Surface Water Quality Standards in 30 Tex. Admin. Code describe the general criteria applicable for TPDES permits. The applicable aesthetic parameters under 30 Tex. Admin. Code § 307.4 specify that surface waters must be maintained so that oil, grease, or related residue do not produce a visible film or sheen of oil or globules of grease on the surface or coat the banks or bottoms of the water course; or cause toxicity to man, aquatic life, or terrestrial life.²⁸

The Draft Permit does contain general requirements related to grease within the Sludge Provisions section. Specifically, the Draft Permit states:

The land application of processed or unprocessed chemical toilet waste, grease trap waste, grit trap waste, milk solids, or similar non-hazardous municipal or industrial solid wastes, or any of the wastes listed in this provision combined with biosolids, WTP residuals or domestic septage is prohibited unless the grease trap waste is added at a fats, oil and grease (FOG) receiving facility as part of an anaerobic digestion process.²⁹

If the permit is issued, the Applicant must comply with this requirement in addition to the other requirements as specified in the Draft Permit.

I. Concerns Beyond Scope of TPDES Regulations

COMMENT 19:

Individuals in Appendix S expressed concern that the proposed wastewater treatment facility will impact the air quality in the local area.

RESPONSE 19:

TCEQ is the state agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of

²⁸ 30 TEX. ADMIN. CODE § 307.4(b)(7).

²⁹ Draft Permit, Sludge Provisions, Section I (Requirements Applying to All Sewage Sludge or Biosolids Land Application), Subsection A (General Requirements), page 17.

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's rules in 30 Tex. Admin. Code § 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 therefore permitted by rule.

COMMENT 20:

Individuals in Appendix T expressed concern that the proposed wastewater treatment facility will not treat pharmaceuticals and other chemicals of emerging concerns.

RESPONSE 20:

TCEQ has not investigated the potential effects of contaminants of emerging concern (CECs), including pharmaceuticals, in wastewater treatment effluent. Further, neither EPA nor TCEQ has promulgated applicable federal or state effluent limits for CECs. Removal of some CECs have been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. EPA is currently investigating CECs and potential adverse human health impacts from CECs in the environment.

For additional information relating to CECs, please visit EPA's website at: <https://www.epa.gov/wqc/contaminants-emerging-concern-including-pharmaceuticals-and-personal-care-products>.

J. Concerns Outside TCEQ's Jurisdiction

COMMENT 21:

The Individuals listed in Appendix U expressed concerns related to property values being adversely impacted by the proposed facility.

RESPONSE 21:

The water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. TCEQ does not have the authority to address concerns about the impact of the facility on the economy, businesses, tourism, or resale of homes as part of the wastewater permitting process. The scope of TCEQ's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his or her property. Additionally, 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 22:

The Individuals in Appendix V expressed general opposition and concerns about aesthetics, traffic, noise, light pollution, air pollution, and the amount of impervious cover at the proposed development.

RESPONSE 22:

TCEQ does not have the authority under Tex. Water Code Chapter 26 and the applicable wastewater regulations to consider these issues during its review of TPDES applications. The construction process of the development may be subject to stormwater construction permitting, which is authorized by a separate process.

In November 2024, TCEQ published "Issues Outside the Jurisdiction: Answers to Public Comments We Receive" on its website, to provide the public with additional information regarding the concerns outside of the Commission's jurisdiction. Some examples of issues that are outside of TCEQ's jurisdiction are property value devaluation, noise and light pollution, and traffic. This publication is available on TCEQ's website at: www.tceq.texas.gov/downloads/agency/decisions/participation/gi-650-issues-outside-tceqs-jurisdiction-x.pdf.

Issuance of this permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other

causes of action in response to activities that may result in injury to human health or property, or that may interfere with the normal use and enjoyment of property. For concerns relating to these issues, please contact local law enforcement or the Williamson County Sheriff's Office at 512-943-1300 to inquire if there are ordinances in your area.

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

In response to Public Comments, the Executive Director has not made any changes to the Draft Permit.


Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Kelly Keel,
Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Todd Galiga, Acting Deputy Director
Environmental Law Division



Fernando Salazar Martinez,
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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on November 6, 2025, the “Executive Director’s Response to Public Comment” for Permit No. WQ0016565001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.



Fernando Salazar Martinez
Staff Attorney
Environmental Law Division
State Bar No. 24136087

APPENDICES

List of All Commenters

Kelly Appice, Laurie Archer, Dora Elia Austin, Holly Anchors, Bridget Brame, JoAnn Brown, Regina Beam, Megan Brewer, Ellen Coble, Sarah Decker, Elizabeth Anna Exley, Elizabeth A. Exley, James B. Exley, James Exley, Luke Dean Exley, Nathan Exley, Paul Exley, Cheri Freeman, Holly Fullmer, Darin Hallam, Joyce Herring, Nicole Harris, James D. Hunt, Jennifer Islas, Eunice Keiser, Carolyn Ray Lankford, Texanna Landin, Chad Lung, Virginia Larson, Ashley Meadows, Kalynn Mckenzie, Grace Miller, Danielle Mitchell, Megan Nance, Pat Nadon, Ana Pollock, Lauren Rangel, Brittany Rodriguez, Alfred Serrano, Mary Serrano, Maria Serrano, Samantha Sunshine Serrano, Robert Snelson, Sarah Stevick, Mary Thomas, Gaye Turnet, Kimberly Uyechi, Joyce Williams, Alyssa Van Waarde, Pieter Willem Van Waarde, and Christa Lea Williams.

Appendix A

Elizabeth Anna Exley, Ashley Meadows, James B. Exley, Sarah Decker, Darin Hallam, Nathan Exley, Jennifer Islas, Elizabeth A. Exley, Bridget Brame, Texanna Landin, Brittany Rodriguez, Alyssa Van Waarde, and Pieter Willem Van Waarde.

Appendix B

Elizabeth Anna Exley.

Appendix C

Chad Lung, Elizabeth Anna Exley, Elizabeth A. Exley, Carolyn Ray Lankford, James B. Exley, Darin Hallam, Alfred Serrano, May Serrano, Maria Serrano, Samantha Sunshine Serrano, Jennifer Islas, Luke Dean Exley, Nathan Exley, and Bridget Brame.

Appendix D

Carolyn Ray Lankford.

Appendix E

Carolyn Ray Lankford.

Appendix F

Elizabeth Anna Exley and Carolyn Ray Lankford.

Appendix G

Elizabeth Anna Exley, Elizabeth A. Exley, James B. Exley, Paul Exley, Kalynn Mckenzie, Cheri Freeman, Darin Hallam, Alfred Serrano, Mary Serrano, Maria Serrano, Jennifer Islas, Nathan Exley, Bridget Brame, Grace Miller, Brittany Rodriguez, Dora Elia Austin, and JoAnn Brown.

Appendix H

Chad Lung, Elizabeth Anna Exley, Kelly Appice, Ashley Meadows, Kimberly Uyechi, Sarah Stevick, Danielle Mitchell, Joyce Williams, Kalynn Mckenzie, Megan Nance, Robert Snelson, Sarah Decker, Cheri Freeman, Lauren Rangel, Eunice Keiser, Luke Dean Exley, Laurie Archer, Nathan Exley, Bridget Brame, JoAnn Brown, Joyce Herring, Eunice Keiser, Brittany Rodriguez, Nicole Harris, Pat Nadon, and Ana Pollock.

Appendix I

Chad Lung, Elizabeth Anna Exley, Carolyn Ray Lankford, James B. Exley, Holly Fullmer, Darin Hallam, Alfred Serrano, Mary Serrano, Maria Serrano, Samantha Sunshine Serrano, Jennifer Islas, Elizabeth A. Exley, James Exley, Nathan Exley, James D. Hunt, Bridget Brame, JoAnn Brown, and Regina Beam.

Appendix J

Elizabeth Ana Exley, James B. Exley, Maria Serrano, Samantha Sunshine Serrano, Jennifer Islas, Nathan Exley, Bridget Brame, and Ana Pollock.

Appendix K

Samantha Sunshine Serrano, Elizabeth A. Exley, Nathan Exley, James D. Hunt, and Bridget Brame.

Appendix L

Elizabeth Anna Exley and Bridget Brame.

Appendix M

Elizabeth Anna Exley, Ashley Meadows, James B. Exley, Danielle Mitchell, Holly Fullmer, Darin Hallam, Alfred Serrano, Mary Serrano, Maria Serrano, Samantha Sunshine Serrano, Jennifer Islas, James Exley, Nathan Exley, and Bridget Brame.

Appendix N

Elizabeth A. Exley, James B. Exley, Darin Hallam, Alfred Serrano, Mary Serrano, Maria Serrano, Samantha Sunshine Serrano, Jennifer Islas, Nathan Exley, and Eunice Keiser.

Appendix O

Elizabeth Anna Exley, Kelly Appice, Ashley Meadows, Alyssa Van Waarde, Pieter Willem Van Waarde, Carolyn Ray Lankford, Mary Thomas, James B. Exley, Paul Exley, Christa Lea Williams, Joyce Williams, Kalynn Mckenzie, Megan Brewer, Megan Nance, Robert Snelson, Kimberly Uyechi, Sarah Decker, Cheri Freeman, Mary Serrano, Samantha Sunshine Serrano, Jennifer Islas, Eunice Keiser, Luke Dean Exley, Gaye Turnet, Laurie Archer, Elizabeth A. Exley, Nathan Exley, James D. Hunt, Joyce Herring, Virginia Larson, Holly Anchors, Eunice Keiser, Texanna Landin, and JoAnn Brown.

Appendix P

Elizabeth A. Exley, Carolyn Ray Lankford, James B. Exley, Mary Serrano, and Samantha Sunshine Serrano.

Appendix Q

Chad Lung, Elizabeth Anna Exley, Elizabeth A. Exley, Carolyn Ray Lankford, James B. Exley, Darin Hallam, Alfred Serrano, Mary Serrano, Maria Serrano, Samantha Sunshine Serrano, Jennifer Islas, Bridget Brame, and JoAnn Brown.

Appendix R

Elizabeth A. Exley, James B. Exley, Mary Serrano, Maria Serrano, Samantha Sunshine Serrano, Jennifer Islas, Bridget Brame, and Brittany Rodriguez.

Appendix S

Elizabeth Anna Exley, Alyssa Van Waarde, Pieter Willem Van Waarde, Maria Serrano, Luke Dean Exley, and Bridget Brame.

Appendix T

Elizabeth A Exley, Bridget Brame, and Eunice Keiser.

Appendix U

Chad Lung, Alyssa Van Waarde, Pieter Willem Van Waarde, Elizabeth A. Exley, Carolyn Ray Lankford, James B. Exley, Kimberly Uyechi, Paul Exley, Sarah Stevick, Sarah Decker, Darin Hallam, Alfred Serrano, Ellen Coble, Mary Serrano, Maria Serrano, Nathan Exley, Jennifer Islas, Nicole Harris, James Exley, JoAnn Brown, Regina Beam, and Ana Pollock.

Appendix V

Elizabeth Anna Exley, Bridget Brame, Alyssa Van Waarde, and Pieter Willem Van Waarde.