

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 13, 2025

TO: All interested persons.

RE: Belle Vie Utilities UC LLC  
TPDES Permit No. WQ0016459001

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

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Honey Grove Library & Learning Center, Reference Desk, 500 6th Street, Honey Grove, 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](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

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

**Processing of Requests.**

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

**How to Obtain Additional Information.**

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

Sincerely,



Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Belle Vie Utilities UC LLC**  
**TPDES Permit No. WQ0016459001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Belle Vie Utilities UC LLC TPDES Permit No. WQ0016459001 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 (WQ0016459001) and click the "Search" button. The search results will display a link to the RTC.

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

**Additional Information**

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Honey Grove Library & Learning Center, Reference Desk, 500 6th Street, Honey Grove, Texas



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

13 de noviembre de 2025

TO: Todas las personas interesadas.

RE: Belle Vie Utilities UC LLC  
TPDES Permiso No. WQ0016459001

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

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

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Honey Grove Library & Learning Center, Mesa de Referencia, 500 6th Street, Honey Grove, 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](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) o por correo a la siguiente dirección:

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

### **Procesamiento de solicitudes.**

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

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

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

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/cb

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Belle Vie Utilities UC LLC**  
**TPDES Permiso No. WQ0016459001**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Belle Vie Utilities UC LLC del permiso de TPDES No. WQ0016459001. 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 (WQ0016459001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

**Información adicional**

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Honey Grove Library & Learning Center, Mesa de Referencia, 500 6th Street, Honey Grove, Texas.

MAILING LIST / LISTA DE CORREO  
for / para  
Belle Vie Utilities UC LLC  
TPDES Permit No. WQ0016459001 / TPDES Permiso No. WQ0016459001

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Josh Eckel, Owner/ Developer  
Belle Vie Utilities UC LLC  
906 Baker Street  
McKinney, Texas 75069

Lauren Wahl, P.E.  
Water Resource Engineer  
reuse Engineering, Inc.  
4411 South Interstate 35, Suite 100  
Georgetown, Texas 78628

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

Lauren Kalisek  
816 Congress Avenue  
Austin Texas, 78701

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

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

Garrison Layne, 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

**TPDES Permit No. WQ0016459001**

<b>APPLICATION BY</b>	§	<b>BEFORE THE</b>
<b>BELLE VIE UTILITIES LLC FOR TPDES</b>	§	<b>TEXAS COMMISSION</b>
	§	<b>ON ENVIRONMENTAL</b>
<b>PERMIT NO. WQ0016459001</b>	§	<b>QUALITY</b>

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**EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENT**

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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 Belle Vie Utilities LLC (Applicant) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016459001, and the Executive Director’s preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments. The Office of the Chief Clerk received timely comments from Lauren J. Kalisek representing The North Texas Municipal Water District. 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](http://www.tceq.texas.gov).

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**I. BACKGROUND**

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***A. Description Of Facility***

The Belle Vie Utilities LLC (Applicant) submitted an application to TCEQ for a new permit, TPDES Permit No. WQ0016459001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day.

The Applicant proposes to operate Belle Vie Utilities LLC Wastewater Treatment Plant (WWTP) to serve a residential development.

The Belle Vie Utilities LLC WWTP will be a membrane bio-reactor facility. Treatment units in the Interim I phase will include two fine screens, an anoxic tank, an aerobic tank, a membrane cell, a sludge press, and an ultraviolet light (UV) disinfection system. Treatment units in the Interim II phase will include two fine screens, an anoxic tank, an aerobic tank, a membrane cell, a sludge press, and an UV disinfection system. Treatment units in the Final phase will include two fine screens, two anoxic tanks, two aerobic tanks, two membrane cells, a sludge press, and an UV disinfection system. The facility has not been constructed.

The facility will be located approximately 0.3 miles northwest of the intersection of Farm-to-Market Road 1396 and County Road 2985 in Fannin County, Texas 75492. If the draft permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to Lake Bois d' Arc, thence to Bois d' Arc Creek, thence to Red River Below Lake Texoma in Segment No. 0202 of the Red River Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributary, and high aquatic life use for Lake Bois d' Arc and Bois d' Arc Creek. The designated uses for Segment No. 0202 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**

<b>Outfall Number</b>	<b>Latitude</b>	<b>Longitude</b>
001	33.669989 N	95.968739 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 (MGD)	0.25		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	1.0	5.0	10	20	30
Total Suspended Solids (TSS)	1.0	5.0	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	0.4	2.0	5	10	15
Total Phosphorus (TP)	0.2	1.0	2	4	6
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH (SU)	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 (MGD)	0.075		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	3.1	5	10	20	30
Total Suspended Solids (TSS)	3.1	5	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	1.3	2	5	10	15
Total Phosphorus (TP)	0.6	1.0	2	4	6
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH (SU)	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 (MGD)	Report		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	6.3	5	10	20	30
Total Suspended Solids (TSS)	6.3	5	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	1.9	1.5	3	6	10
Total Phosphorus (TP)	1.3	1.0	2	4	6
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH (SU)	6.0 - 9.0				

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

The permit application was received on December 19, 2023, and declared administratively complete on March 5, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on March 19, 2024, in the *Fannin County Leader* and the *Tex Mex News*. The Notice of Application and Preliminary Decision (NAPD) was published on January 14, 2025, in the *Fannin County Leader* and the *Tex Mex News*.

The public comment period ended on February 13, 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](http://www.sos.state.tx.us);
- TCEQ rules in 30 TAC: [www.sos.state.tx.us/tac](http://www.sos.state.tx.us/tac);
- Texas statutes: [www.statutes.legis.state.tx.us](http://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](http://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: Honey Grove Library & Learning Center, Reference Desk, 500 6th Street, Honey Grove, Texas.

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## II. COMMENTS AND RESPONSES

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### COMMENT 1:

North Texas Municipal Water District raised concerns that the proposed discharge route will not be protective of water quality standards and stronger effluent limits should be placed in the draft permit.

### RESPONSE 1:

TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to surface waters in Texas. 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 to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that impacts the discharge route of to an unnamed tributary, thence to Lake Bois d' Arc, thence to Bois d' Arc Creek, thence to Red River Below Lake Texoma in Segment 0202 of the Red River Basin: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

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

parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with 30 TAC § 307.5 and the IPs, an antidegradation review of the receiving waters was performed. 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 Lake Bois d' Arc and Bois d' Arc Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. CBOD<sub>5</sub>, Ammonia-Nitrogen, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP). Further screening was conducted to ensure protection of the receiving waters, specifically for nutrients, in which a 1.0 mg/L total phosphorus limit was recommended for all flow phases.

**COMMENT 2:**

North Texas Municipal Water District raised concerns that the drinking water supply will be affected.

**RESPONSE 2:**

TCEQ's rules do not require that domestic wastewater be treated to potable water standards before it is discharged to water in the state. State and federal regulations require that treated effluent maintain the existing uses of the receiving waters as designated within the Texas Surface Water Quality Standards at 30 TAC Chapter 307.

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.

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.” Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.”

The Executive Director has determined that the draft permit’s effluent limitations are consistent with the TSWQS 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.

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 tested. 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](http://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).

**COMMENT 3:**

North Texas Municipal Water District raised concerns related to water quality.

**RESPONSE 3:**

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.<sup>1</sup> The

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<sup>1</sup> 30 TEX. ADMIN. CODE § 307.6(b)(4).

effluent limits in the draft permit are set to maintain and protect the existing instream uses.

In this case, the designated uses for Segment No. 0202 are primary contact recreation, public water supply, and high aquatic life use.<sup>2</sup> 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 Executive Director has made a preliminary determination that the 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.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. TPWD received notice of Applicant's permit application.

**COMMENT 4:**

North Texas Municipal Water District raised concerns that the Applicant is not the owner of the property and did not submit the required forms.

**RESPONSE 4:**

The Applicant provided evidence of property ownership via Special Warranty Deed dated June 26, 2025, and filed with Fannin County on July 14, 2025. Therefore, the applicant has met the requirement for the ownership of the property where the wastewater treatment facility is being proposed on.

**COMMENT 5:**

North Texas Municipal Water District raised concerns that the Applicant did not address the emergency procedures such as power failure in the application if a system failure was to occur at the facility.

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<sup>2</sup> Texas Surface Water Quality Standards, 30 TEX. ADMIN. CODE § 307.10.

**RESPONSE 5:**

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 and approved before construction can begin. The plans are required to include emergency preparedness provisions as provided in 30 TAC Chapter 217.

**COMMENT 6:**

North Texas Municipal Water District comments there are deficiencies in the application, and the permit should be denied.

**RESPONSE 6:**

When an application is submitted to TCEQ the agency reviews and verifies that the permit application is administratively complete and technically complete before issuing a permit to the applicant. If any missing information is found during one of these review processes TCEQ will issue a Notice of Deficiency (NOD) to have the permit application updated with any information.

For this permit application two NODs were issued to get the permit information updated before the permit could be sent to the applicant for permit acceptance. The first NOD was issued on October 1, 2024, to get the treatment units clarified for each phase of the draft permit. Then the second NOD was issued on November 20, 2024, to get the buffer zone requirements clarified for this permit application.

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.<sup>3</sup>

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

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No Changes were made to the draft permit in response to comments received.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,  
Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

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REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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<sup>3</sup> Belle Vie Draft Permit, Monitoring and Reporting Requirements, Item 1, page 5.