

**TPDES Permit No. WQ0016517001**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>183 258 LIBERTY HILL LLC FOR</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
<b>TPDES PERMIT NO. WQ0016517001</b>	<b>§</b>	<b>ON ENVIRONMENTAL</b>
	<b>§</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 183 258 Liberty Hill LLC (Applicant) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016517001, 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 Justin T. Day on behalf of Holmes 29 LLC, Tiffany Malzahn on behalf of the Brazos River Authority (BRA), Ali Abazari, and Shawn Hight. This response addresses all timely public comments received, whether or not withdrawn.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 the 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***

183 258 Liberty Hill LLC (Applicant) submitted an application to TCEQ for a new permit, TPDES Permit No. WQ0016517001, to authorize the discharge of treated domestic wastewater at an Interim I volume not to exceed a daily average flow of 0.15 MGD, an Interim II volume not to exceed a daily average flow of 0.30 MGD, and a Final volume not to exceed a daily average flow of 0.50 MGD. The Applicant proposes to operate 183 258 Liberty Hill WWTP. The 183 258 Liberty Hill WWTP will be an activated sludge process plant operated in the extended aeration mode. Treatment units in the Interim I phase will include a bar screen, an aeration basin, a clarifier, a chlorine contact basin, and an aerobic digester. Treatment units in the Interim II phase will include a bar screen, an aeration basin, a clarifier, a chlorine contact basin and an aerobic digester. Treatment units in the Final phase will include a bar screen, an aeration basin, a clarifier, a chlorine contact basin, an aerobic digester, and a dechlorination chamber. The facility has not been constructed.

If the draft permit is issued, the treated effluent will be discharged via pipe to an unnamed tributary in Segment No. 1250 of the Brazos River Basin. The designated uses for Segment No. 1250 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Geographic coordinates of the outfall location in decimal degrees are provided in Table 1. If this permit is issued, the proposed facility will be located approximately approximately 0.38 miles northwest of the intersection of County Road 258 and U.S. Highway 183, in Williamson County, Texas 78642.

**Table 1. Outfall Coordinate Location**

<b>Outfall Number</b>	<b>Latitude</b>	<b>Longitude</b>
001	30.664993 N	97.876887 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 and 417 GPM				
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)	2.5	2	5	10	15
Total Phosphorus (TP)	0.19	0.15	0.3	0.6	0.9
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH	6.0-9.0 SU				

**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 and 833 GPM				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	13	5	10	20	30
Total Suspended Solids (TSS)	13	5	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	5.0	2	5	10	15
Total Phosphorus (TP)	0.38	0.15	0.3	0.6	0.9
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH	6.0-9.0 SU				

**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	0.50 MGD and 1,389 GPM				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD <sub>5</sub> )	21	5	10	20	30
Total Suspended Solids (TSS)	21	5	10	20	30
Ammonia Nitrogen (NH <sub>3</sub> -N)	8.3	2	5	10	15
Total Phosphorus (TP)	0.063	0.15	0.3	0.6	0.9
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	399	N/A
pH	6.0-9.0 SU				

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

The permit application was received on April 2, 2024, and declared administratively complete on May 8, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on May 16, 2024, in *The Austin American-Statesman* and the *El Mundo* (Spanish publication). The Notice of Application and Preliminary Decision (NAPD) was published on August 7, 2025, in *The Austin American-Statesman* and the *El Mundo* (Spanish publication).

The public comment period ended on September 8, 2025. This application was filed 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: Liberty Hill City Hall, 926 Main Street, Liberty Hill, Texas.

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## II. COMMENTS AND RESPONSES

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### COMMENT 1:

The BRA expressed concern regarding the negative impacts of potential excessive algal growth in the South Fork San Gabriel River (Segment 1250) caused by increased nutrient loads from discharge of treated wastewater.

### RESPONSE 1:

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 facility will not cause an excessive accumulation of algae, the Executive Director performed a nutrient screening which indicated that because of the high clarity of the water column, lack of shade along the banks, and minimal dilution, a total phosphorus limit is needed in the draft permit. The Executive Director included a daily average total phosphorus limit of 0.15 mg/L in all Phases to preclude the excessive accumulation of algae.

### COMMENT 2:

Holmes 29 LLC, Ali Abazari, and the BRA expressed concerns regarding the proposed facility's impact on water quality. Additionally, Shawn High expressed concern regarding potential damage to the north San Gabriel River caused by the discharge of treated wastewater. BRA additionally expressed concern about aquatic life.

### RESPONSE 2:

TCEQ is responsible for the protection of water quality with federal delegated authority over discharges of pollutants to Texas surface water. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under 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: 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 (June 2010), an antidegradation review of the receiving waters was performed. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1250 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. 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).

**COMMENT 3:**

Holmes 29 LLC and Ali Abazari questioned whether the application complies with siting requirements, including buffer zones, and states that the application does not include sufficient siting information under 30 TAC Ch. 309, specifically 30 TAC § 309.13.

**RESPONSE 3:**

The maps and information submitted with the application indicate that the site complies with the 150-foot buffer zone requirement found in 30 TAC § 309.13(e). The Applicant stated in the application that it meets the buffer zone requirements in 30 TAC § 309(e) through ownership of the buffer zone. Additionally, the Applicant stated that the facility complies with the requirements regarding unsuitable site characteristics found in 30 TAC § 309.13(a) through (d). The relevant maps can be found in Appendix E and Appendix H of the technical package for this application, which can be found by searching for TPDES Permit No. WQ0016517001 at the following link: <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

**COMMENT 4:**

Holmes 29 LLC and Ali Abazari raised an issue regarding the characterization of the discharge route and questioned whether the outfall discharges into a watercourse.

**RESPONSE 4:**

The discharge route for the WWTP is via pipe to an unnamed tributary, thence to South Fork San Gabriel River in Segment 1250 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1250 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The watercourse of the discharge was identified on the USGS topographic map submitted in the application and verified using TCEQ's Geographic Information System (GIS).

**COMMENT 5:**

Holmes 29 LLC and Ali Abazari questioned whether regionalization has been adequately considered under applicable regulations.

**RESPONSE 5:**

TWC § 26.081 enumerates the state’s regionalization policy and states that the policy should “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 TWC § 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.

Domestic Technical Report 1.1 of the application requires information concerning regionalization of wastewater treatment plants. Applicants requesting a new permit or certain major amendments are required to review the area within the three-mile radius of the proposed facility site location to determine if there is a wastewater treatment plant or sewer collection lines within the area that the permittee can utilize. The proposed 183 258 Liberty Hill WWTP’s service area is not located inside any portion of another utility’s CCN area. There is one wastewater system i.e., City of Liberty Hill within three miles radius from 183 258 Liberty Hill WWTP. According to the materials submitted with the application, the Applicant applied to the City of Liberty Hill for service and received confirmation of denial of service from the City. Based on the information and the correspondence with the City provided by the Applicant in the application, the Executive Director determined that 183 258 Liberty Hill LLC complied with the regionalization policy and has demonstrated a need for the proposed facility.

**COMMENT 6:**

Holmes 29 LLC and Ali Abazari questioned whether the sludge management plan complies with 30 TAC Chapter 312 and states the Sewage Solids Management Plan does not identify disposal locations or capacity arrangements.

**RESPONSE 6:**

The draft permit includes sludge management provisions that are consistent with the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. These provisions can be found in the Operational Requirements No. 2 on page 13 of the draft permit and under Section IV Requirements Applying to Sludge or Biosolids Transported to Another Facility for Further Processing, on page 32 of the draft permit. The application states that sewage sludge from the proposed facility will be transported by registered transporter Cap-Tex to Walnut Creek Wastewater Treatment Plant for disposal. This information can be accessed by searching for TPDES Permit No. WQ0016517001 at the following link:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

**COMMENT 7:**

Holmes 29 LLC and Ali Abazari questioned whether the application is administratively and technically complete and accurate.

**RESPONSE 7:**

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>1</sup>

Administrative and Technical reviews were completed on the application. Additional information was requested by the ED on April 16, 2024, and July 21, 2025, respectively. The Applicant provided all the required information and the application was determined to be administratively complete and technically complete.

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<sup>1</sup> 183 258 Liberty Hill LLC Draft Permit, Monitoring and Reporting Requirements, Item 1, page 5.

**COMMENT 8:**

Holmes 29 LLC and Ali Abazari questioned whether the treatment process description is sufficiently detailed and includes adequate effluent limits, monitoring, and reporting.

**RESPONSE 8:**

The proposed treatment process involves an activated sludge process plant operated in the extended aeration mode. Treatment units in the Interim I phase will include a bar screen, an aeration basin, a clarifier, a chlorine contact basin and an aerobic digester. Treatment units in the Interim II phase will include a bar screen, an aeration basin, a clarifier, a chlorine contact basin and an aerobic digester. Treatment units in the Final phase will include a bar screen, an aeration basin, a clarifier, a chlorine contact basin, an aerobic digester, and a dechlorination chamber. TCEQ design criteria for a domestic wastewater system under 30 TAC Chapter 217, identify types of treatment technology that can achieve the treatment levels required in the proposed permit. Other Requirement No. 6 in the proposed permit requires the Applicant to submit a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Domestic Wastewater Section, the permittee shall submit plans and specifications and a final engineering design report which comply with 30 TAC Chapter 217, relating to “Design Criteria for Domestic Wastewater Systems.” The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Pages 2, 2a, and 2b draft permit.<sup>2</sup> The Executive Director’s staff will ensure that the plant design can adequately treat the domestic wastewater in accordance with the effluent limitations in the proposed permit during the review of the plans and specifications for this facility.

**COMMENT 9:**

Holmes 29 LLC and Ali Abazari questioned whether the draft permit complies with the Texas Surface Water Quality Standards, specifically the antidegradation requirements and the requirement that it be protective of human health, recreation, and contact recreation uses.

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<sup>2</sup> 183 258 Liberty Hill LLC Draft Permit, pages 2, 2a, and 2b.

**RESPONSE 9:**

The draft permit was developed to protect human health in accordance with the Texas Surface Water Quality Standards and was established to be protective of human health and the environment provided the Applicant operates and maintains the facility according to TCEQ rules and the requirements in the draft permit. As part of the permit application process, TCEQ must determine the uses of the receiving water and set effluent limits that are protective of those uses. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. In this case, the receiving stream uses are limited aquatic life use for the unnamed tributary and primary contact recreation, public water supply, aquifer protection, and high aquatic life use for Segment No. 1250 of the South Fork San Gabriel River. 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.

In accordance with 30 Texas Administrative Code § 307.5 and the IPs (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

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

**COMMENT 10:**

Holmes 29 LLC and Ali Abazari questioned whether public notice satisfied all requirements.

## RESPONSE 10:

Public notice requirements for wastewater discharge permit applications can be found in 30 TAC § 39.551. For new permit and major amendment applications, the Applicant must provide a list of affected landowners and a map showing their location(s). Affected landowners are landowners located adjacent to the wastewater treatment plant site and landowners with property on either side of the receiving stream for approximately one mile downstream from the point of discharge. The Applicant is required to certify that the submitted application is accurate. TCEQ mails notice of the application to the affected landowners and others on the mailing list for the application, which is maintained by the Office of Chief Clerk.

Additionally, for all applications (new, major amendment and renewal applications), the agency prepares two public notices: the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) and the Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD). The Applicant is required to publish these notices in a local newspaper and to provide a copy of the application, proposed draft permit and Executive Director's Preliminary Decision in a public place for viewing and copying.

In this case, public notice satisfied all applicable requirements. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on May 16, 2024, in *The Austin American-Statesman* and the *El Mundo* (Spanish publication). The Notice of Application and Preliminary Decision (NAPD) was published on August 7, 2025, in *The Austin American-Statesman* and the *El Mundo* (Spanish publication). The Applicant made publicly available the permit application, Executive Director's preliminary decision, and draft permit for viewing and copying at Liberty Hill City Hall, 926 Main Street, Liberty Hill, Texas. Notice was mailed by TCEQ to the affected landowners on the list provided in the application. That list can be found in Appendix C of the technical package for this application by searching for TPDES Permit No. WQ0016517001 at the following link:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>. Content of the notices as well as the dates they were mailed and published can be accessed through the Commissioner's Integrated Database by

searching for TPDES Permit No. WQ0016517001 at the following link:

<https://www14.tceq.texas.gov/epic/eCID/>.

**COMMENT 11:**

Holmes 29 LLC and Ali Abazari questioned whether the draft permit adequately considers cumulative and downstream impacts.

**RESPONSE 11:**

As a part of this permit review, a modeling analysis for the proposed discharge was performed to evaluate the potential impacts of major oxygen-demanding constituents within the effluent on dissolved oxygen levels of the receiving waters. To ensure that dissolved oxygen modeling results and corresponding effluent limit recommendations are conservative and protective under all conditions, the proposed discharge was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. Additionally, to account for potential negative cumulative effects, any other contributing TPDES discharges within the watershed is also considered in the modeling.

There are no other TPDES wastewater discharges in the South Fork San Gabriel River watershed either upstream or downstream from this proposed discharge. Therefore, only the flow volume and dissolved oxygen-demanding constituents for the proposed facility was included in the model.

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

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

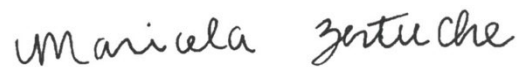
Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,  
Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

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REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY