Derek Seal
dseal@mcginnislaw.com
(512) 495-6175 o
(512) 505-6375 f

November 20, 2023

Ms. Laurie Gharis, Chief Clerk
Attention: Mehgan Taack
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F
Austin, TX 78753

Re: *TCEQ Docket No. 2023-0850-MWD, Application by Megatel Homes, LLC for new TPDES Permit No. WQ0016162001*

Submission of Application Materials for Inclusion in the Administrative Record

Dear Ms. Gharis:

Pursuant to 30 TEX. ADMIN. CODE § 80.118(d) and the instructions provided by your office, Applicant Megatel Homes, LLC, ("***Applicant***") submits the Applicant's Bates-labeled Application Materials and Application Materials Index to the Texas Commission on Environmental Quality ("***TCEQ***") Chief Clerk via electronic submission for inclusion in the Administrative Record in the above-referenced matter.

The documents which are being submitted for inclusion in the Administrative Record were provided by TCEQ in response to Public Information Act Request included with the attached documents, were downloaded from the TCEQ's electronic databases, or were identified in the files of Applicants engineering consultants. Duplicates of documents and other documents such as cover pages for file folders have not been included. The Applicant reserves the right to supplement documents for inclusion into the Administrative Record if other relevant documents are located but have not been included.

If you have any questions or need information provided in an alternative format, please do not hesitate to contact me.

Sincerely yours,



Derek Seal

TCEQ DOCKET NO. 2023-0850-MWD

APPLICATION BY	§	**BEFORE THE**
MEGATEL HOMES, LLC FOR	§	**STATE OFFICE OF**
NEW TPDES PERMIT NO. WQ0016162001	§	**ADMINISTRATIVE HEARINGS**
IN JOHNSON COUNTY, TEXAS	§	

MEGATEL HOMES, LLC
APPLICATION MATERIALS INDEX
TCEQ PERMIT NO. WQ0016162001

Exhibit	Bates	Approx. Date	Document Description
PIR-1	APP Ex. 00001 - 00004	11/2/23 – 11/14/23	Applicant – Public Information Act Request and TCEQ's Response
APP-1	APP Ex. 00005 - 00127	5/2/2022	Applicant - Initial Permit Application
APP-2	APP Ex. 00128 - 00159	5/2022- 6/2022	TCEQ ED - Internal Administrative Application Processing Documentation
APP-3	APP Ex. 00160 - 0177	5/19/2022 – 6/2/2022	TCEQ ED Notice of Deficiency and Applicant's Responses
APP-4	APP Ex. 00178 - 00209	6/8/2022 – 7/1/2022	TCEQ ED Declaration of Administrative Completeness and Notice of Receipt of Application and Intent to Obtain Permit Documentation, and Applicant's Verification of First Notice
APP-5	APP Ex. 00210 - 00213	8/30/2022	City of Mansfield - First Comments and Request for Contested Case Hearing
APP-6	APP Ex. 00214 - 00331	5/2022 – 10/2022	TCEQ ED - Internal Technical Application Processing Documentation (Including Various Technical Memorandum)
APP-7	APP Ex. 00332 - 00355	10/13/2022 – 11/7/22	TCEQ ED Notice of Application and Preliminary Decision Documentation, and Applicant's Verification of Second Notice
APP-8	APP Ex. 00356 - 0379	11/17/2022	TCEQ ED – Notice to U.S. EPA with various Application materials and the U.S. EPA Response
APP-9	APP Ex. 00380 - 00396	5/8/23	TCEQ Chief Clerk and ED – Notice of Executive Director's Decision and Response to Comments
APP-10	APP Ex. 00397 - 00430	6/8/23	City of Mansfield - Second Comments and Request for Contested Case Hearing
APP-11	APP Ex. 00431 – 00436	9/20/23	TCEQ Chief Clerk – TCEQ Commission Agenda Letter and Briefing Deadlines
APP-12	APP Ex. 00437 – 00452	10/2/2023	TCEQ ED – Response to Hearing Request
APP-13	APP Ex. 00453 - 00468	10/2/2023	OPIC – Response to Hearing Request

MEGATEL HOMES, LLC
APPLICATION MATERIALS INDEX
TCEQ PERMIT NO. WQ0016162001

Exhibit	Bates	Approx. Date	Document Description
APP-14	APP Ex. 00469 - 00524	10/2/2023	Applicant - Response to Hearing Request *(Includes only partial attachments to affidavit in Bates Ipour 001 through Bates Ipour 031 due to a filing error)*
APP-14A	APP Ex. 00525 - 00546	10/2/23	Applicant – Supplemental Response to Hearing Request *(Includes partial attachments to an affidavit in Bates Ipour 031 through Ipour 051 which were filed in this docket, although the filing which included the partial attachments involved another related TCEQ matter)*
APP-15	APP Ex. 00547 – 0644	10/6/2023	TCEQ ED – Supplemental Agenda Backup Information
APP-16	APP Ex. 00645 - 00658	10/6/23	City of Mansfield – Reply to Responses to Request for Contested Case Hearing
APP-17	APP Ex. 00659 - 00663	11/8/2023	TCEQ Chief Clerk – TCEQ Interim Commission Order

PIR – 1

Applicant – Public Information Act Request and TCEQ's Response

PIR ID: 88640 **Request Date:** 11/02/2023 **Due Date:** 11/16/2023
PIR Code: 24-88640-PIR **Agency Received Date:** 11/02/2023 **OR Team Admin:** MBAKSHI

Requestor Name: Derek L Seal
Company/Organization: McGinnis Lochridge
Preferred Contact Method: Email
Mailing Address:
City:
State/Province/Region:
Zip/Postal Code:
Country: United States
Lead Office: OW

Requestor Type: Attorney
Request Type: Public Information Request
Preferred Delivery Method: Email
E-mail Address: dseal@mcginnislaw.com
Phone Number:
FAX Number:

Status: Waiting for Replies

Facilities

RN	Facility	Address	Lit	CN	Customer	Program	Addn ID
RN111496998	MANSFIELD TRACT WWTF	JOHNSON County 1.0 MILES SW OF THE INTERSECTION OF BEDFORD ST & NORTH FM RD 157 MANSFIELD TX		CN605490937	MEGATEL HOMES LLC	WASTEWATER	WQ0016162

Date Range: 2022 - 2023
Agency Program(s):
WQ-Municipal Waste Water Discharge
Area Description:
approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084
Additional Record Search Information:
All records relating to the application for TCEQ Permit No. WQ0016162001 for purposes of filing the Administrative Record with SOAH. Documents include any application materials, internal TCEQ staff review documents and internal TCEQ correspondence, correspondence between TCEQ staff and third parties, and anything else in TCEQ's files.
OR Team Research:
Responsive Information found in Central Registry Internal/External and/or WCC.

Data Only?: N
Include Confidential Information?: Y
Certified Documents?: N
Attached Document: N/A

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*

Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

November 14, 2023

Via E-Mail

Derek L Seal
McGinnis Lochridge

Re: TCEQ Public Information Request number 88640

Dear Derek L Seal:

Thank you for your Public Information Request dated 11/02/2023, received by the Texas Commission on Environmental Quality (TCEQ) on 11/02/2023. Upon review of TCEQ files, information was located responsive to your request.

The total cost estimate to provide the information responsive to your request is $54.72, as detailed in the attached Itemized Cost Estimate. Although TCEQ strives to provide an accurate cost estimate, it is an estimate and, pursuant to Texas Government Code § 552.2615(c), invoiced costs may exceed this estimate by up to 20% without notice to you. The Itemized Cost Estimate does not include postage and handling or possible delivery charge to retrieve information from off-site storage. If you prefer to receive responsive information in a different format, please notify me and I will prepare a revised cost estimate. You may reduce the cost by inspecting the materials at our offices during normal office hours

The law requires that you respond in writing to this estimate (mail, personal delivery, fax or email is accepted) by the 10th business day after the date of this letter or this request is considered to be automatically withdrawn. Pursuant to Texas Government Code § 552.2615, to avoid the withdrawal of this request your written reply must state either (a) that you accept the charges and agree to pay the amount contained in the itemized statement, (b) that you clarify or modify the scope of the request, or (c) that you have sent to the Office of the Attorney General a complaint alleging that you have been overcharged.

If you accept these charges, please contact me to have the information prepared and sent to you. If you prefer to view the information, please contact me to set a date and time. Please provide the PIR number located in the reference line when contacting me to enable your request to be more efficiently tracked.

If you have any questions concerning this matter, you may contact me at 512-239-6039 or by e-mail at robert.macias@tceq.texas.gov.

Sincerely,

Robert Macias
Administrative Assistant
Water Quality Division

APP Ex. 00003

Texas Commission on
Environmental Quality
Itemized Estimate of Charges
PIR No. 88640 Estimate # 177385

Reproduction Charges

Original	Requested	Quantity	Price	Subtotal
b/w standard	electronic	770 pages	$0.00	$0.00
electronic	electronic	1 MB	$0.00	$0.00
			Subtotal	$0.00

Other Charges

Type	Quantity	Price	Subtotal
Programming Labor	0 minutes		$0.00
Non-programming Labor	182 minutes	$0.25 per minute	$45.60
Computer Resource	0 minutes		$0.00
Overhead(20% of Labor)			$9.12
		Subtotal	$54.72

Total Estimate
$54.72

NOTICE: your request will be considered automatically withdrawn if you do not notify us in writing within 10 business days from the date of this letter that you either: (a) accept and will pay the charges, (b) wish to modify your request, or (c) have sent to the Attorney General a complaint that you are being overcharged for the information you have requested. A response may be sent by facsimile, electronic mail, regular mail or in person. Pursuant to § 552.263(a) of the Government Code, TCEQ requires a 50% deposit on all estimates that exceed $100.00 before starting work on the request and payment in full of associated invoiced charges before information is released. There is a less expensive way for you to obtain this information. You may view the information in person at our offices at a lower cost.

APP – 1

Applicant - Initial Permit Application

QUIDDITY

3100 Alvin Devane Blvd, Suite 150
Austin, Texas 78741
Tel: 512.441.9493
www.quiddity.com

COPY

May 2, 2022

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

Re: Megatel Homes LLC – Mansfield Wastewater Treatment Plant
TPDES Permit Application

Enclosed is a check in the amount of $2,050.00 to cover the TPDES permit application fee for the above referenced facility. The TPDES Permit Application has been sent to the Applications Review and Processing Team of the Water Quality Division.

Please contact me should you have any questions or need any additional information.

Sincerely,

Jonathan Nguyen

HJN
K:\00006\00006-0001-00 Megatel Homes - Mansfield Tract TPDES Pe\2 Design Phase\001 - TPDES Permit\01 - Submit Application\COVLTRFee.docx
Enclosures

QUIDDITY

3100 Alvin Devane Blvd, Suite 150
Austin, Texas 78741
Tel: 512.441.9493
www.quiddity.com

May 2, 2022

Executive Director
Texas Commission on Environmental Quality
Water Quality Division
Applications Review and Processing Team (MC 148)
P.O. Box 13087
Austin, Texas 78711-3087

Re: Megatel Homes, LLC
TPDES Permit

Enclosed are 1 original application and 2 copies for the TPDES permit application for the referenced facility. A check for the application fee of $2,050.00 has been sent to the Revenue Section.

Please contact me should you have any questions or need any additional information.

Sincerely,

Jonathan Nguyen

HJN
K:\00006\00006-0001-00 Megatel Homes - Mansfield Tract TPDES Pe\2 Design Phase\001 - TPDES Permit\01 - Submit Application\COVLTR.docx
Enclosures

RECEIVED
MAY 04 2022
Water Quality Applications Team

RECEIVED
MAY 04 2022
Water Quality Applications Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOMESTIC WASTEWATER PERMIT APPLICATION CHECKLIST

Complete and submit this checklist with the application.

APPLICANT: Megatel Homes, LLC

PERMIT NUMBER: New Permit

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	☒	☐	Original USGS Map	☒	☐
Administrative Report 1.1	☒	☐	Affected Landowners Map	☒	☐
SPIF	☒	☐	Landowner Disk or Labels	☒	☐
Core Data Form	☒	☐	Buffer Zone Map	☒	☐
Technical Report 1.0	☒	☐	Flow Diagram	☒	☐
Technical Report 1.1	☒	☐	Site Drawing	☒	☐
Worksheet 2.0	☒	☐	Original Photographs	☒	☐
Worksheet 2.1	☐	☒	Design Calculations	☒	☐
Worksheet 3.0	☒	☐	Solids Management Plan	☒	☐
Worksheet 3.1	☐	☒	Water Balance	☒	☐
Worksheet 3.2	☒	☐			
Worksheet 3.3	☒	☐			
Worksheet 4.0	☒	☐			
Worksheet 5.0	☐	☒			
Worksheet 6.0	☒	☐			
Worksheet 7.0	☐	☒			

RECEIVED
MAY 04 2022
Water Quality Applications Team

For TCEQ Use Only

Segment Number _____ County Johnson

Expiration Date _____ Region 04 - DFW Metroplex

Permit Number 0016162001

APP Ex. 00008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APPLICATION FOR A DOMESTIC WASTEWATER PERMIT ADMINISTRATIVE REPORT 1.0

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

Section 1. Application Fees (Instructions Page 29)

Indicate the amount submitted for the application fee (check only one).

Flow	New/Major Amendment	Renewal
<0.05 MGD	$350.00 ☐	$315.00 ☐
≥0.05 but <0.10 MGD	$550.00 ☐	$515.00 ☐
≥0.10 but <0.25 MGD	$850.00 ☐	$815.00 ☐
≥0.25 but <0.50 MGD	$1,250.00 ☐	$1,215.00 ☐
≥0.50 but <1.0 MGD	$1,650.00 ☐	$1,615.00 ☐
≥1.0 MGD	$2,050.00 ☒	$2,015.00 ☐

Minor Amendment (for any flow) $150.00 ☐

Payment Information:

Mailed — Check/Money Order Number: 03100369

Check/Money Order Amount: $2,050.00

Name Printed on Check: Quiddity Engineering, LLC

EPAY — Voucher Number:

Copy of Payment Voucher enclosed? Yes ☐

Section 2. Type of Application (Instructions Page 29)

☒ New TPDES

☐ Major Amendment *with* Renewal

☐ Major Amendment *without* Renewal

☐ Renewal without changes

☐ New TLAP

☐ Minor Amendment *with* Renewal

☐ Minor Amendment *without* Renewal

☐ Minor Modification of permit

For amendments or modifications, describe the proposed changes:

For existing permits:

Permit Number: WQ00

EPA I.D. (TPDES only): TX

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00009

Expiration Date: [redacted]

Section 3. Facility Owner (Applicant) and Co-Applicant Information (Instructions Page 29)

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

Megatel Homes, LLC

(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at http://www15.tceq.texas.gov/crpub/

CN: 605490937

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in *30 TAC § 305.44.*

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Zach Ipour

Credential (P.E, P.G., Ph.D., etc.): [redacted]

Title: President

B. Co-applicant information. Complete this section only if another person or entity is required to apply as a co-permittee.

What is the Legal Name of the co-applicant applying for this permit?

N/A

(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at: http://www15.tceq.texas.gov/crpub/

CN: N/A

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in *30 TAC § 305.44.*

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Credential (P.E, P.G., Ph.D., etc.): N/A

Title: N/A

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00010

Provide a brief description of the need for a co-permittee: N/A

C. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete **Attachment 1** of Administrative Report 1.0.

Attachment: Attachment A

Section 4. Application Contact Information (Instructions Page 30)

This is the person(s) TCEQ will contact if additional information is needed about this application. Provide a contact for administrative questions and technical questions.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Jonathan Nguyen

Credential (P.E, P.G., Ph.D., etc.):

Title: Permit Specialist

Organization Name: Quiddity Engineering

Mailing Address: 3100 Alvin Devane Blvd, Suite 150

City, State, Zip Code: Austin, TX 78741

Phone No.: 512-685-5156 Ext.: Fax No.:

E-mail Address: jnguyen@quiddity.com

Check one or both: ☒ Administrative Contact ☒ Technical Contact

B. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Alex Pfefferkorn

Credential (P.E, P.G., Ph.D., etc.): PE, CFM

Title: Land Development Manager

Organization Name: Quiddity Engineering

Mailing Address: 2805 Dallas Parkway, Suite 600

City, State, Zip Code: Plano, TX 75093

Phone No.: 972-488-3880 Ext.: Fax No.:

E-mail Address: apfefferkorn@jonescarter.com

Check one or both: ☐ Administrative Contact ☒ Technical Contact

Section 5. Permit Contact Information (Instructions Page 30)

Provide two names of individuals that can be contacted throughout the permit term.

A. Prefix (Mr., Ms., Miss): Mr.

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00011

First and Last Name: Zach Ipour

Credential (P.E, P.G., Ph.D., etc.): [redacted]

Title: President

Organization Name: Megatel Homes, LLC

Mailing Address: 2101 Cedar Springs Rd, Suite 700

City, State, Zip Code: Dallas, TX 75201

Phone No.: 469-556-1362 Ext.: [redacted] Fax No.: [redacted]

E-mail Address: zach@megatelhomes.com

B. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Steve Maglisceau

Credential (P.E, P.G., Ph.D., etc.): [redacted]

Title: Vice President

Organization Name: Megatel Homes, LLC

Mailing Address: 2101 Cedar Springs Rd, Suite 700

City, State, Zip Code: Dallas, TX 75201

Phone No.: 214-396-4233 Ext.: [redacted] Fax No.: [redacted]

E-mail Address: steve.maglisceau@megatelhomes.com

Section 6. Billing Information (Instructions Page 30)

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits ***in effect on September 1 of each year***. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (using form TCEQ-20029).

C. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Steve Maglisceau

Credential (P.E, P.G., Ph.D., etc.): [redacted]

Title: Vice President

Organization Name: Megatel Homes, LLC

Mailing Address: 2101 Cedar Springs Rd, Suite 700

City, State, Zip Code: Dallas, TX 75201

Phone No.: 214-396-4233 Ext.: [redacted] Fax No.: [redacted]

E-mail Address: steve.maglisceau@megatelhomes.com

RECEIVED
MAY 04 2022
Water Quality Applications Team

Section 7. DMR/MER Contact Information (Instructions Page 31)

Provide the name and complete mailing address of the person delegated to receive and submit Discharge Monitoring Reports (EPA 3320-1) or maintain Monthly Effluent Reports.

Prefix (Mr., Ms., Miss): will be selected prior to construction

First and Last Name:

Credential (P.E, P.G., Ph.D., etc.):

Title:

Organization Name:

Mailing Address:

City, State, Zip Code:

Phone No.: Ext.: Fax No.:

E-mail Address:

DMR data is required to be submitted electronically. Create an account at: https://www.tceq.texas.gov/permitting/netdmr/netdmr.html.

Section 8. Public Notice Information (Instructions Page 31)

A. Individual Publishing the Notices

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Jonathan Nguyen

Credential (P.E, P.G., Ph.D., etc.):

Title: Permit Specialist

Organization Name: Quiddity Engineering

Mailing Address: 3100 Alvin Devane Blvd, Suite 150

City, State, Zip Code: Austin, TX 78741

Phone No.: 512-685-5156 Ext.: Fax No.:

E-mail Address: jnguyen@quiddity.com

B. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package

Indicate by a check mark the preferred method for receiving the first notice and instructions:

- ☒ E-mail Address
- ☐ Fax
- ☐ Regular Mail

RECEIVED
MAY 04 2022
Water Quality Applications Team

C. Contact person to be listed in the Notices

Prefix (Mr., Ms., Miss): Mr.

APP Ex. 00013

First and Last Name: Jonathan Nguyen

Credential (P.E, P.G., Ph.D., etc.):

Title:

Organization Name: Quiddity Engineering

Phone No.: 512-685-5156 Ext.:

E-mail: jnguyen@quiddity.com

D. Public Viewing Information

If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.

Public building name: Mansfield Public Library

Location within the building:

Physical Address of Building: 104 South Wisteria Street

City: Mansfield County: Johnson

Contact Name:

Phone No.: 817-728-3690 Ext.:

E. Bilingual Notice Requirements:

This information **is required** for **new, major amendment, and renewal applications.** It is not required for minor amendment or minor modification applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

   ☐ Yes ☒ No

   If **no**, publication of an alternative language notice is not required; **skip to** Section 9 below.

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

   ☐ Yes ☐ No

3. Do the students at these schools attend a bilingual education program at another location?

   ☐ Yes ☐ No

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00014

4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?

☐ Yes ☐ No

5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program?

Section 9. Regulated Entity and Permitted Site Information (Instructions Page 33)

A. If the site is currently regulated by TCEQ, provide the Regulated Entity Number (RN) issued to this site. **RN**

Search the TCEQ's Central Registry at http://www15.tceq.texas.gov/crpub/ to determine if the site is currently regulated by TCEQ.

B. Name of project or site (the name known by the community where located):

Mansfield Tract WWTP

C. Owner of treatment facility:

Ownership of Facility: ☐ Public ☒ Private ☐ Both ☐ Federal

D. Owner of land where treatment facility is or will be:

Prefix (Mr., Ms., Miss):

First and Last Name: Megatel Homes, LLC

Mailing Address: 2101 Cedar Springs Rd, Suite 700

City, State, Zip Code: Dallas, TX 75201

Phone No.: 214-396-4233 E-mail Address: steve.maglisceau@megatelhomes.com

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

E. Owner of effluent disposal site:

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

RECEIVED
MAY 04 2022
Water Quality Applications Team

F. Owner of sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

Section 10. TPDES Discharge Information (Instructions Page 34)

A. Is the wastewater treatment facility location in the existing permit accurate?

☐ Yes ☐ No

If **no, or a new permit application**, please give an accurate description:

Approximately 1.0 miles southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, 76084

B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☐ No

If **no, or a new or amendment permit application**, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

To Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Reservoir Segment No. 0838, in the Trinity River Basin

City nearest the outfall(s): Mansfield

County in which the outfalls(s) is/are located: Johnson

Outfall Latitude: 32.516803 Longitude: -97.122361

C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

☐ Yes ☒ No

If **yes**, indicate by a check mark if:

☐ Authorization granted ☐ Authorization pending

For **new and amendment** applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00016

Attachment: N/A

D. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge.

N/A

Section 11. TLAP Disposal Information (Instructions Page 36)

A. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

☐ Yes ☐ No

If **no, or a new or amendment permit application**, provide an accurate description of the disposal site location:

N/A

B. City nearest the disposal site: N/A

C. County in which the disposal site is located: N/A

D. Disposal Site Latitude: N/A Longitude: N/A

E. For **TLAPs**, describe the routing of effluent from the treatment facility to the disposal site:

N/A

F. For **TLAPs**, please identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained:

N/A

Section 12. Miscellaneous Information (Instructions Page 37)

A. Is the facility located on or does the treated effluent cross American Indian Land?

☐ Yes ☒ No

B. If the existing permit contains an onsite sludge disposal authorization, is the location of the sewage sludge disposal site in the existing permit accurate?

☐ Yes ☐ No ☒ Not Applicable

If No, or if a new onsite sludge disposal authorization is being requested in this permit

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00017

application, provide an accurate location description of the sewage sludge disposal site.

N/A

C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☒ Yes ☐ No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application:

Jonathan Nguyen

D. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If **yes**, provide the following information:

Account number: Amount past due:

E. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If **yes**, please provide the following information:

Enforcement order number: Amount past due:

Section 13. Attachments (Instructions Page 38)

Indicate which attachments are included with the Administrative Report. Check all that apply:

☐ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.

☒ Original full-size USGS Topographic Map with the following information:

- Applicant's property boundary
- Treatment facility boundary
- Labeled point of discharge for each discharge point (TPDES only)
- Highlighted discharge route for each discharge point (TPDES only)
- Onsite sewage sludge disposal site (if applicable)
- Effluent disposal site boundaries (TLAP only)
- New and future construction (if applicable)
- 1 mile radius information

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00018

- 3 miles downstream information (TPDES only)
- All ponds.

☒ Attachment 1 for Individuals as co-applicants

☐ Other Attachments. Please specify:

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00019

Section 14. Signature Page (Instructions Page 39)

If co-applicants are necessary, each entity must submit an original, separate signature page.

Permit Number: New Permit

Applicant: Megatel Homes, LLC

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Mr. Zach Ipour

Signatory title: President

Signature: _____ Date: 4/26/22

(Use blue ink)

Subscribed and Sworn to before me by the said president

on this 26th day of April, 20 22.

My commission expires on the 16th day of August, 20 25.

Hannah Rodgers

Notary Public

[SEAL]

HANNAH RODGERS
Notary ID #129527127
My Commission Expires
August 16, 2025

Dallas

County, Texas

RECEIVED
MAY 04 2022
Water Quality Applications Team

DOMESTIC ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

Section 1. Affected Landowner Information (Instructions Page 41)

A. Indicate by a check mark that the landowners map or drawing, with scale, includes the following information, as applicable:

- ☒ The applicant's property boundaries
- ☒ The facility site boundaries within the applicant's property boundaries
- ☐ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone
- ☒ The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
- ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
- ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
- ☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
- ☐ The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
- ☐ The property boundaries of all landowners surrounding the effluent disposal site
- ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
- ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located

B. ☒ Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.

C. Indicate by a check mark in which format the landowners list is submitted:

☒ Readable/Writeable CD ☐ Four sets of labels

D. Provide the source of the landowners' names and mailing addresses: Johnson CAD

E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?

☐ Yes ☒ No

RECEIVED
MAY 04 2022
Water Quality Applications Team

If **yes**, provide the location and foreseeable impacts and effects this application has on the

land(s):

N/A

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☐ Ownership
- ☒ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

☒ Yes ☐ No

RECEIVED
MAY 04 2022
Water Quality Applications Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

FOR AGENCIES REVIEWING DOMESTIC TPDES WASTEWATER PERMIT APPLICATIONS

TCEQ USE ONLY:

Application type: ____Renewal ____Major Amendment ____Minor Amendment ____New

County: JOHNSON Segment Number: 0838

Admin Complete Date: 06/08/2022

Agency Receiving SPIF:

X Texas Historical Commission	X U.S. Fish and Wildlife
X Texas Parks and Wildlife Department	X U.S. Army Corps of Engineers

This form applies to TPDES permit applications only. (Instructions, Page 53)

The SPIF must be completed as a separate document. The TCEQ will mail a copy of the SPIF to each agency as required by the TCEQ agreement with EPA. If any of the items are not completely addressed or further information is needed, you will be contacted to provide the information before the permit is issued. Each item must be completely addressed.

Do not refer to a response of any item in the permit application form. Each attachment must be provided with this form separately from the administrative report of the application. The application will not be declared administratively complete without this form being completed in its entirety including all attachments.

The following applies to all applications:

1. Permittee: Megatel Homes, LLC

   Permit No. WQ0016162001 EPA ID No. TX 0142891

   Address of the project (or a location description that includes street/highway, city/vicinity, and county):

   Approximately 1.0 miles southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, 76084

RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00023

Provide the name, address, phone and fax number of an individual that can be contacted to answer specific questions about the property.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Jonathan Nguyen

Credential (P.E, P.G., Ph.D., etc.): [redacted]

Title: Permit Specialist

Mailing Address: 3100 Alvin Devane Blvd, Suite 150

City, State, Zip Code: Austin, TX 78741

Phone No.: 512-685-5156 Ext.: [redacted] Fax No.: [redacted]

E-mail Address: jnguyen@quiddity.com

2. List the county in which the facility is located: Johnson
3. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property.

Property owner is permittee.

4. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the classified segment number.

To Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Reservoir Segment No. 0838, in the Trinity River Basin

5. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report).

Provide original photographs of any structures 50 years or older on the property.

Does your project involve any of the following? Check all that apply.

- ☒ Proposed access roads, utility lines, construction easements
- ☐ Visual effects that could damage or detract from a historic property's integrity
- ☐ Vibration effects during construction or as a result of project design
- ☐ Additional phases of development that are planned for the future
- ☐ Sealing caves, fractures, sinkholes, other karst features

RECEIVED
MAY 04 2022
Water Quality Applications Team

- [x] Disturbance of vegetation or wetlands

6. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features):

No caves or karst features will be impacted. Approximately 5 acres will be used for the treatment plant.

7. Describe existing disturbances, vegetation, and land use:

Current land use is agricultural.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

8. List construction dates of all buildings and structures on the property:

No buildings or structures on property.

9. Provide a brief history of the property, and name of the architect/builder, if known.

N/A

RECEIVED
MAY 04 2022
Water Quality Applications Team

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DOMESTIC WASTEWATER PERMIT APPLICATION

DOMESTIC TECHNICAL REPORT 1.0

The Following Is Required For All Applications

Renewal, New, And Amendment

Section 1. Permitted or Proposed Flows (Instructions Page 51)

A. Existing/Interim I Phase

Design Flow (MGD): 0.2

2-Hr Peak Flow (MGD): 0.8

Estimated construction start date: 08/2022

Estimated waste disposal start date: 06/2023

B. Interim II Phase

Design Flow (MGD): 0.4

2-Hr Peak Flow (MGD): 1.2

Estimated construction start date: 06/2024

Estimated waste disposal start date: 04/2025

C. Final Phase

Design Flow (MGD): 1.0

2-Hr Peak Flow (MGD): 4.0

Estimated construction start date: 1/2026

Estimated waste disposal start date: 3/2027

RECEIVED
MAY 04 2022
Water Quality Applications Team

D. Current operating phase: not yet constructed

Provide the startup date of the facility:

Section 2. Treatment Process (Instructions Page 51)

A. Treatment process description

Provide a detailed description of the treatment process. **Include the type of**

APP Ex. 00026

treatment plant, mode of operation, and all treatment units. Start with the plant's head works and finish with the point of discharge. Include all sludge processing and drying units. **If more than one phase exists or is proposed in the permit, a description of *each phase* must be provided.** Process description:

See Attachment H – Supplemental Technical Report

Port or pipe diameter at the discharge point, in inches:

B. Treatment Units

In Table 1.0(1), provide the treatment unit type, the number of units, and dimensions (length, width, depth) **of each treatment unit, accounting for *all* phases of operation.**

Table 1.0(1) – Treatment Units

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
See Attachment H		

C. Process flow diagrams

Provide flow diagrams for the existing facilities and **each** proposed phase of construction.

Attachment: See Attachment I

APP Ex. 00027

Section 3. Site Drawing (Instructions Page 52)

Provide a site drawing for the facility that shows the following:

- The boundaries of the treatment facility;
- The boundaries of the area served by the treatment facility;
- If land disposal of effluent, the boundaries of the disposal site and all storage/holding ponds; and
- If sludge disposal is authorized in the permit, the boundaries of the land application or disposal site.

Attachment: Attachment J

Provide the name and a description of the area served by the treatment facility.

A residential subdivision located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

Section 4. Unbuilt Phases (Instructions Page 52)

Is the application for a renewal of a permit that contains an unbuilt phase or phases?

Yes ☐ No ☒

If yes, does the existing permit contain a phase that has not been constructed within five years of being authorized by the TCEQ?

Yes ☐ No ☐

If yes, provide a detailed discussion regarding the continued need for the unbuilt phase. Failure to provide sufficient justification may result in the Executive Director recommending denial of the unbuilt phase or phases.

APP Ex. 00028

Section 5. Closure Plans (Instructions Page 53)

Have any treatment units been taken out of service permanently, or will any units be taken out of service in the next five years?

Yes ☐ No ☒

If yes, was a closure plan submitted to the TCEQ?

Yes ☐ No ☐

If yes, provide a brief description of the closure and the date of plan approval.

Section 6. Permit Specific Requirements (Instructions Page 53)

For applicants with an existing permit, check the *Other Requirements* or *Special Provisions* of the permit.

A. Summary transmittal

Have plans and specifications been approved for the existing facilities and each proposed phase?

Yes ☐ No ☒

If yes, provide the date(s) of approval for each phase:

Provide information, including dates, on any actions taken to meet a requirement or provision pertaining to the submission of a summary transmittal letter. Provide a copy of an approval letter from the TCEQ, if applicable.

Will be submitted prior to construction

B. Buffer zones

Have the buffer zone requirements been met?

Yes ☒ No ☐

Provide information below, including dates, on any actions taken to meet the conditions of the buffer zone. If available, provide any new documentation

APP Ex. 00029

relevant to maintaining the buffer zones.

East of the tract will be floodplain. West of the tract is a natural gas well field and will not contain any single-family homes.

C. Other actions required by the current permit

Does the *Other Requirements* or *Special Provisions* section in the existing permit require submission of any other information or other required actions? Examples include Notification of Completion, progress reports, soil monitoring data, etc.

Yes ☐ No ☐

If yes, provide information below on the status of any actions taken to meet the conditions of an *Other Requirement* or *Special Provision.*

N/A

D. Grit and grease treatment

1. Acceptance of grit and grease waste

Does the facility have a grit and/or grease processing facility onsite that treats and decants or accepts transported loads of grit and grease waste that are discharged directly to the wastewater treatment plant prior to any treatment?

Yes ☐ No ☒

If No, stop here and continue with Subsection E. Stormwater Management.

2. Grit and grease processing

Describe below how the grit and grease waste is treated at the facility. In your description, include how and where the grit and grease is introduced to the treatment works and how it is separated or processed. Provide a flow diagram showing how grit and grease is processed at the facility.

3. Grit disposal

Does the facility have a Municipal Solid Waste (MSW) registration or permit for grit disposal?

Yes ☐ No ☐

If No, contact the TCEQ Municipal Solid Waste team at 512-239-0000. Note: A registration or permit is required for grit disposal. Grit shall not be combined with treatment plant sludge. See the instruction booklet for additional information on grit disposal requirements and restrictions.

Describe the method of grit disposal.

4. Grease and decanted liquid disposal

Note: A registration or permit is required for grease disposal. Grease shall not be combined with treatment plant sludge. For more information, contact the TCEQ Municipal Solid Waste team at 512-239-0000.

Describe how the decant and grease are treated and disposed of after grit separation.

E. Stormwater management

1. Applicability

Does the facility have a design flow of 1.0 MGD or greater in any phase?

Yes ☒ No ☐

Does the facility have an approved pretreatment program, under 40 CFR Part 403?

APP Ex. 00031

Yes ☐ No ☒

If no to both of the above, then skip to Subsection F, Other Wastes Received.

2. MSGP coverage

Is the stormwater runoff from the WWTP and dedicated lands for sewage disposal currently permitted under the TPDES Multi-Sector General Permit (MSGP), TXR050000?

Yes ☐ No ☒

If yes, please provide MSGP Authorization Number and skip to Subsection F, Other Wastes Received:

TXR05 [redacted] or TXRNE [redacted]

If no, do you intend to seek coverage under TXR050000?

Yes ☒ No ☐

3. Conditional exclusion

Alternatively, do you intend to apply for a conditional exclusion from permitting based TXR050000 (Multi Sector General Permit) Part II B.2 or TXR050000 (Multi Sector General Permit) Part V, Sector T 3(b)?

Yes ☐ No ☒

If yes, please explain below then proceed to Subsection F, Other Wastes Received:

[redacted]

4. Existing coverage in individual permit

Is your stormwater discharge currently permitted through this individual TPDES or TLAP permit?

Yes ☐ No ☒

If yes, provide a description of stormwater runoff management practices at the site that are authorized in the wastewater permit then skip to Subsection F, Other Wastes Received.

5. Zero stormwater discharge

Do you intend to have no discharge of stormwater via use of evaporation or other means?

Yes ☐ No ☒

If yes, explain below then skip to Subsection F. Other Wastes Received.

Note: If there is a potential to discharge any stormwater to surface water in the state as the result of any storm event, then permit coverage is required under the MSGP or an individual discharge permit. This requirement applies to all areas of facilities with treatment plants or systems that treat, store, recycle, or reclaim domestic sewage, wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries) that meet the applicability criteria of above. You have the option of obtaining coverage under the MSGP for direct discharges, (recommended), or obtaining coverage under this individual permit.

6. Request for coverage in individual permit

Are you requesting coverage of stormwater discharges associated with your treatment plant under this individual permit?

Yes ☐ No ☒

If yes, provide a description of stormwater runoff management practices at the site for which you are requesting authorization in this individual wastewater permit and describe whether you intend to comingle this discharge with your treated effluent or discharge it via a separate dedicated stormwater outfall. Please also indicate if you intend to divert stormwater to the treatment plant headworks and indirectly discharge it to water in the state.

Note: Direct stormwater discharges to waters in the state authorized through this individual permit will require the development and implementation of a stormwater pollution prevention plan (SWPPP) and will be subject to additional monitoring and reporting requirements. Indirect discharges of stormwater via headworks recycling will require compliance with all individual permit requirements including 2-hour peak flow limitations. All stormwater discharge authorization requests will require additional information during the technical review of your application.

F. Discharges to the Lake Houston Watershed

Does the facility discharge in the Lake Houston watershed?
Yes ☐ No ☒

If yes, a Sewage Sludge Solids Management Plan is required. See Example 5 in the instructions.

G. Other wastes received including sludge from other WWTPs and septic waste

1. Acceptance of sludge from other WWTPs

Does the facility accept or will it accept sludge from other treatment plants at the facility site?
Yes ☐ No ☒

If yes, attach sewage sludge solids management plan. See Example 5 of the instructions.

In addition, provide the date that the plant started accepting sludge or is anticipated to start accepting sludge, an estimate of monthly sludge acceptance (gallons or millions of gallons), an estimate of the BOD_5 concentration of the sludge, and the design BOD_5 concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

APP Ex. 00034

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

2. Acceptance of septic waste

Is the facility accepting or will it accept septic waste?

Yes ☐ No ☒

If yes, does the facility have a Type V processing unit?

Yes ☐ No ☐

If yes, does the unit have a Municipal Solid Waste permit?

Yes ☐ No ☐

If yes to any of the above, provide a the date that the plant started accepting septic waste, or is anticipated to start accepting septic waste, an estimate of monthly septic waste acceptance (gallons or millions of gallons), an estimate of the BOD_5 concentration of the septic waste, and the design BOD_5 concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

3. Acceptance of other wastes (not including septic, grease, grit, or RCRA, CERCLA or as discharged by IUs listed in Worksheet 6)

Is the facility accepting or will it accept wastes that are not domestic in nature excluding the categories listed above?

Yes ☐ No ☒

If yes, provide the date that the plant started accepting the waste, an estimate how much waste is accepted on a monthly basis (gallons or millions of gallons), a description of the entities generating the waste, and any distinguishing chemical or other physical characteristic of the waste. Also note if this information has or has not changed since the last permit action.

Section 7. Pollutant Analysis of Treated Effluent (Instructions Page 58)

Is the facility in operation?

Yes ☐ No ☒

If no, this section is not applicable. Proceed to Section 8.

If yes, provide effluent analysis data for the listed pollutants. ***Wastewater treatment facilities*** complete Table 1.0(2). ***Water treatment facilities*** discharging filter backwash water, complete Table 1.0(3).

Note: The sample date must be within 1 year of application submission.

Table 1.0(2) - Pollutant Analysis for Wastewater Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
$CBOD_5$, mg/l					
Total Suspended Solids, mg/l					
Ammonia Nitrogen, mg/l					
Nitrate Nitrogen, mg/l					
Total Kjeldahl Nitrogen, mg/l					
Sulfate, mg/l					
Chloride, mg/l					
Total Phosphorus, mg/l					
pH, standard units					
Dissolved Oxygen*, mg/l					
Chlorine Residual, mg/l					
E.coli (CFU/100ml) freshwater					
Entercocci (CFU/100ml)					

APP Ex. 00036

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
saltwater					
Total Dissolved Solids, mg/l					
Electrical Conductivity, µmohs/cm, †					
Oil & Grease, mg/l					
Alkalinity ($CaCO_3$)*, mg/l					

*TPDES permits only

†TLAP permits only

Table 1.0(3) - Pollutant Analysis for Water Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Total Dissolved Solids, mg/l					
pH, standard units					
Fluoride, mg/l					
Aluminum, mg/l					
Alkalinity ($CaCO_3$), mg/l					

Section 8. Facility Operator (Instructions Page 60)

Facility Operator Name: will be selected prior to construction

Facility Operator's License Classification and Level:

Facility Operator's License Number:

Section 9. Sewage Sludge Management and Disposal (Instructions Page 60)

A. Sludge disposal method

Identify the current or anticipated sludge disposal method or methods from the

APP Ex. 00037

following list. Check all that apply.

- ☐ Permitted landfill
- ☐ Permitted or Registered land application site for beneficial use
- ☐ Land application for beneficial use authorized in the wastewater permit
- ☐ Permitted sludge processing facility
- ☐ Marketing and distribution as authorized in the wastewater permit
- ☐ Composting as authorized in the wastewater permit
- ☐ Permitted surface disposal site (sludge monofill)
- ☐ Surface disposal site (sludge monofill) authorized in the wastewater permit
- ☐ Transported to another permitted wastewater treatment plant or permitted sludge processing facility. If you selected this method, a written statement or contractual agreement from the wastewater treatment plant or permitted sludge processing facility accepting the sludge must be included with this application.
- ☐ Other:

B. Sludge disposal site

Disposal site name: will be selected prior to construction

TCEQ permit or registration number:

County where disposal site is located:

C. Sludge transportation method

Method of transportation (truck, train, pipe, other):

Name of the hauler:

Hauler registration number:

Sludge is transported as a:

Liquid ☐ semi-liquid ☐ semi-solid ☐ solid ☐

APP Ex. 00038

Section 10. Permit Authorization for Sewage Sludge Disposal (Instructions Page 60)

A. Beneficial use authorization

Does the existing permit include authorization for land application of sewage sludge for beneficial use?

Yes ☐ No ☒

If yes, are you requesting to continue this authorization to land apply sewage sludge for beneficial use?

Yes ☐ No ☐

If yes, is the completed **Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)** attached to this permit application (see the instructions for details)?

Yes ☐ No ☐

B. Sludge processing authorization

Does the existing permit include authorization for any of the following sludge processing, storage or disposal options?

Sludge Composting	Yes ☐	No ☐
Marketing and Distribution of sludge	Yes ☐	No ☐
Sludge Surface Disposal or Sludge Monofill	Yes ☐	No ☐
Temporary storage in sludge lagoons	Yes ☐	No ☐

If yes to any of the above sludge options and the applicant is requesting to continue this authorization, is the completed **Domestic Wastewater Permit Application: Sewage Sludge Technical Report (TCEQ Form No. 10056)** attached to this permit application?

Yes ☐ No ☐

Section 11. Sewage Sludge Lagoons (Instructions Page 61)

Does this facility include sewage sludge lagoons?

Yes ☐ No ☒

If yes, complete the remainder of this section. If no, proceed to Section 12.

A. Location information

The following maps are required to be submitted as part of the application. For each map, provide the Attachment Number.

APP Ex. 00039

- Original General Highway (County) Map:

  Attachment:
- USDA Natural Resources Conservation Service Soil Map:

  Attachment:
- Federal Emergency Management Map:

  Attachment:
- Site map:

  Attachment:

Discuss in a description if any of the following exist within the lagoon area. Check all that apply.

- ☐ Overlap a designated 100-year frequency flood plain
- ☐ Soils with flooding classification
- ☐ Overlap an unstable area
- ☐ Wetlands
- ☐ Located less than 60 meters from a fault
- ☐ None of the above

Attachment:

If a portion of the lagoon(s) is located within the 100-year frequency flood plain, provide the protective measures to be utilized including type and size of protective structures:

B. Temporary storage information

Provide the results for the pollutant screening of sludge lagoons. These results are in addition to pollutant results in Section 7 of Technical Report 1.0.

Nitrate Nitrogen, mg/kg:

Total Kjeldahl Nitrogen, mg/kg:

Total Nitrogen (=nitrate nitrogen + TKN), mg/kg:

Phosphorus, mg/kg:

APP Ex. 00040

Potassium, mg/kg:

pH, standard units:

Ammonia Nitrogen mg/kg:

Arsenic:

Cadmium:

Chromium:

Copper:

Lead:

Mercury:

Molybdenum:

Nickel:

Selenium:

Zinc:

Total PCBs:

Provide the following information:

Volume and frequency of sludge to the lagoon(s):

Total dry tons stored in the lagoons(s) per 365-day period:

Total dry tons stored in the lagoons(s) over the life of the unit:

C. Liner information

Does the active/proposed sludge lagoon(s) have a liner with a maximum hydraulic conductivity of $1x10^{-7}$ cm/sec?

Yes ☐ No ☐

If yes, describe the liner below. Please note that a liner is required.

D. Site development plan

Provide a detailed description of the methods used to deposit sludge in the

APP Ex. 00041

lagoon(s):

Attach the following documents to the application.

- Plan view and cross-section of the sludge lagoon(s)

  Attachment:
- Copy of the closure plan

  Attachment:
- Copy of deed recordation for the site

  Attachment:
- Size of the sludge lagoon(s) in surface acres and capacity in cubic feet and gallons

  Attachment:
- Description of the method of controlling infiltration of groundwater and surface water from entering the site

  Attachment:
- Procedures to prevent the occurrence of nuisance conditions

  Attachment:

E. Groundwater monitoring

Is groundwater monitoring currently conducted at this site, or are any wells available for groundwater monitoring, or are groundwater monitoring data otherwise available for the sludge lagoon(s)?

Yes ☐ No ☐

If groundwater monitoring data are available, provide a copy. Provide a profile of soil types encountered down to the groundwater table and the depth to the shallowest groundwater as a separate attachment.

Attachment:

Section 12. Authorizations/Compliance/Enforcement

APP Ex. 00042

(Instructions Page 63)

A. Additional authorizations

Does the permittee have additional authorizations for this facility, such as reuse authorization, sludge permit, etc?

Yes ☐ No ☒

If yes, provide the TCEQ authorization number and description of the authorization:

B. Permittee enforcement status

Is the permittee currently under enforcement for this facility?

Yes ☐ No ☒

Is the permittee required to meet an implementation schedule for compliance or enforcement?

Yes ☐ No ☒

If yes to either question, provide a brief summary of the enforcement, the implementation schedule, and the current status:

Section 13. RCRA/CERCLA Wastes (Instructions Page 63)

A. RCRA hazardous wastes

Has the facility received in the past three years, does it currently receive, or will it receive RCRA hazardous waste?

Yes ☐ No ☒

B. Remediation activity wastewater

Has the facility received in the past three years, does it currently receive, or will it receive CERCLA wastewater, RCRA remediation/corrective action wastewater or other remediation activity wastewater?

Yes ☐ No ☒

APP Ex. 00043

C. Details about wastes received

If yes to either Subsection A or B above, provide detailed information concerning these wastes with the application.

Attachment: [redacted]

Section 14. Laboratory Accreditation (Instructions Page 64)

All laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*, which includes the following general exemptions from National Environmental Laboratory Accreditation Program (NELAP) certification requirements:

- The laboratory is an in-house laboratory and is:
  - periodically inspected by the TCEQ; or
  - located in another state and is accredited or inspected by that state; or
  - performing work for another company with a unit located in the same site; or
  - performing pro bono work for a governmental agency or charitable organization.
- The laboratory is accredited under federal law.
- The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- The laboratory supplies data for which the TCEQ does not offer accreditation.

The applicant should review *30 TAC Chapter 25* for specific requirements.

The following certification statement shall be signed and submitted with every application. See the *Signature Page* section in the Instructions, for a list of designated representatives who may sign the certification.

CERTIFICATION:

I certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.*

Printed Name: Zach Ipour

Title: President

Signature: _____

Date: 4/26/22

DOMESTIC TECHNICAL REPORT 1.1

The following is required for new and amendment applications

Section 1. Justification for Permit (Instructions Page 66)

A. Justification of permit need

Provide a detailed discussion regarding the need for any phase(s) not currently permitted. Failure to provide sufficient justification may result in the Executive Director recommending denial of the proposed phase(s) or permit.

See Attachment K - Justification

B. Regionalization of facilities

Provide the following information concerning the potential for regionalization of domestic wastewater treatment facilities:

1. Municipally incorporated areas

If the applicant is a city, then Item 1 is not applicable. Proceed to Item 2 Utility CCN areas.

Is any portion of the proposed service area located in an incorporated city?

Yes ☐ No ☒ Not Applicable ☐

If yes, within the city limits of:

If yes, attach correspondence from the city.

Attachment:

If consent to provide service is available from the city, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the city versus the cost of the proposed facility or expansion attached.

Attachment:

2. Utility CCN areas

APP Ex. 00046

Is any portion of the proposed service area located inside another utility's CCN area?

Yes ☒ No ☒

If yes, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the CCN facilities versus the cost of the proposed facility or expansion.

Attachment:

3. *Nearby WWTPs or collection systems*

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

Yes ☐ No ☒

If yes, attach a list of these facilities that includes the permittee's name and permit number, and an area map showing the location of these facilities.

Attachment:

If yes, attach copies of your certified letters to these facilities **and** their response letters concerning connection with their system.

Attachment:

Does a permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility currently have the capacity to accept or is willing to expand to accept the volume of wastewater proposed in this application?

Yes ☐ No ☐

If yes, attach an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion.

Attachment:

Section 2. Organic Loading (Instructions Page 67)

Is this facility in operation?

Yes ☐ No ☒

If no, proceed to Item B, Proposed Organic Loading.

APP Ex. 00047

If yes, provide organic loading information in Item A, Current Organic Loading

A. Current organic loading

Facility Design Flow (flow being requested in application):

Average Influent Organic Strength or BOD_5 Concentration in mg/l:

Average Influent Loading (lbs/day = total average flow X average BOD_5 conc. X 8.34):

Provide the source of the average organic strength or BOD_5 concentration.

B. Proposed organic loading

This table must be completed if this application is for a facility that is not in operation or if this application is to request an increased flow that will impact organic loading.

Table 1.1(1) - Design Organic Loading

Source	Total Average Flow (MGD)	Influent BOD_5 Concentration (mg/l)
Municipality	0.94	250
Subdivision		
Trailer park - transient		
Mobile home park		
School with cafeteria and showers		
School with cafeteria,		

APP Ex. 00048

Source	Total Average Flow (MGD)	Influent BOD_5 Concentration (mg/l)
no showers		
Recreational park, overnight use		
Recreational park, day use		
Office building or factory	0.06	250
Motel		
Restaurant		
Hospital		
Nursing home		
Other		
TOTAL FLOW from all sources	1.0	
AVERAGE BOD_5 from all sources		250

Section 3. Proposed Effluent Quality and Disinfection (Instructions Page 68)

A. Existing/Interim I Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 15

Ammonia Nitrogen, mg/l: 3

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l: 4

APP Ex. 00049

Other:

B. Interim II Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 15

Ammonia Nitrogen, mg/l: 3

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l: 4

Other:

C. Final Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 15

Ammonia Nitrogen, mg/l: 3

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l: 4

Other:

D. Disinfection Method

Identify the proposed method of disinfection.

☒ Chlorine: 1.0 mg/l after 20 minutes detention time at peak flow

Dechlorination process: sulfur dioxide

☐ Ultraviolet Light: seconds contact time at peak flow

☐ Other:

Section 4. Design Calculations (Instructions Page 68)

Attach design calculations and plant features for each proposed phase. Example 4 of the instructions includes sample design calculations and plant features.

Attachment: Attachment H

APP Ex. 00050

Section 5. Facility Site (Instructions Page 68)

A. 100-year floodplain

Will the proposed facilities be located above the 100-year frequency flood level?

Yes ☒ No ☐

If no, describe measures used to protect the facility during a flood event. Include a site map showing the location of the treatment plant within the 100-year frequency flood level. If applicable, provide the size and types of protective structures.

Provide the source(s) used to determine 100-year frequency flood plain.

FEMA Firm Panel 48251C0125J, see Attachment M

For a new or expansion of a facility, will a wetland or part of a wetland be filled?

Yes ☐ No ☒

If yes, has the applicant applied for a US Corps of Engineers 404 Dredge and Fill Permit?

Yes ☐ No ☐

If yes, provide the permit number:

If no, provide the approximate date you anticipate submitting your application to the Corps:

B. Wind rose

Attach a wind rose. **Attachment:** Attachment N

Section 6. Permit Authorization for Sewage Sludge Disposal (Instructions Page 69)

A. Beneficial use authorization

Are you requesting to include authorization to land apply sewage sludge for beneficial use on property located adjacent to the wastewater treatment facility under the wastewater permit?

APP Ex. 00051

Yes ☐ No ☒

If yes, attach the completed Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)

Attachment:

B. Sludge processing authorization

Identify the sludge processing, storage or disposal options that will be conducted at the wastewater treatment facility:

☐ Sludge Composting

☐ Marketing and Distribution of sludge

☐ Sludge Surface Disposal or Sludge Monofill

If any of the above sludge options are selected, attach a completed DOMESTIC WASTEWATER PERMIT APPLICATION: SEWAGE SLUDGE TECHNICAL REPORT (TCEQ Form No. 10056).

Attachment:

Section 7. Sewage Sludge Solids Management Plan (Instructions Page 69)

Attach a solids management plan to the application.

Attachment: Attachment L

The sewage sludge solids management plan must contain the following information:

- Treatment units and processes dimensions and capacities
- Solids generated at 100, 75, 50, and 25 percent of design flow
- Mixed liquor suspended solids operating range at design and projected actual flow
- Quantity of solids to be removed and a schedule for solids removal
- Identification and ownership of the ultimate sludge disposal site
- For facultative lagoons, design life calculations, monitoring well locations and depths, and the ultimate disposal method for the sludge from the facultative lagoon

An example of a sewage sludge solids management plan has been included as Example 5 of the instructions.

APP Ex. 00052

DOMESTIC TECHNICAL REPORT WORKSHEET 2.0

RECEIVING WATERS

The following is required for all TPDES permit applications

Section 1. Domestic Drinking Water Supply (Instructions Page 73)

Is there a surface water intake for domestic drinking water supply located within 5 miles downstream from the point or proposed point of discharge?

Yes ☐ No ☒

If yes, provide the following:
Owner of the drinking water supply:

Distance and direction to the intake:

Attach a USGS map that identifies the location of the intake.

Attachment:

Section 2. Discharge into Tidally Affected Waters (Instructions Page 73)

Does the facility discharge into tidally affected waters?

Yes ☐ No ☒

If yes, complete the remainder of this section. If no, proceed to Section 3.

A. Receiving water outfall

Width of the receiving water at the outfall, in feet:

B. Oyster waters

Are there oyster waters in the vicinity of the discharge?

Yes ☐ No ☐

If yes, provide the distance and direction from outfall(s).

APP Ex. 00053

C. Sea grasses

Are there any sea grasses within the vicinity of the point of discharge?

Yes ☒ No ☐

If yes, provide the distance and direction from the outfall(s).

Section 3. Classified Segments (Instructions Page 73)

Is the discharge directly into (or within 300 feet of) a classified segment?

Yes ☐ No ☒

If yes, this Worksheet is complete.

If no, complete Sections 4 and 5 of this Worksheet.

Section 4. Description of Immediate Receiving Waters (Instructions Page 75)

Name of the immediate receiving waters: Reece Branch

A. Receiving water type

Identify the appropriate description of the receiving waters.

☒ Stream

☐ Freshwater Swamp or Marsh

☐ Lake or Pond

Surface area, in acres:

Average depth of the entire water body, in feet:

Average depth of water body within a 500-foot radius of discharge point, in feet:

☐ Man-made Channel or Ditch

APP Ex. 00054

☐ Open Bay

☐ Tidal Stream, Bayou, or Marsh

☒ Other, specify: [redacted]

B. Flow characteristics

If a stream, man-made channel or ditch was checked above, provide the following. For existing discharges, check one of the following that best characterizes the area *upstream* of the discharge. For new discharges, characterize the area *downstream* of the discharge (check one).

☐ Intermittent - dry for at least one week during most years

☐ Intermittent with Perennial Pools - enduring pools with sufficient habitat to maintain significant aquatic life uses

☒ Perennial - normally flowing

Check the method used to characterize the area upstream (or downstream for new dischargers).

☐ USGS flow records

☐ Historical observation by adjacent landowners

☒ Personal observation

☐ Other, specify: [redacted]

C. Downstream perennial confluences

List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point.

Mountain Creek

D. Downstream characteristics

Do the receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.)?

Yes ☐ No ☒

If yes, discuss how.

APP Ex. 00055

N/A

E. Normal dry weather characteristics

Provide general observations of the water body during normal dry weather conditions.

Clear water, low flow, and no aquatic vegetation or animals were observed.

Date and time of observation: 2/8/2022 @ 8:00 AM

Was the water body influenced by stormwater runoff during observations?

Yes ☐ No ☒

Section 5. General Characteristics of the Waterbody (Instructions Page 74)

A. Upstream influences

Is the immediate receiving water upstream of the discharge or proposed discharge site influenced by any of the following? Check all that apply.

- ☐ Oil field activities
- ☐ Upstream discharges
- ☐ Septic tanks
- ☐ Urban runoff
- ☒ Agricultural runoff
- ☐ Other(s), specify

B. Waterbody uses

Observed or evidences of the following uses. Check all that apply.

- ☐ Livestock watering
- ☐ Irrigation withdrawal
- ☐ Fishing
- ☐ Contact recreation
- ☒ Non-contact recreation
- ☐ Navigation

APP Ex. 00056

☐ Domestic water supply ☐ Industrial water supply

☐ Park activities ☐ Other(s), specify

C. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the receiving water and the surrounding area.

☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

☒ Natural Area: trees and/or native vegetation; some development evident (from fields, pastures, dwellings); water clarity discolored

☐ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

LIST OF ATTACHMENTS
MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

Attachment A – Core Data Form (Admin Report 1.0, Section 3.C)

Attachment B – USGS Map (Admin. Report 1.0, Section 13)

Attachment C – Affected Landowners (Admin. Report 1.1,Section 1.A and C)

Attachment D – Original Photographs (Admin Report 1.1, Section 2)

Attachment E – Buffer Zone Map (Admin Report 1.1, Section 3.A)

Attachment F – Area Water Wells (Admin Report 1.1, Section 3.C)

Attachment G – Wetlands Map (Admin Report 1.1, Section 3.C and Tech. Report 1.1, Section 5.A)

Attachment H – Supplemental Technical Reports (Tech Report 1.0, Section 2.A and B and Tech Report 1.1, Section 4)

Attachment I – Flow Schematics (Tech Report 1.0, Section 2.C)

Attachment J – Service Area Map (Tech Report 1.0, Section 3)

Attachment K – Justification for Plant Construction (Tech Report 1.0, Section 4 and Tech Report 1.1, Section 1.A)

Attachment L – Sewage Sludge Management Plan (Tech Report 1.0 Section 6.F and Tech. Report 1.1, Item 7)

Attachment M – FEMA Flood Map (Tech Rep 1.1, Section 5.A)

Attachment N – Wind Rose (Tech Report 1.1, Section 5.B)

ATTACHMENT A

CORE DATA FORM

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission *(If other is checked please describe in space provided.)*

☒ New Permit, Registration or Authorization *(Core Data Form should be submitted with the program application.)*

☐ Renewal *(Core Data Form should be submitted with the renewal form)* ☐ Other

2. Customer Reference Number *(if issued)*	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number *(if issued)*
CN 605490937		RN 111496998

SECTION II: Customer Information

4. General Customer Information	5. Effective Date for Customer Information Updates (mm/dd/yyyy)	2/14/2018

☐ New Customer ☒ Update to Customer Information ☐ Change in Regulated Entity Ownership

☐ Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)

The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).

6. Customer Legal Name *(If an individual, print last name first: eg: Doe, John)*	*If new Customer, enter previous Customer below:*
Megatel Homes, LLC	

7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number *(if applicable)*
0802936050	32019741233		

11. Type of Customer: ☒ Corporation ☐ Individual Partnership: ☐ General ☐ Limited

Government: ☐ City ☐ County ☐ Federal ☐ State ☐ Other ☐ Sole Proprietorship ☐ Other:

12. Number of Employees ☐ 0-20 ☒ 21-100 ☐ 101-250 ☐ 251-500 ☐ 501 and higher

13. Independently Owned and Operated? ☒ Yes ☐ No

14. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check one of the following*

☐ Owner ☐ Operator ☒ Owner & Operator

☐ Occupational Licensee ☐ Responsible Party ☐ Voluntary Cleanup Applicant ☐ Other:

15. Mailing Address:							
	2101 Cedar Springs Road						
	Suite 700						
	City	Dallas	State	TX	ZIP	75201	ZIP + 4

16. Country Mailing Information *(if outside USA)*	17. E-Mail Address *(if applicable)*
	steve.maglisceau@megatelhomes.com

18. Telephone Number	19. Extension or Code	20. Fax Number *(if applicable)*
(214) 396-4233		( ) -

SECTION III: Regulated Entity Information

21. General Regulated Entity Information *(If 'New Regulated Entity" is selected below this form should be accompanied by a permit application)*

☒ New Regulated Entity ☐ Update to Regulated Entity Name ☐ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name *(Enter name of the site where the regulated action is taking place.)*

Mansfield Tract WWTF

RECEIVED
MAY 04 2022
Water Quality Applications Team

23. Street Address of the Regulated Entity: *(No PO Boxes)*							
	City		**State**		**ZIP**		**ZIP + 4**
24. County	Johnson						

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	1.0 miles southwest of the intersection of Bedford Street and North FM Road 157				
26. Nearest City			**State**	**Nearest ZIP Code**	
Mansfield			TX	76084	
27. Latitude (N) In Decimal:	32.516944	**28. Longitude (W) In Decimal:**	-97.123806		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
32	31	1.0	-97	7	25.7

29. Primary SIC Code (4 digits)	**30. Secondary SIC Code** (4 digits)	**31. Primary NAICS Code** (5 or 6 digits)	**32. Secondary NAICS Code** (5 or 6 digits)
4952		221320	

33. What is the Primary Business of this entity? *(Do not repeat the SIC or NAICS description.)*

treatment of municipal wastewater

34. Mailing Address:	**2101 Cedar Springs Road**						
	Suite 700						
	City	**Dallas**	**State**	**TX**	**ZIP**	**75201**	**ZIP + 4**
35. E-Mail Address:	**steve.maglisceau@megatelhomes.com**						
36. Telephone Number	**37. Extension or Code**		**38. Fax Number** *(if applicable)*				
(214) 396-4233			( ) -				

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

☐ Dam Safety	☐ Districts	☐ Edwards Aquifer	☐ Emissions Inventory Air	☐ Industrial Hazardous Waste
☐ Municipal Solid Waste	☐ New Source Review Air	☐ OSSF	☐ Petroleum Storage Tank	☐ PWS
☐ Sludge	☐ Storm Water	☐ Title V Air	☐ Tires	☐ Used Oil
☐ Voluntary Cleanup	☒ Waste Water	☐ Wastewater Agriculture	☐ Water Rights	☐ Other:

SECTION IV: Preparer Information

40. Name:	Jonathan Nguyen	**41. Title:**	Permit Specialist	RECEIVED MAY 04 2022 Water Quality Applications Team
42. Telephone Number	**43. Ext./Code**	**44. Fax Number**	**45. E-Mail Address**	
(512) 685-5156		( ) -	jnguyen@quiddity.com	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Megatel Homes, LLC	**Job Title:**	President
Name *(In Print):*	Zach Ipour	**Phone:**	(469) 556- 1362
Signature:		**Date:**	4/26/22

APP Ex. 00061

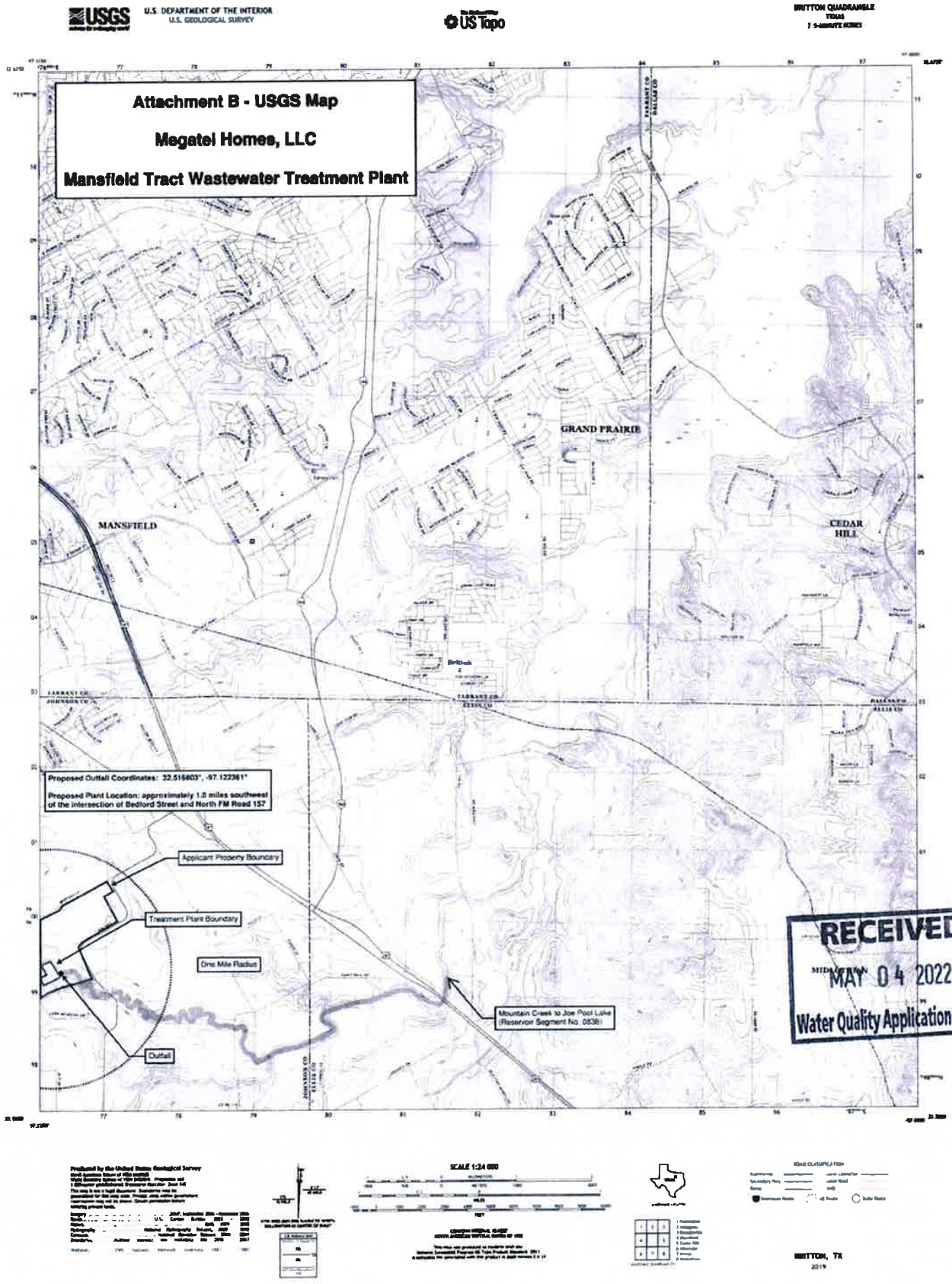
ATTACHMENT B

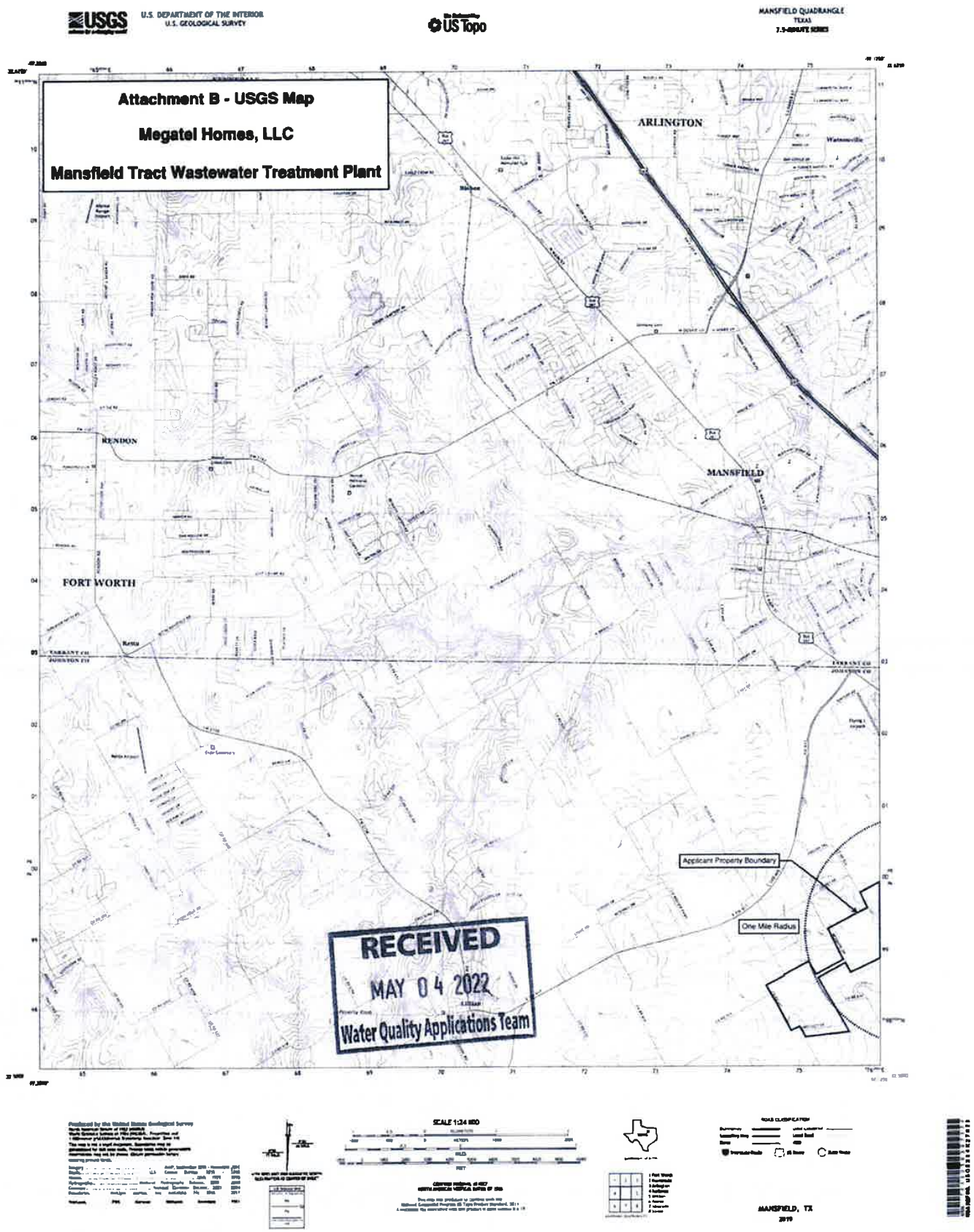
USGS MAP

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY


USGS
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY
US Topo
BRITTON QUADRANGLE
TEXAS
Attachment B - USGS Map
Megatel Homes, LLC
Mansfield Tract Wastewater Treatment Plant
GRAND PRAIRIE
MANSFIELD
CEDAR HILL
Proposed Outfall Coordinates: 32.516803°, -97.122361°
Proposed Plant Location: approximately 1.0 miles southwest of the intersection of Bedford Street and North FM Road 157
Applicant Property Boundary
Treatment Plant Boundary
One Mile Radius
Outfall
Mountain Creek to Joe Pool Lake (Reservoir Segment No. 0838)
RECEIVED
MAY 04 2022
Water Quality Applications Team
SCALE 1:24 000
BRITTON, TX
2019


USGS
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY
US Topo
MANSFIELD QUADRANGLE
TEXAS
Attachment B - USGS Map
Megatel Homes, LLC
Mansfield Tract Wastewater Treatment Plant
ARLINGTON
RENDON
MANSFIELD
FORT WORTH
Applicant Property Boundary
One Mile Radius
RECEIVED
MAY 04 2022
Water Quality Applications Team
SCALE 1:24 000
MANSFIELD, TX

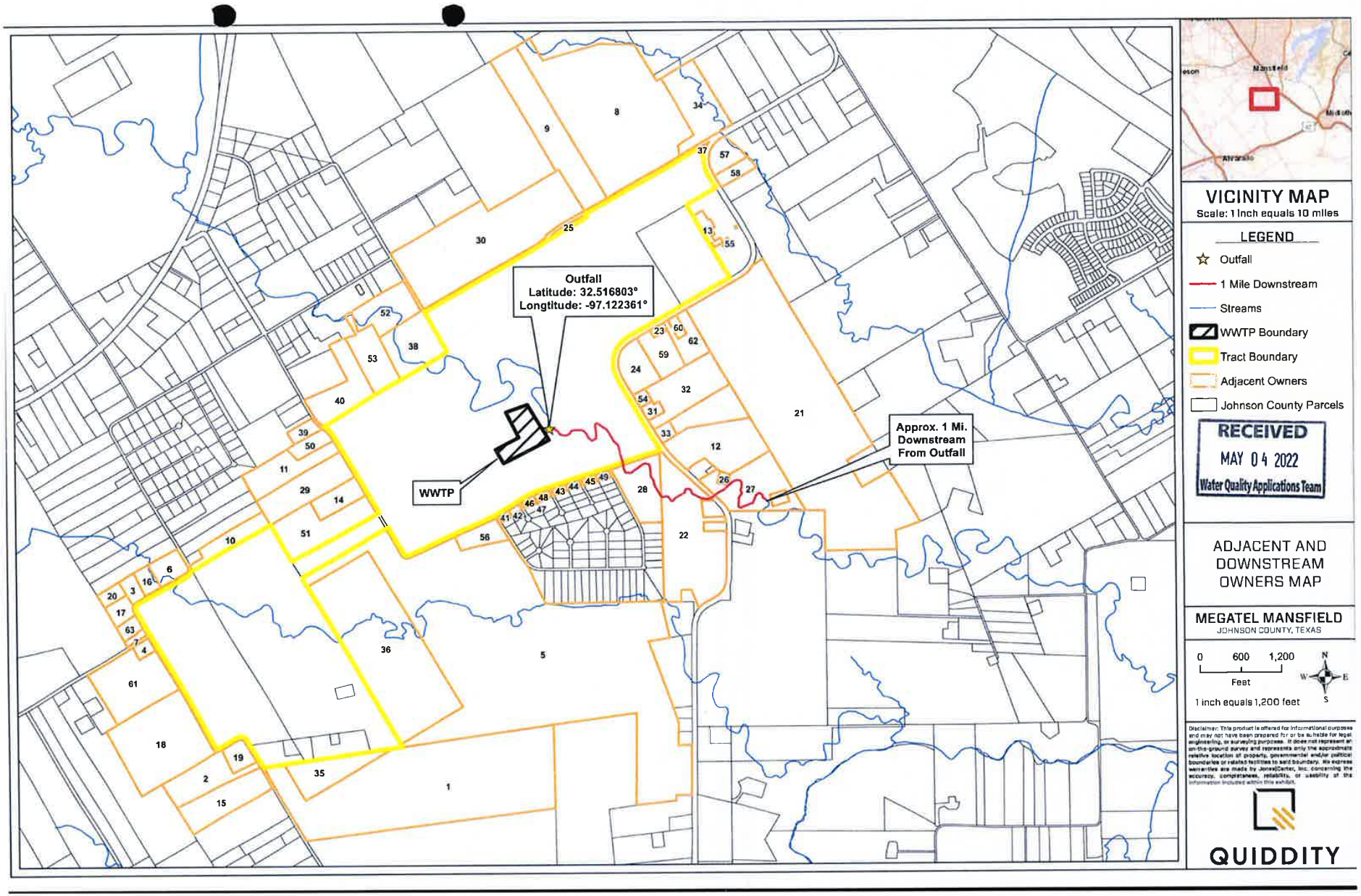
ATTACHMENT C

AFFECTED LANDOWNERS

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY


Outfall
Latitude: 32.516803°
Longtitude: -97.122361°
WWTP
Approx. 1 Mi.
Downstream
From Outfall
VICINITY MAP
Scale: 1 Inch equals 10 miles
LEGEND
Outfall
1 Mile Downstream
Streams
WWTP Boundary
Tract Boundary
Adjacent Owners
Johnson County Parcels
RECEIVED
MAY 04 2022
Water Quality Applications Team
ADJACENT AND
DOWNSTREAM
OWNERS MAP
MEGATEL MANSFIELD
JOHNSON COUNTY, TEXAS
0 600 1,200
Feet
1 inch equals 1,200 feet
N
W E
S
Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by JonesCarter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.
QUIDDITY

APP Ex. 00066

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

Affected Landowners List

Object ID	Owner	Mailing Address
1	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
2	WALKER CHAD ETUX	3501 CR 617 VENUS TX 76084
3	ARIEL NICOLETTE CAMPISI	4141 CR 617 ALVARADO TX 76009
4	JAMES E PRATER	10236 CR 514 ALVARADO TX 76009
5	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
6	SARAH M & WESLEY G IRETON	4301 CR 617 ALVARADO TX 76009
7	DON L HAGAR	4113 CR 617 ALVARADO TX 76009
8	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
9	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
10	BRIAN M FUGITT	4232 CR 617 ALVARADO TX 76009
11	ISRAEL ZAMORA	3220 MESQUITE DR VENUS TX 76084
12	PASCUAL GUTIERREZ JR	7793 OAK DR MANSFIELD TX 76063
13	DOROTHY F PHILLIPS	PO BOX 42 MANSFIELD TX 76063
14	HEATH A OWENS	3274 MESQUITE DR VENUS TX 76084
15	LOPEZ DAWN L & DEBBIE LYNN DRUE	300 GREEN RIVER TR FORT WORTH TX 76103
16	JANICE WAYMAN	4149 CR 617 ALVARADO TX 76009
17	ROBERT H III COPPLE	4125 CR 617 ALVARADO TX 76009
18	ERNEST WAYNE PRATER	1601 LIVE OAK DRIVE IRVING TX 75061
19	RUDOLFO ETUX MARIA S FLORES	255 MORGAN RD MANSFIELD TX 76063
20	RAMON CASTILLO	4133 CR 617 ALVARADO TX 76009
21	JAMES C KNAPP	PO BOX 2243 MANSFIELD TX 76063
22	JOYCE DOLLAR ROBERTSON	5909 N FM 157 VENUS TX 76084

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

23	KYLE PHILLIPS	1105 INGLEWOOD DR MANSFIELD TX 76063
24	KEITH PHILLIPS	7017 HOLLOW OAK TRL MANSFIELD TX 76063
25	BRINDLEY SAMUELL SPARKMAN TRUST	PO BOX 505 INDIANOLA WA 98342
26	CAREY & ANNA T NELSON	6012 N FM 157 VENUS TX 76084
27	CAREY & ANNA T NELSON	6012 N FM 157 VENUS TX 76084
28	TOMMIE SMITH	5360 NEWT PATTERSON RD MANSFIELD TX 76063
29	BENNETT GARY	3232 MESQUITE DR VENUS TX 76084
30	SELLS WILLIAM TROY ETUX BRENDA REVOCABLE	1048 NEWT PATTERSON RD MANSFIELD TX 76063
31	SHIRLEY GLASS	6200 N FM 157 VENUS TX 76084
32	SHIRLEY GLASS	6200 N FM 157 VENUS TX 76084
33	BERRY CREEK FARMS LP	6012 N FM 157 VENUS TX 76084
34	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
35	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
36	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
37	TONORE REAL ESTATE HOLDINGS LLC	PO BOX 677 MANSFIELD TX 76063
38	DEBRA C ETVIR RAYMOND M MEEKS	2922 HOWELL DR VENUS TX 76084
39	BLANCA LOPEZ	1412 LLOYD AVE FORT WORTH TX 76105
40	GARY LEE PANNELL	3181 MESQUITE DR VENUS TX 76084
41	JESSIE ROBLES	805 PRAIRIE AVE CLEBURNE TX 76033
42	ROBERTO COLUNGA I	6017 BLUEBIRD CT VENUS TX 76084
43	ADRIAN & MARIA FELICITAS GAMEZ	14421 LARK MEADOWS DR VENUS TX 76084
44	ARC PROPERTIES LLC	12329 E FM 917 ALVARADO TX 76063
45	JENNIFER JOHNSON	6016 FALCON CT VENUS TX 76084

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

46	URBANO & MARIA ESQUIVEL	6016 BLUEBIRD CT VENUS TX 76084
47	JOHNSON COUNTY SPECIAL	PO BOX 509 CLEBURNE TX 76033
48	DENNIS & DALE & GALE & ROBBIN WEIDNER RICE	110 TERRAPIN TR MANSFIELD TX 76063
49	LUZ ADRIANA GAMEZ & NATANAEL RANGEL	14425 LARK MEADOWS DR VENUS TX 76084
50	JOSEPH D BRUCE	3200 MESQUITE DR VENUS TX 76084
51	GERALD SEETON	PO BOX 357 MANSFIELD TX 76063
52	CYNTHIA HAMMOND	2209 COUNTRY BROOK DR WEATHERFORD TX 76087
53	DAVID S HAMMOND	492 CORDES DR VENUS TX 76084
54	JIMMY DAVIS	6144 N FM 157 VENUS TX 76084
55	CLARENCE EDWIN PHILLIPS	6717 N FM 157 VENUS TX 76084
56	ENERVEST ENERGY INSTITUTIONAL	1001 FANNIN ST STE 800 HOUSTON TX 77002
57	LADD X 2 PARTNERS LLC	914 WALNUT FALLS MANSFIELD TX 76063
58	TONORE TYLER MANAGEMENT LLC	PO BOX 677 MANSFIELD TX 76063
59	KYLE PHILLIPS	1105 INGLEWOOD DR MANSFIELD TX 76063
60	LAURA NICHOLS	PO BOX 76 MANSFIELD TX 76063
61	ENERVEST ENERGY INSTITUTIONAL	1001 FANNIN ST STE 800 HOUSTON TX 77002
62	LAURA NICHOLS	PO BOX 76 MANSFIELD TX 76063
63	LADONNA HAGAR	4113 CR 617 ALVARADO TX 76009

ADRIAN & MARIA FELICITAS GAMEZ
14421 LARK MEADOWS DR
VENUS TX 76084

ARC PROPERTIES LLC
12329 E FM 917
ALVARADO TX 76063

ARIEL NICOLETTE CAMPISI
4141 CR 617
ALVARADO TX 76009

BENNETT GARY
3232 MESQUITE DR
VENUS TX 76084

BLANCA LOPEZ
1412 LLOYD AVE
FORT WORTH TX 76105

BRIAN M FUGITT
4232 CR 617
ALVARADO TX 76009

BRINDLEY SAMUELL SPARKMAN TRUST
PO BOX 505
INDIANOLA WA 98342

CAREY & ANNA T NELSON
6012 N FM 157
VENUS TX 76084

CLARENCE EDWIN PHILLIPS
6717 N FM 157
VENUS TX 76084

CYNTHIA HAMMOND
2209 COUNTRY BROOK DR
WEATHERFORD TX 76087

DALTONS BEST MAID PRODUCTS INC
P O BOX 1809
FORT WORTH TX 76101

DAVID S HAMMOND
492 CORDES DR
VENUS TX 76084

DEBRA C ETVIR RAYMOND M MEEKS
2922 HOWELL DR
VENUS TX 76084

DENNIS & DALE & GALE & ROBBIN
WEIDNER RICE
110 TERRAPIN TR
MANSFIELD TX 76063

DON L HAGAR
4113 CR 617
ALVARADO TX 76009

DOROTHY F PHILLIPS
PO BOX 42
MANSFIELD TX 76063

ENERVEST ENERGY INSTITUTIONAL
1001 FANNIN ST STE 800
HOUSTON TX 77002

ERNEST WAYNE PRATER
1601 LIVE OAK DRIVE
IRVING TX 75061

GARY LEE PANNELL
3181 MESQUITE DR
VENUS TX 76084

GERALD SEETON
PO BOX 357
MANSFIELD TX 76063

HEATH A OWENS
3274 MESQUITE DR
VENUS TX 76084

ISRAEL ZAMORA
3220 MESQUITE DR
VENUS TX 76084

JAMES C KNAPP
PO BOX 2243
MANSFIELD TX 76063

JAMES E PRATER
10236 CR 514
ALVARADO TX 76009

JANICE WAYMAN
4149 CR 617
ALVARADO TX 76009

JENNIFER JOHNSON
6016 FALCON CT
VENUS TX 76084

JESSIE ROBLES
805 PRAIRIE AVE
CLEBURNE TX 76033

JIMMY DAVIS
6144 N FM 157
VENUS TX 76084

JOHNSON COUNTY SPECIAL
PO BOX 509
CLEBURNE TX 76033

JOSEPH D BRUCE
3200 MESQUITE DR
VENUS TX 76084

JOYCE DOLLAR ROBERTSON
5909 N FM 157
VENUS TX 76084

KEITH PHILLIPS
7017 HOLLOW OAK TRL
MANSFIELD TX 76063

KYLE PHILLIPS
1105 INGLEWOOD DR
MANSFIELD TX 76063

LADD X 2 PARTNERS LLC
914 WALNUT FALLS
MANSFIELD TX 76063

LAURA NICHOLS
PO BOX 76
MANSFIELD TX 76063

LOPEZ DAWN L & DEBBIE LYNN DRUE
300 GREEN RIVER TR
FORT WORTH TX 76103

LUZ ADRIANA GAMEZ & NATANAEL RANGEL
14425 LARK MEADOWS DR
VENUS TX 76084

PASCUAL GUTIERREZ JR
7793 OAK DR
MANSFIELD TX 76063

RAMON CASTILLO
4133 CR 617
ALVARADO TX 76009

ROBERT H III COPPLE
4125 CR 617
ALVARADO TX 76009

ROBERTO COLUNGA I
6017 BLUEBIRD CT
VENUS TX 76084

RUDOLFO ETUX MARIA S FLORES
255 MORGAN RD
MANSFIELD TX 76063

SARAH M & WESLEY G IRETON
4301 CR 617
ALVARADO TX 76009

SELLS WILLIAM TROY ETUX BRENDA REVOCABLE
1048 NEWT PATTERSON RD
MANSFIELD TX 76063

SHIRLEY GLASS
6200 N FM 157
VENUS TX 76084

SUNBELT LAND INVESTMENTS 547 LTD
3015 NEW YORK AVE STE 201
GRAND PRAIRIE TX 75052

TOMMIE SMITH
5360 NEWT PATTERSON RD
MANSFIELD TX 76063

TONORE REAL ESTATE HOLDINGS LLC
PO BOX 677
MANSFIELD TX 76063

URBANO & MARIA ESQUIVEL
6016 BLUEBIRD CT
VENUS TX 76084

CHAD WALKER
3501 CR 617
VENUS TX 76084

ATTACHMENT D

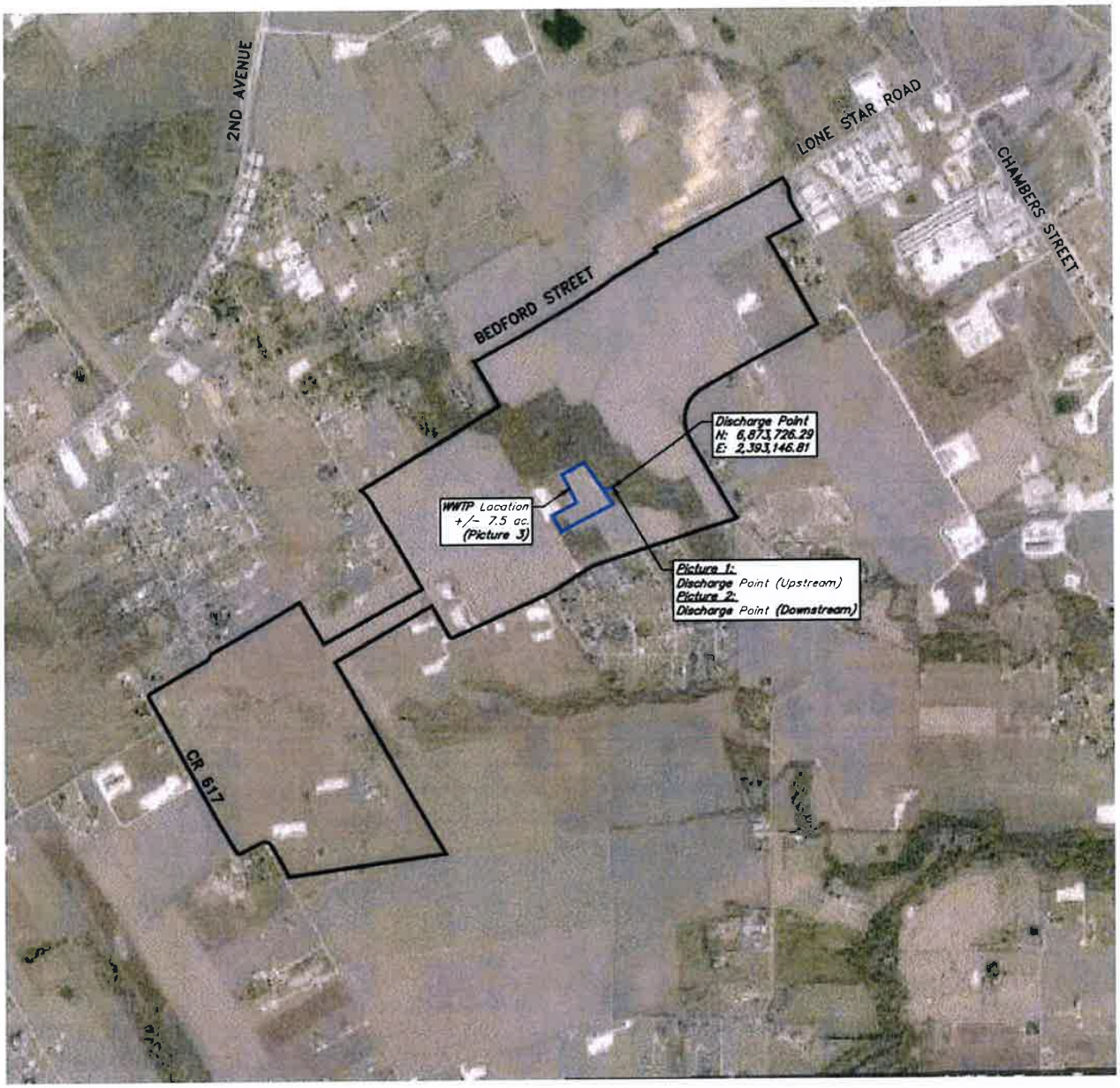
ORIGINAL PHOTOGRAPHS

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

MANSFIELD DISCHARGE POINT EXHIBIT



2000 0 1000 2000

SCALE: 1" = 2000'

LEGEND

- WWTP SERVICE AREA
- WWTP LOCATION

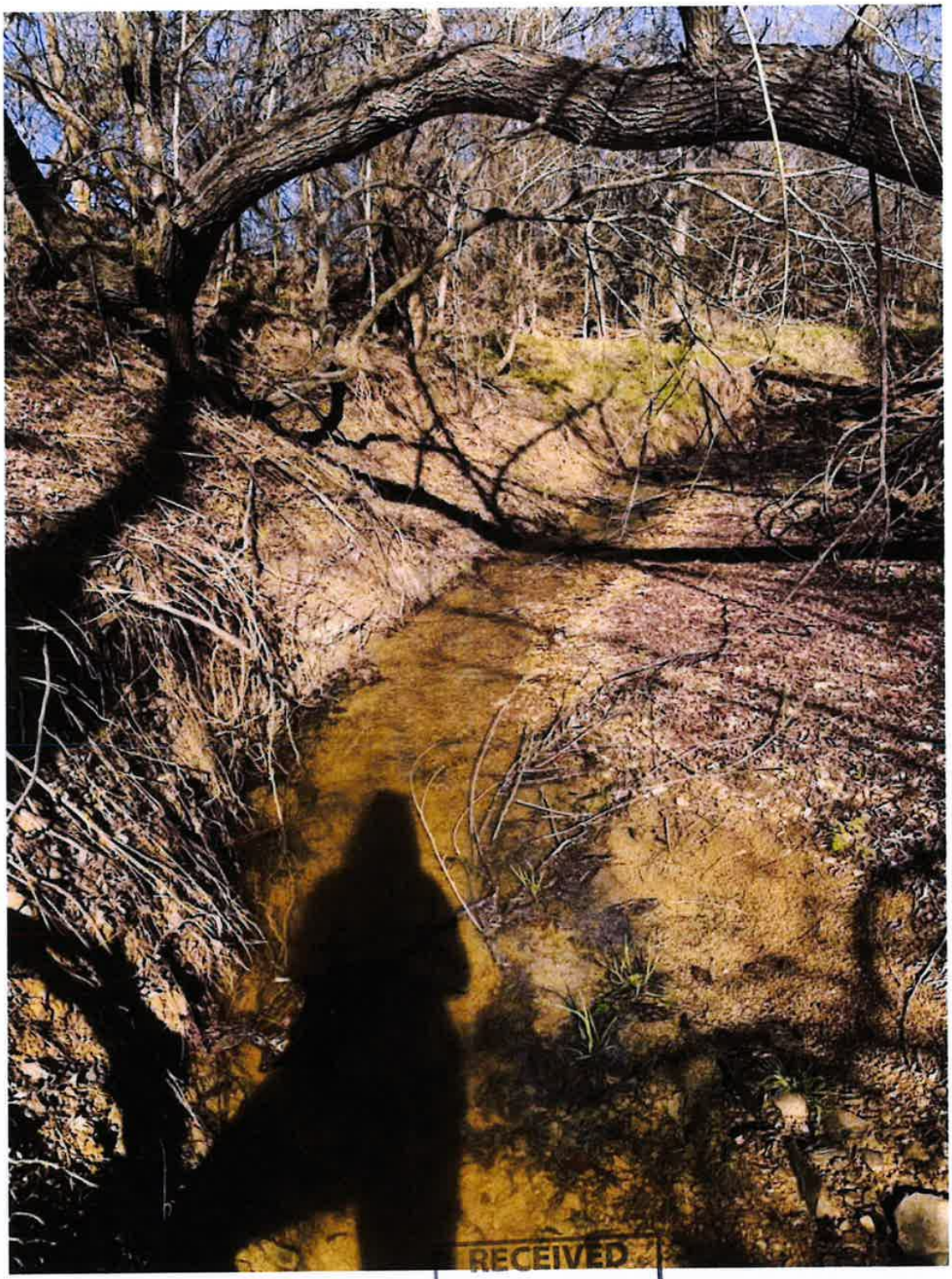
RECEIVED
MAY 04 2022
Water Quality Applications Team

MANSFIELD TRACT
BEING +/- 534 ACRES
TARRANT COUNTY, TEXAS

QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
2505 Dallas Parkway, Suite 600 • Plano, Texas 75093 • 972.488.3880

JOB #: 00006-0001-00 KLT PAGE: 1 OF 4

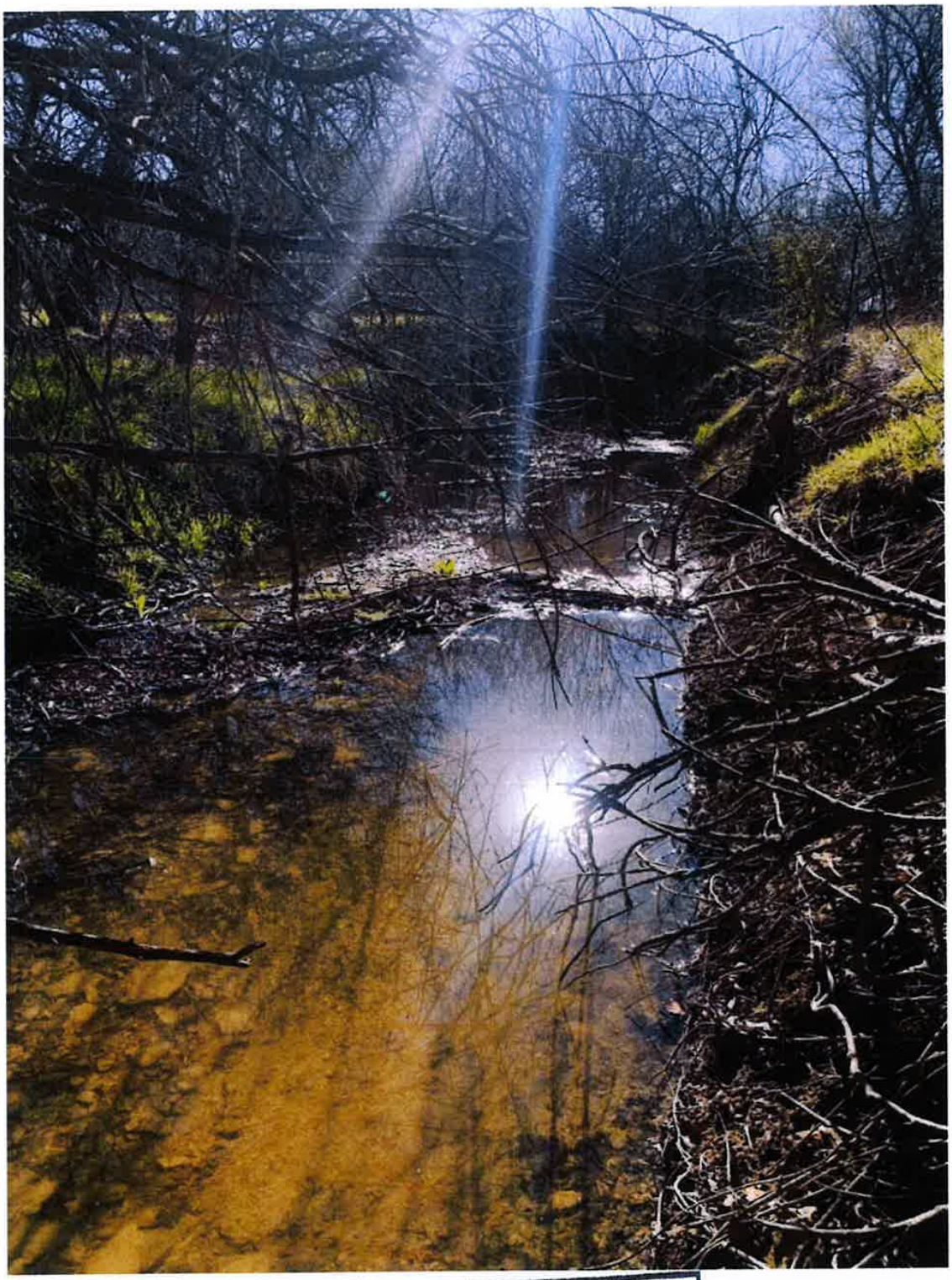


RECEIVED
MAY 04 2022
Water Quality Applications Team

QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
2805 Dallas Parkway, Suite 600 • Plano, Texas 75093 • 972.488.3880

PICTURE 1
Discharge Point (Upstream)

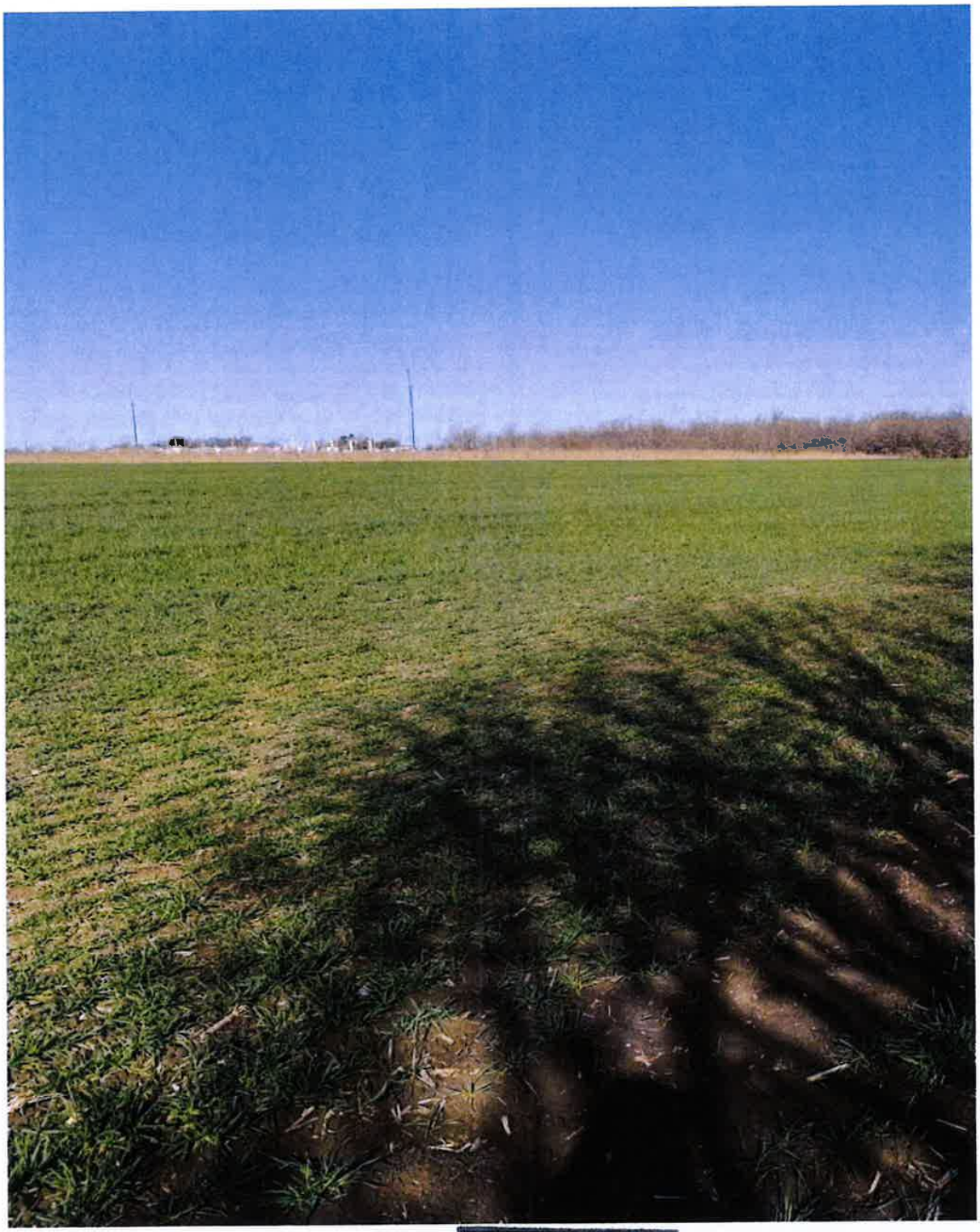


RECEIVED
MAY 04 2022
Water Quality Applications Team

QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
2805 Dallas Parkway, Suite 600 • Plano, Texas 75093 • 972.488.3880

PICTURE 2
Discharge Point (Downstream)



QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
2805 Dallas Parkway, Suite 600 • Plano, Texas 75093 • 972.488.3880

RECEIVED
MAY 04 2022
Water Quality Applications Team

PICTURE 3
WWTP Site Location

JOB #: 00006-0001-00 KLT PAGE: 4 OF 4

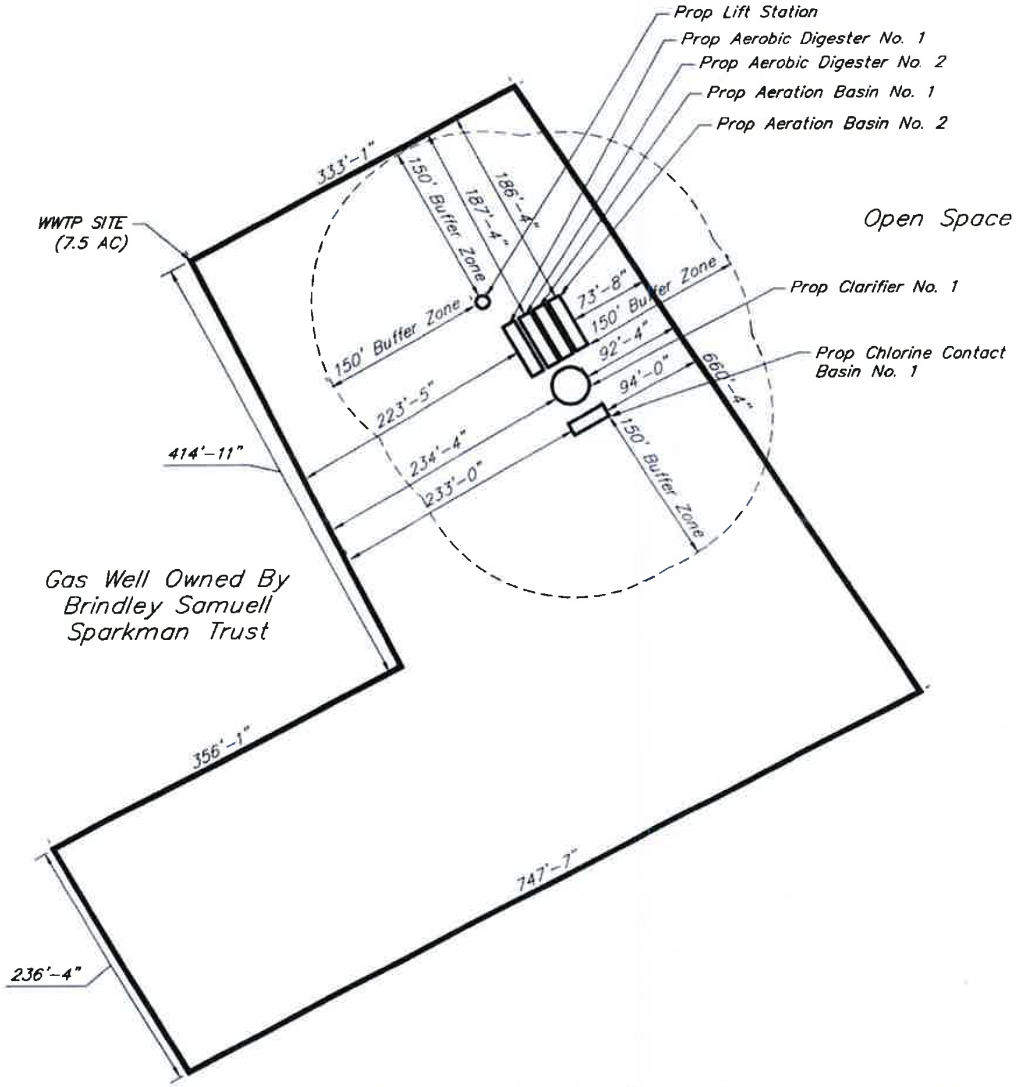
ATTACHMENT E

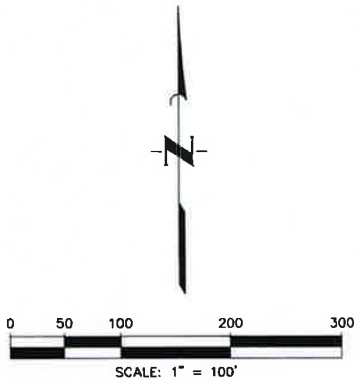
BUFFER ZONE

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY





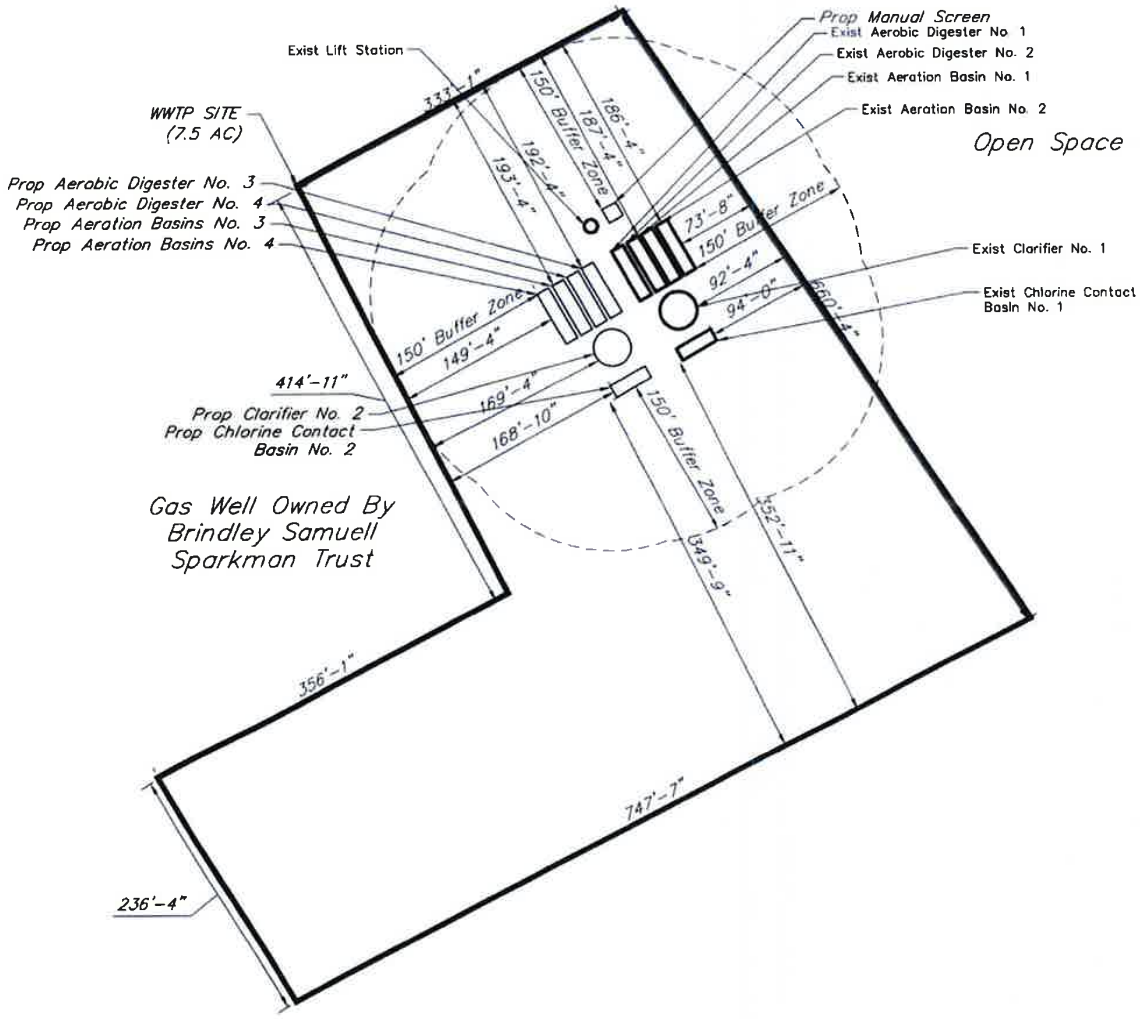
BUFFER ZONE DRAWING
MEGATEL HOMES, LLC

MANSFIELD TRACT WASTEWATER TREATMENT PLANT PHASE I - 0.20 MGD

JOHNSON COUNTY, TEXAS
APRIL 2022

QUIDDITY

APP Ex. 00078



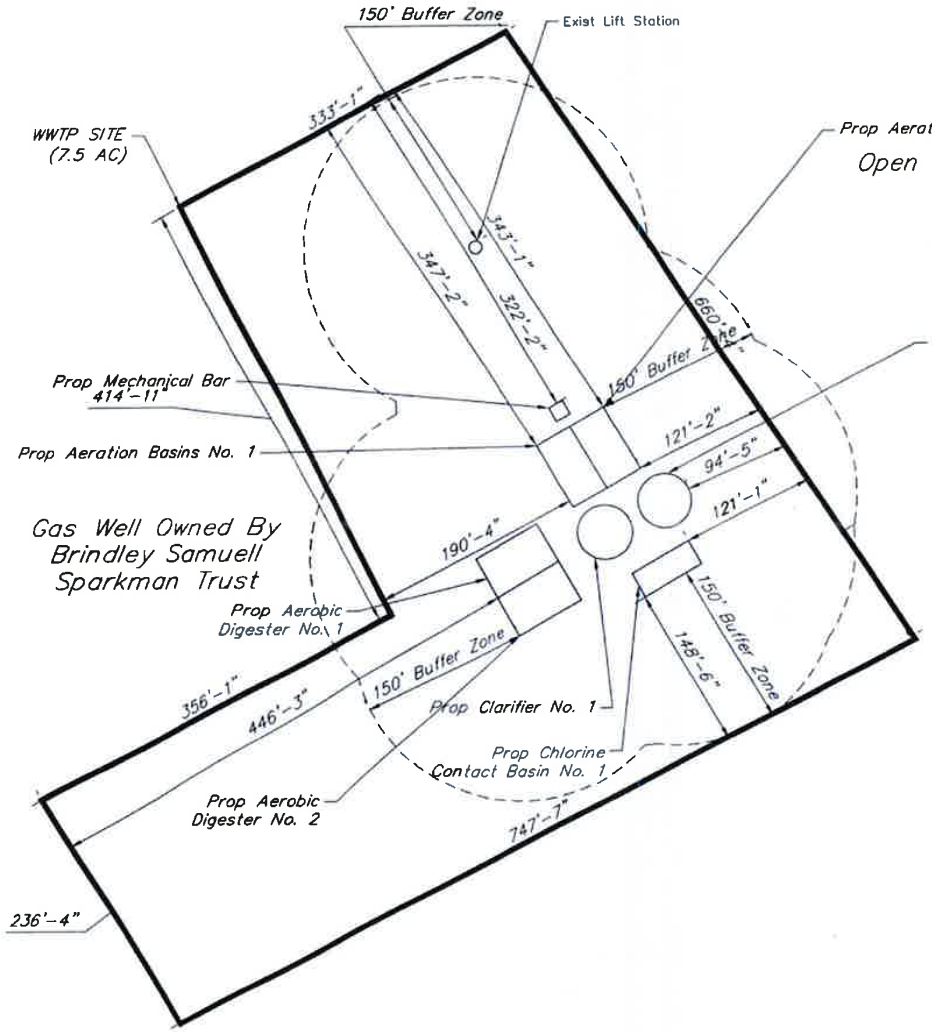
BUFFER ZONE DRAWING
MEGATEL HOMES, LLC

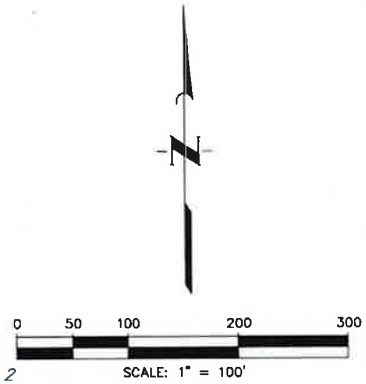
MANSFIELD TRACT WASTEWATER TREATMENT PLANT PHASE II - 0.40 MGD

JOHNSON COUNTY, TEXAS
APRIL 2022

QUIDDITY

APP Ex. 00079





BUFFER ZONE DRAWING
MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT PHASE III - 1.00 MGD

JOHNSON COUNTY, TEXAS
APRIL 2022

QUIDDITY

APP Ex. 00080

ATTACHMENT F

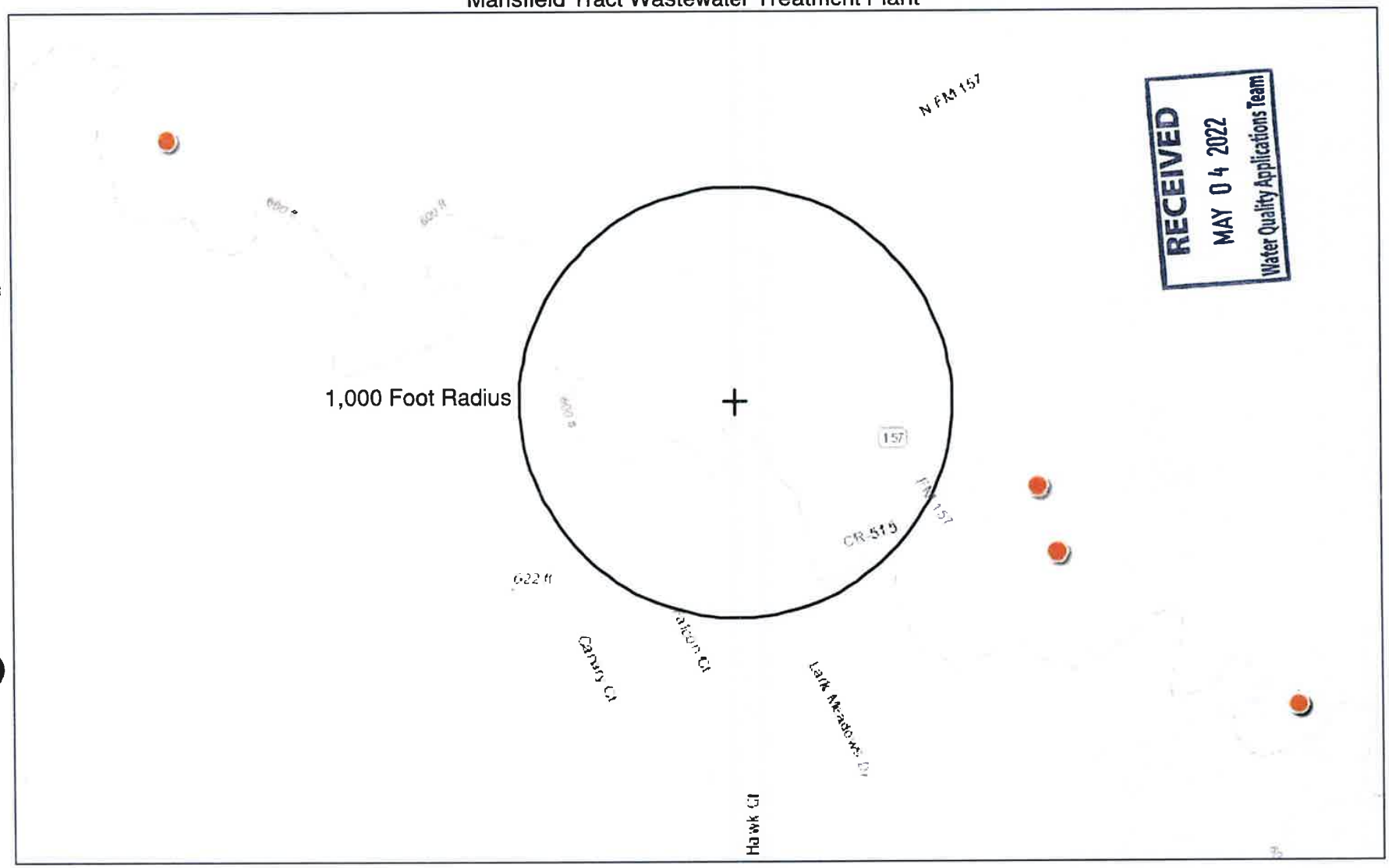
AREA WATER WELLS

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

Attachment F - Area Water Wells
Megatel Homes, LLC
Mansfield Tract Wastewater Treatment Plant



RECEIVED
MAY 04 2022
Water Quality Applications Team

APP Ex. 00082

Texas Water Development Board

February 10, 2022

Well Reports

N
W E
S

No public or domestic water wells located within 1,000 feet of the wastewater treatment plant

0 0.075 0.15 0.3 mi
0 0.1 0.2 0.4 km
1:9,028

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

The data in Water Data Interactive represents the best available information provided by the TWDB and third-party cooperators of the TWDB. The TWDB provides information via this web site as a public service. Neither the State of Texas nor the TWDB assumes any legal liability or responsibility or makes any guarantees or warranties as to the accuracy, completeness or suitability of the information for any particular purpose. The TWDB systematically revises or removes data discovered to be incorrect. If you find inaccurate information or have questions, please contact

TEXAS WATER DEVELOPMENT BOARD

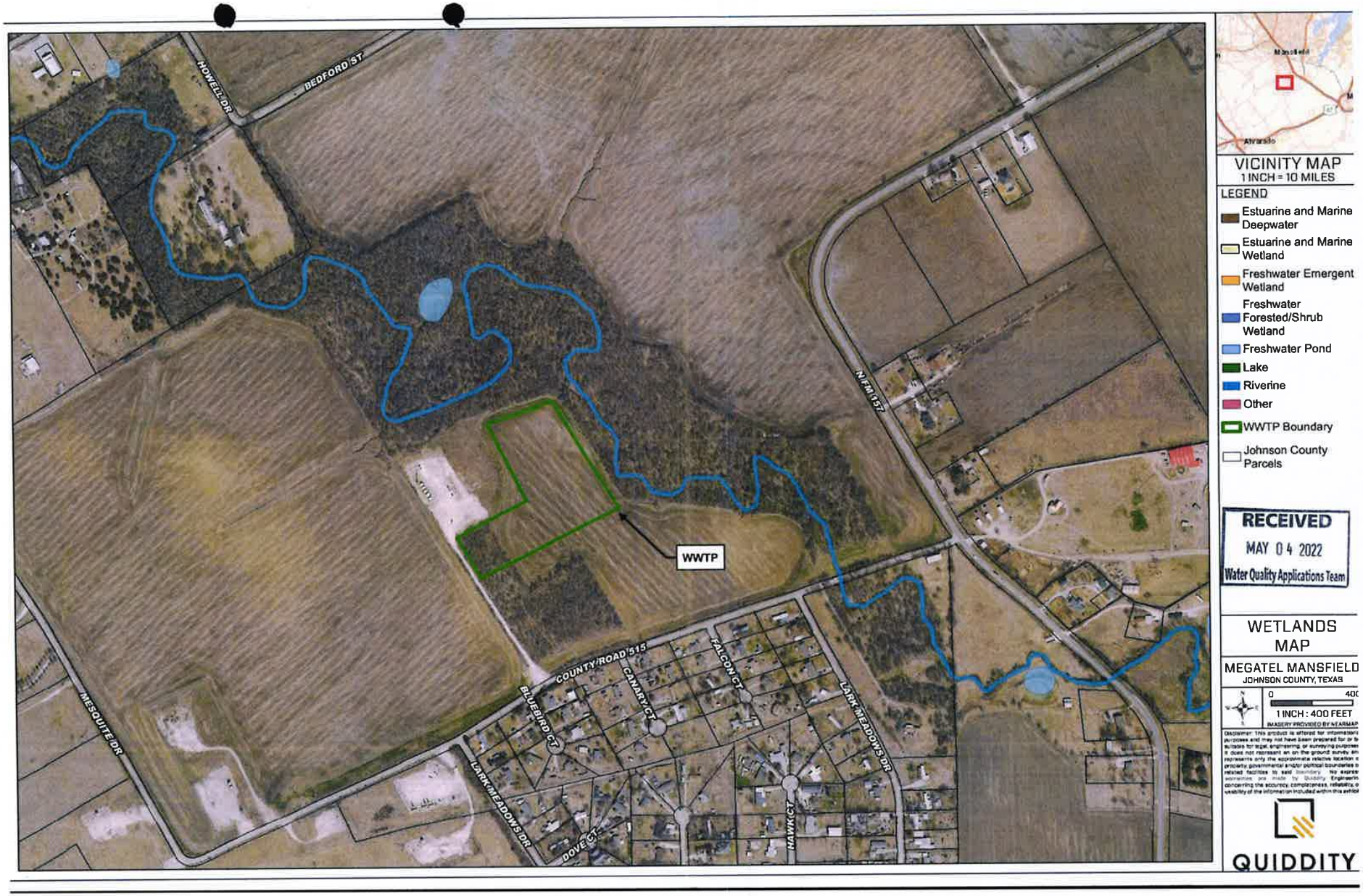
ATTACHMENT G

WETLANDS MAP

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY


HOWELL DR
BEDFORD ST
N FM 157
WWTP
COUNTY ROAD 515
BLUEBIRD CT
CANARY CT
FALCON CT
LARK MEADOWS DR
LARK MEADOWS DR
DOVE CT
HAWK CT
MESQUITE DR
Mansfield
Alvarado
VICINITY MAP
1 INCH = 10 MILES
LEGEND
Estuarine and Marine Deepwater
Estuarine and Marine Wetland
Freshwater Emergent Wetland
Freshwater Forested/Shrub Wetland
Freshwater Pond
Lake
Riverine
Other
WWTP Boundary
Johnson County Parcels
RECEIVED
MAY 04 2022
Water Quality Applications Team
WETLANDS MAP
MEGATEL MANSFIELD
JOHNSON COUNTY, TEXAS
0
400
1 INCH : 400 FEET
QUIDDITY

APP Ex. 00084

ATTACHMENT H

SUPPLEMENTAL TECHNICAL REPORT

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

SUPPLEMENTAL TECHNICAL REPORT

FOR THE WASTEWATER TREATMENT PLANT

DOMESTIC WASTEWATER PERMIT

FOR

MEGATEL HOMES, LLC

MANSFIELD TRACT WASTEWATER TREATMENT PLANT

IN

JOHNSON COUNTY, TEXAS



4/21/2022

APRIL 2022

JC Job No. 00006-0001-00

QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

I. INTRODUCTION

The purpose of this report is to provide additional information pertaining to items in the Domestic Administrative Report and The Domestic Technical Report for the permit application to the Megatel Mansfield Tract Treatment Facility in Johnson County, Texas. The proposed facility will be constructed to treat 0.2 million gallons per day (MGD) with an interim phase of 0.4 MGD and a final phase of 1.0 MGD.

II. LOCATION INFORMATION

See Section 10 of the Domestic Admin. Report 1.0 for specific location information. The proposed facility will be located 1.0 miles southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas, 76084. A USGS Map with the required site information is provided as Attachment B.

III. TREATMENT UNITS

(For Section 2 of Technical Report 1.0)

The proposed facility will be constructed with a design flow of 0.20 MGD. A detailed description of the treatment process is presented below:

The proposed Phase I plant will consist of package plant facilities that are designed and constructed to treat 0.20 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. An onsite lift station flows to the headworks passing through a manual bar screen. The influent then mixes with return activated sludge to create mixed liquor and flows through the aeration basin operated in the single-stage nitrification mode to consume organics and breakdown ammonia. From the aeration basin, the mixed liquor flows to the secondary clarifier for clarification. After clarification, the treated effluent flows to the chlorine contact basin for disinfection using sodium hypochlorite. The effluent then flows over a weir for flow measurement and into the receiving stream. Additional facilities include blowers, a non-potable water system, chemical disinfection system, and a stand-by generator.

The proposed Phase II plant will consist of facilities that are designed and constructed to treat 0.40 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. This phase includes two existing aeration basins, one existing clarifier, two existing multi-stage aerobic digesters, one existing chlorine contact basin, three existing centrifugal blowers, an existing non-potable water system, and an existing chlorine disinfection system. Phase II construction will include one elevated screening structure with manual bar screen and flow splitting weirs, two aeration basins, one clarifier, two multi-stage aerobic digesters, one chlorine contact basin, three centrifugal blowers, a non-potable water system, and a chlorine disinfection system. The sludge will be wet hauled after the aerobic digester stage.

The proposed Phase III plant will consist of facilities that are designed and constructed to treat 1.00 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. Phase III construction includes one elevated headworks with mechanical bar screen and flow splitting weirs, two aeration basins, two secondary clarifiers, two multi-stage aerobic digesters, one chlorine contact basin, four centrifugal blowers, a non-potable water system, a chlorine disinfection system, and a sulfur dioxide dechlorination system.

The discharge of the Megatel Mansfield Tract Wastewater Treatment Facility is to Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Reservoir Segment No. 0838, in the Trinity River Basin.

APP Ex. 00087

IV. DESIGN CALCULATIONS AND FEATURES

(For Section 2 of Technical Report 1.0 & Section 4 of Technical Report 1.1)

Design calculations are provided as part of this report on the following pages for all phases of construction.

The existing and proposed facilities will be equipped with design features to prevent overflows or bypassing of untreated wastewater. A backup diesel generator will be installed onsite with an automatic transfer switch to provide power to essential equipment in the event of a main power failure. The entire facility will also have an automatic telephone dialer that notifies the operator of pump failures, main power failures and high basin levels. The onsite lift station will maintain a redundant pump to protect against overflows in the event of a pump failure.

APP Ex. 00088

PHASE I – 0.20 MGD

I. SCOPE

The proposed Phase I plant will consist of facilities that are designed and constructed to treat 0.20 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. Construction includes one (1) manual bar screen, two (2) aeration basins, one (1) clarifier, two (2) multi-stage aerobic digesters, one (1) chlorine contact basin, three (3) centrifugal blowers, a non-potable water system, and a chlorine disinfection system.

II. PROPOSED WASTEWATER TREATMENT PLANT DESIGN

A. DESIGN CRITERIA

1. Proposed Effluent Limits.

   a. BOD_5 = 10 mg/l (daily average)

   b. TSS = 15 mg/l (daily average)

   c. NH_3-N = 3 mg/l (daily average)

   d. DO = 4 mg/l (weekly grab)

   e. E.coli = 126 CFU

2. Process Criteria. The process criteria are taken from 30 TAC §217, Design Criteria for Domestic Wastewater Systems.

   a. Maximum Aeration Basin Organic Loading ($lb\ BOD_5/day/1{,}000\ ft^3$) = 35

   b. Maximum Clarifier Surface Loading at Peak Flow ($gal/day/ft^2$) = 1,200

   c. Minimum Clarifier Detention Time (hours) = 1.8

   d. Maximum Clarifier Weir Loading at Peak Flow (gal/day/ft) = 20,000

   e. Minimum Chlorine Contact Detention Time at Peak Flow (minutes) = 20

   f. Mean Cell Residence Time in Aerobic Digester* (days) = 28*

   g. Minimum Air Required for Digester ($scfm/1{,}000\ ft^3$) = 20

*28-day SRT utilized instead of a 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

B. PROPOSED TREATMENT FACILITIES

1. Flow.

a.	Average (Design)	=	1.0Q	=	200,000 gpd	=	139 gpm
b.	Peak (2 hour)	=	4.0Q	=	800,000 gpd	=	556 gpm

2. Influent Composition

The following influent wastewater compositions are based on wastewater influent analysis.

BOD_5	=	250 mg/L
TSS	=	250 mg/L
NH_3-N	=	40 mg/L

3. Organic Loadings.

BOD_5	=	(0.20 MGD)(8.34)(250 mg/L)	=	417 lbs BOD_5/day
TSS	=	(0.20 MGD)(8.34)(250 mg/L)	=	417 lbs TSS/day
NH_3-N	=	(0.20 MGD)(8.34)(40 mg/L)	=	67 lbs NH_3-N/day

4. Process Equipment.

a. Aeration Basin. The proposed Phase I WWTP will consist of two (2) proposed aeration basins, sized at 12' wide by 52' long. The average water depth is assumed at 10.5'.

i. Total Required Volume

Required Volume Using Traditional Design Method (30 TAC §217 Guidelines)
(0.20 MGD)(8.34)(250 mg/L)/(35 lb BOD_5/1,000 ft^3)
= 11,914 ft^3

ii. Proposed Volume – Phase I
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

iii. Actual Organic Loading
(417 lb BOD_5/day)/(13,104 ft^3/1,000 ft^3) = 31.8 lb BOD_5/ day/1,000 ft^3

APP Ex. 00090

b. Secondary Clarifier. The proposed Phase I plant will consist of one (1) proposed 34' diameter clarifier with a side water depth of 10'.

i. Required Surface Area at Peak Flow
(800,000 gpd)/(1,200 gpd/ ft^2) = 667 ft^2

ii. Proposed Surface Area
$(\pi/4)(34\ ft)^2$ = 908 ft^2

iii. Surface Loading

1. At Design Flow
(200,000 gpd)/(908 ft^2) = 220 gpd/ft^2

2. At Peak Flow
(800,000 gpd)/(908 ft^2) = 881 gpd/ft^2

iv. Proposed Clarifier Weir Length
(Includes Launder Allowance)
$(\pi)(34\ ft - 2\ ft)$ = 101 ft

v. Proposed Weir Loading at Peak Flow
(800,000 gpd)/(101 ft) = 7,921 gpd/ft

vi. Proposed Clarifier Side Water Depth (to top of grout)

1. Proposed Clarifier Side Water Depth = 10 ft

vii. Hydraulic Detention Times at Peak Flow

1. Proposed Hydraulic Detention Time at Peak Flow
(908 ft^2)(10 ft)(7.48 gal/ ft^3)/(556 gal/min)
= 122 minutes
= 2.03 hours

c. Aerobic Digesters. The proposed Phase I WWTP will consist of two (2) multi-stage digesters sized at 12' wide by 52' long. The average water depth is assumed at 10.5'.

Assume one (1) pound of solids produced per pound of BOD_5 applied; solids are 70% volatile organics; 30% of the volatiles are destroyed during digestion; 15,000 mg/l MLSS concentration in the digester on average.

i. Digester Sizing

1. Solids Production
(417 lb BOD_5 /day)/(1 lb solids/1 lb BOD_5) = 417 lb solids/day

2. Digested Solids Production
(417 lb solid/day)(1-(0.3)(0.7)) = 329 lb solids/day

APP Ex. 00091

3. Average Solids in Digester
(329 lb solids/day + 417 lb solids/day)/2 = 373 lb solids/day

4. Total Solids in Digester for 28-day SRT*
(373 lb solids/day)(28 days) = 10,444 lb solids

ii. Required Volume
(10,444 lb solids)(10^6)/((8.34)(15,000 mg/l MLSS in digester)(7.48))
= 11,168 ft^3

iii. Proposed Volume – Phase I
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

*28-day SRT utilized instead of 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

d. Chlorine Contact Basin. The proposed Phase I plant will consist of one (1) proposed chlorine contact basin sized at 12' wide by 36' long. The maximum water depth is assumed to be 9 ft.

i. Required Volume at Peak Flow
(556 gpm)(20 min)/(7.48) = 1,485 ft^3

ii. Proposed Volume – Phase I
(12 ft)(36 ft)(9 ft) = 3,888 ft^3

iii. Actual Detention Time at Peak Flow
(3,888 ft^3)(7.48)/(556 gpm) = 52.3 minutes

e. Air Requirements.

i. The proposed Phase I plant will utilize coarse bubble aeration.

1. Air Required for Treatment

$$\frac{(1.2)(250\ mg/l\ BOD_5) + (4.3)(40\ mg/l\ NH_3\text{-}N)}{(250\ mg/l\ BOD_5)} = 1.9\ lb\ O_2/lb\ BOD_5$$

* 2.2 lb O_2/lb BOD_5 used instead per TCEQ minimum oxygen requirement for systems intended to nitrify.

2. Coarse Bubble Requirements

$$\frac{(250\ mg/l\ BOD_5)(8.34)(0.20\ MGD)(2.2\ lb\ O_2/\ lb\ BOD_5)(1.69)^{**}}{(0.0507^{*})(0.23)(0.075)(1440)} = 1,231\ scfm$$

* TCEQ Wastewater Oxygen Transfer Efficiency for Coarse Bubble aeration (0.65%/ft x (12) ft of submergence)
** TCEQ Chapter 217 Table F.5 Submergence Correction Factor

APP Ex. 00092

ii. Aerobic Digester
(13,104 ft^3)(20 scfm/1000 ft^3) = 262 scfm

iii. Chlorine Contact Basin
(3,888 ft^3)(20 scfm/1000 ft^3) = 78 scfm

iv. Miscellaneous Air Lifts
(4)(40 scfm) = 160 scfm

v. Total Air Requirements (Coarse Bubble)
1,231 scfm + 262 scfm + 78 scfm + 160 scfm = 1,731 scfm

f. Blower Capacities. The proposed Phase I plant will include three (3) proposed centrifugal blowers. The capacity is calculated at 5.5 psig discharge pressure at 100°F, 80% RH, and 14.64 psia inlet conditions.

i. Proposed Blower Capacity – Phase I
(3)(1,000 scfm) = 3,000 scfm

ii. Firm Blower Capacity with Largest Unit out of Service
(2)(1,000 scfm) = 2,000 scfm

g. Chlorination Equipment. Calculations are for 10% trade strength bleach (NaOCl) with a specific gravity of 1.159, has 10% availability chlorine by weight, 9.7 pounds per gallon.

i. Chlorine Solution Dosage Rate = 6 mg/l

ii. Required NaOCl Solution Feed Rate at Average Daily Flow
(0.20 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 12.0 gal/day

iii. Required NaOCl Solution Feed Rate at Peak Flow
(0.80 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 47.8 gal/day

iv. Maximum Bleach Storage
(Covered Storage)
(15 days)(12 gal/day) = 180 gal

v. Proposed Bleach Storage
(1)(150 gal) = 150 gal

One (1) 150-gallon bulk storage tank will be provided.

PHASE II – 0.40 MGD

I. SCOPE

The proposed Phase II plant will consist of facilities that are designed and constructed to treat 0.40 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. This includes two (2) existing aeration basins, one (1) existing clarifier, two (2) existing multi-stage aerobic digesters, one (1) existing chlorine contact basin, three (3) existing centrifugal blowers, an existing non-potable water system, and an existing chlorine disinfection system. Phase II construction includes one (1) elevated screening structure with manual bar screen and flow splitting weirs two (2) aeration basins, one (1) clarifier, two (2) multi-stage aerobic digesters, one (1) chlorine contact basin, three (3) centrifugal blowers, a non-potable water system, and a chlorine disinfection system.

II. PROPOSED WASTEWATER TREATMENT PLANT DESIGN

A. DESIGN CRITERIA

1. Proposed Effluent Limits.

   a. BOD_5 = 10 mg/l (daily average)

   b. TSS = 15 mg/l (daily average)

   c. NH_3-N = 3 mg/l (daily average)

   d. DO = 4 mg/l (weekly grab)

   e. E.coli = 126 CFU

2. Process Criteria. The process criteria are taken from 30 TAC §217, Design Criteria for Domestic Wastewater Systems.

   a. Maximum Aeration Basin Organic Loading ($lb\ BOD_5/day/1{,}000\ ft^3$) = 35

   b. Maximum Clarifier Surface Loading at Peak Flow ($gal/day/ft^2$) = 1,200

   c. Minimum Clarifier Detention Time (hours) = 1.8

   d. Maximum Clarifier Weir Loading at Peak Flow (gal/day/ft) = 20,000

   e. Minimum Chlorine Contact Detention Time at Peak Flow (minutes) = 20

   f. Mean Cell Residence Time in Aerobic Digester* (days) = 28*

APP Ex. 00094

g. Minimum Air Required for Digester (scfm/1,000 ft^3) = 20

*28-day SRT utilized instead of a 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

B. PROPOSED TREATMENT FACILITIES

1. Flow.

a. Average (Design) = 1.0Q = 400,000 gpd = 278 gpm

b. Peak (2 hour) = 4.0Q = 1,600,000 gpd = 1,111 gpm

2. Influent Composition

The following influent wastewater compositions are based on wastewater influent analysis.

BOD_5 = 250 mg/L

TSS = 250 mg/L

NH_3-N = 40 mg/L

3. Organic Loadings.

BOD_5 = (0.40 MGD)(8.34)(250 mg/L) = 834 lbs BOD_5/day

TSS = (0.40 MGD)(8.34)(250 mg/L) = 834 lbs TSS/day

NH_3-N = (0.40 MGD)(8.34)(40 mg/L) = 134 lbs NH_3-N/day

4. Process Equipment.

a. Elevated Headworks Screening. The proposed Phase III plant will consist of the construction of an elevated headworks with a manual bar screen and flow splitting structure capable of screening a peak flow of 1.6 MGD.

b. Aeration Basin. The proposed Phase II plant will consist of two (2) existing aeration basins and two (2) proposed aeration basins, sized at 12' wide by 52' long. The average water depth is assumed at 10.5 feet.

i. Total Required Volume

Required Volume Using Traditional Design Method (30 TAC §217 Guidelines)
(0.40 MGD)(8.34)(250 mg/L)/(35 lb BOD_5/1,000 ft^3)
= 23,829 ft^3

APP Ex. 00095

ii. Proposed Volume

1. Existing Volume – Phase I
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

2. Proposed Volume – Phase II
(2)(12 ft)(52 ft)(10.5 ft) = 13,104 ft^3

3. Total Volume = 26,204 ft^3

iii. Actual Organic Loading
(834 lb BOD_5/day)/(26,204 ft^3/1,000 ft^3) = 31.8 lb BOD_5/ day/1,000 ft^3

c. Secondary Clarifier. The proposed Phase II plant will consist of one (1) existing clarifier and one (1) proposed clarifier, each sized at 34' diameter. The side water depth in both clarifiers is 10'.

i. Required Surface Area at Peak Flow
(1,600,000 gpd)/(1,200 gpd/ ft^2) = 1,333 ft^2

ii. Proposed Surface Area

1. Existing Surface Area – Phase I
$(\pi/4)(34\ ft)^2$ = 908 ft^2

2. Proposed Surface Area – Phase II
$(\pi/4)(34\ ft)^2$ = 908 ft^2

3. Total Surface Area = 1,815 ft^3

iii. Surface Loading

1. At Design Flow
(400,000 gpd)/(1,815 ft^2) = 220 gpd/ft^2

2. At Peak Flow
(1,600,000 gpd)/(1,815 ft^2) = 882 gpd/ft^2

iv. Proposed Clarifier Weir Length

1. Existing – Phase I
$(\pi)(34\ ft - 2\ ft)^2$ = 3,217 ft

2. Proposed – Phase II
$(\pi)(34\ ft - 2\ ft)^2$ = 3,217 ft

3. Total = 6,434 ft

v. Proposed Weir Loading at Peak Flow
(1,600,000 gpd)/(6,434 ft) = 249 gpd/ft

vi. Proposed Clarifier Side Water Depth (to top of grout)

1. Existing Clarifier Side Water Depth = 10 ft

2. Proposed Clarifier Side Water Depth = 10 ft

vii. Hydraulic Detention Times at Peak Flow

1. Proposed Hydraulic Detention Time at Peak Flow – Phase II
$(1{,}608\ ft^2)(10\ ft)(7.48\ gal/\ ft^3)/(1{,}111\ gal/min)$
= 108 minutes
= 1.8 hours

d. Aerobic Digesters. The proposed Phase II plant will consist of two (2) existing multi-stage digesters and two (2) proposed multi-stage digesters sized at 12' wide by 52' long. The average water depth in all digesters is assumed at 10.5'.

Assume one (1) pound of solids produced per pound of BOD_5 applied; solids are 70% volatile organics; 30% of the volatiles are destroyed during digestion; 15,000 mg/l MLSS concentration in the digester on average.

i Digester Sizing

1. Solids Production
$(834\ lb\ BOD_5\ /day)/(1\ lb\ solids/1\ lb\ BOD_5)$ = 834 lb solids/day

2. Digested Solids Production
$(834\ lb\ solid/day)(1-(0.3)(0.7))$ = 659 lb solids/day

3. Average Solids in Digester
(659 lb solids/day + 834 lb solids/day)/2 = 747 lb solids/day

4. Total Solids in Digester for 28-day SRT*
(747 lb solids/day)(28 days) = 20,916 lb solids

ii. Required Volume
$(20{,}916\ lb\ solids)(10^6)/((8.34)(15{,}000\ mg/l\ MLSS\ in\ digester)(7.48))$
= $22{,}352\ ft^3$

iii. Proposed Volume

1. Existing Volume – Phase I
(2)(12 ft)(52 ft)(10.5 ft) = $13{,}104\ ft^3$

2. Proposed Volume – Phase II
(2)(12 ft)(52 ft)(10.5 ft) = $13{,}104\ ft^3$

3. Total Volume = $26{,}208\ ft^3$

*28-day SRT utilized instead of 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

e. Chlorine Contact Basin. The proposed plant will consist of one (1) existing chlorine contact basin and one (1) proposed chlorine contact basin, both sized at 12' wide by 36' long. The maximum water depth in both chlorine contact basins is assumed to be 9 ft.

i. Required Volume at Peak Flow
(1,111 gpm)(20 min)/(7.48) = 2,971 ft^3

ii. Proposed Volume

1. Existing Volume – Phase I
(12 ft)(36 ft)(9.0 ft) = 3,888 ft^3

2. Proposed Volume – Phase II
(12 ft)(36 ft)(9.0 ft) = 3,888 ft^3

3. Total Volume = 7,776 ft^3

iii. Actual Detention Time at Peak Flow
(7,776 ft^3)(7.48)/(1,11 gpm) = 52.3 minutes

f. Air Requirements.

i. The proposed Phase II plant will utilize coarse bubble aeration.

1. Air Required for Treatment

$$\frac{(1.2)(250\ mg/l\ BOD_5) + (4.3)(40\ mg/l\ NH_3\text{-}N)}{(250\ mg/l\ BOD_5)} = 1.9\ lb\ O_2/lb\ BOD_5$$

* 2.2 lb O_2/lb BOD_5 used instead per TCEQ minimum oxygen requirement for systems intended to nitrify.

2. Coarse Bubble Requirements

$$\frac{(250\ mg/l\ BOD_5)(8.34)(0.40\ MGD)(2.2\ lb\ O_2/\ lb\ BOD_5)(1.69)^{**}}{(0.0507^{*})(0.23)(0.075)(1440)} = 2,462\ scfm$$

* TCEQ Wastewater Oxygen Transfer Efficiency for Coarse Bubble aeration (0.65%/ft x (12) ft of submergence)
** TCEQ Chapter 217 Table F.5 Submergence Correction Factor

ii. Aerobic Digester
(26,208 ft^3)(20 scfm/1000 ft^3) = 524 scfm

iii. Chlorine Contact Basin
(7,776 ft^3)(20 scfm/1000 ft^3) = 156 scfm

iv. Miscellaneous Air Lifts
(6)(40 scfm) = 240 scfm

v. Total Air Requirements (Coarse Bubble)
2,462 scfm + 524 scfm + 156 scfm + 240 scfm = 3,382 scfm

g. Blower Capacities. The proposed Phase II plant will include three (3) existing centrifugal blowers and two (2) proposed centrifugal blowers. The capacity is calculated at 5.5 psig discharge pressure at 100°F, 80% RH, and 14.64 psia inlet conditions.

i. Existing Blower Capacity – Phase I
(3)(1,000 scfm) = 3,000 scfm

ii. Proposed Blower Capacity – Phase II
(2)(1,000 scfm) = 2,000 scfm

iii. Total Blower Capacity = 5,000 scfm

ii. Firm Blower Capacity with Largest Unit out of Service
(4)(1,000 scfm) = 4,000 scfm

h. Chlorination Equipment. Calculations are for 10% trade strength bleach (NaOCl) with a specific gravity of 1.159, has 10% availability chlorine by weight, 9.7 pounds per gallon.

i. Chlorine Solution Dosage Rate = 6 mg/l

ii. Required NaOCl Solution Feed Rate at Average Daily Flow
$\frac{(0.40\ MGD)(8.34)(6\ mg/L)}{((10\%)/1.159)(9.7\ lbs/gal)}$ = 23.9 lbs/day

iii. Required NaOCl Solution Feed Rate at Peak Flow
$\frac{(1.60\ MGD)(8.34)(6\ mg/L)}{((10\%)/1.159)(9.7\ lbs/gal)}$ = 95.7 lbs/day

iv. Maximum Bleach Storage
(Covered Storage)
(15 days)(23.9 gal/day) = 359 gal

v. Proposed Bleach Storage
(2)(150 gal) = 300 gal

Two (2) 150-gallon bulk storage tanks will be provided.

APP Ex. 00099

PHASE III – 1.00 MGD

I. SCOPE

The proposed Phase III plant will consist of facilities that are designed and constructed to treat 1.00 MGD and operate as suspended growth activated sludge process in a single-stage nitrification mode. Phase III construction includes one (1) elevated headworks with mechanical bar screen and flow splitting weirs, two (2) aeration basins, two (2) secondary clarifiers, two (2) multi-stage aerobic digesters, one (1) chlorine contact basin, four (4) centrifugal blowers, a non-potable water system, a chlorine disinfection system, and a sulfur dioxide dechlorination system.

II. PROPOSED WASTEWATER TREATMENT PLANT DESIGN

A. DESIGN CRITERIA

1. Proposed Effluent Limits.

   a. BOD_5 = 10 mg/l (daily average)

   b. TSS = 15 mg/l (daily average)

   c. NH_3-N = 3 mg/l (daily average)

   d. *E. coli* = 126 CFU

   e. DO = 4 mg/l (weekly grab)

2. Process Criteria. The process criteria are taken from 30 TAC §217, Design Criteria for Domestic Wastewater Systems.

   a. Maximum Aeration Basin Organic Loading ($lb\ BOD_5/day/1{,}000\ ft^3$) = 35

   b. Maximum Clarifier Surface Loading at Peak Flow ($gal/day/ft^2$) = 1,200

   c. Minimum Clarifier Detention Time (hours) = 1.8

   d. Maximum Clarifier Weir Loading at Peak Flow (gal/day/ft) = 20,000

   e. Minimum Chlorine Contact Detention Time at Peak Flow (minutes) = 20

   f. Mean Cell Residence Time in Aerobic Digester* (days) = 28*

   g. Minimum Air Required for Digester ($scfm/1{,}000\ ft^3$) = 20

*28-day SRT utilized instead of a 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

B. PROPOSED TREATMENT FACILITIES

1. Flow.

a.	Average (Design)	=	1.0Q	=	1,000,000 gpd	=	695 gpm
b.	Peak (2 hour)	=	4.0Q	=	4,000,000 gpd	=	2,778 gpm

2. Influent Composition

The following influent wastewater compositions are based on wastewater influent analysis.

BOD_5	=	300 mg/L
TSS	=	300 mg/L
NH_3-N	=	60 mg/L

3. Organic Loadings.

BOD_5	=	(1.00 MGD)(8.34)(300 mg/L)	= 2,502 lbs BOD_5/day
TSS	=	(1.00 MGD)(8.34)(300 mg/L)	= 2,502 lbs TSS/day
NH_3-N	=	(1.00 MGD)(8.34)(60 mg/L)	= 500 lbs NH_3-N/day

4. Process Equipment.

a. Elevated Headworks Screening. The proposed Phase III WWTP will consist of the construction of an elevated headworks with a mechanical bar screen and flow splitting structure capable of screening a peak flow of 4.0 MGD.

b. Aeration Basin. The proposed Phase III WWTP will consist of two (2) proposed aeration basins, sized at 35' wide by 65' long. The average water depth is assumed at 16'.

i. Total Required Volume

Required Volume Using Traditional Design Method (30 TAC §217 Guidelines)
(1.00 MGD)(8.34)(300 mg/L)/(35 lb BOD_5/1,000 ft^3)
= 71,486 ft^3

ii. Proposed Volume
(2)(35 ft)(65 ft)(16 ft) = 72,800 ft^3

iii. Actual Organic Loading
(2,502 lb BOD_5/day)/(72,800 ft^3/1,000 ft^3) = 34.4 lb BOD_5/ day/1,000 ft^3

APP Ex. 00101

c. Secondary Clarifier. The proposed Phase III WWTP will consist of two (2) proposed 50' diameter clarifiers with a side water depth of 14.5'.

i. Required Surface Area at Peak Flow
(4,000,000 gpd)/(1,200 gpd/ ft^2) = 3,333 ft^2

ii. Proposed Surface Area
(2)(π/4)(50 ft)^2 = 3,927 ft^2

iii. Surface Loading

1. At Design Flow
(1,000,000 gpd)/(3,770 ft^2) = 265 gpd/ft^2

2. At Peak Flow
(4,000,000 gpd)/(3,770 ft^2) = 1,061 gpd/ft^2

iv. Proposed Clarifier Weir Length
(Includes Launder Allowance)
(3)(π)(40 ft – 2 ft) = 358 ft

v. Proposed Weir Loading at Peak Flow
(4,000,000 gpd)/(358 ft) = 11,173 gpd/ft

vi. Proposed Clarifier Side Water Depth (to top of grout)

1. Proposed Clarifier Side Water Depth = 14.5 ft

vii. Hydraulic Detention Times at Peak Flow

1. Proposed Hydraulic Detention Time at Peak Flow
(4,772 ft^2)(14.5 ft)(7.48 gal/ ft^3)/(4,167 gal/min)
= 125 minutes
= 2.1 hours

d. Aerobic Digesters. The proposed Phase III WWTP will consist of two (2) multi-stage digesters sized at 40' wide by 65' long. The average water depth is assumed at 16'.

Assume one (1) pound of solids produced per pound of BOD_5 applied; solids are 70% volatile organics; 30% of the volatiles are destroyed during digestion; 15,000 mg/l MLSS concentration in the digester on average.

i Digester Sizing

1. Solids Production
(2,502 lb BOD_5 /day)/(1 lb solids/1 lb BOD_5) = 2,502 lb solids/day

APP Ex. 00102

2. Digested Solids Production
(2,502 lb solid/day)(1-(0.3)(0.7)) = 1,977 lb solids/day

3. Average Solids in Digester
(1,977 lb solids/day + 2,502 lb solids/day)/2 = 2,240 lb solids/day

4. Total Solids in Digester for 28-day SRT*
(2,240 lb solids/day)(28 days) = 62,720 lb solids

ii. Required Volume
(62,720 lb solids)(10^6)/((8.34)(15,000 mg/L MLSS in digester)(7.48))
= 81,794 ft^3

iii. Proposed Volume
(2)(40 ft)(65 ft)(16 ft) = 83,200 ft^3

*28-day SRT utilized instead of 40-day SRT for use of a multi-stage digester per EPA publication "Control of Pathogens and Vector Attraction in Sewage Sludge."

e. Chlorine Contact Basin. The proposed Phase III WWTP will consist of one (1) proposed chlorine contact basin sized at 24' wide by 60' long. The maximum water depth is assumed to be 10 ft.

i. Required Volume at Peak Flow
(2,778 gpm)(20 min)/(7.48) = 7,428 ft^3

ii. Proposed Volume
(24 ft)(35 ft)(10 ft) = 8,400 ft^3

iii. Actual Detention Time at Peak Flow
(8,400 ft^3)(7.48)/(2,778 gpm) = 22.6 minutes

f. Air Requirements.

i. The proposed plant will utilize coarse bubble aeration.

1. Air Required for Treatment

$$\frac{(1.2)(300\ mg/l\ BOD_5) + (4.3)(60\ mg/l\ NH_3\text{-}N)}{(300\ mg/l\ BOD_5)} = 2.06\ lb\ O_2/lb\ BOD_5$$

*2.2 lb O_2/lb BOD_5 used instead per TCEQ minimum oxygen requirement for systems intended to nitrify

2. Coarse Bubble Requirements

$$\frac{(300\ mg/l\ BOD_5)(8.34)(1.00\ MGD)(2.2\ lb\ O_2/\ lb\ BOD_5)(1.00)^{**}}{(0.0507^{*})(0.23)(0.075)(1440)} = 4,371\ scfm$$

APP Ex. 00103

* TCEQ Wastewater Oxygen Transfer Efficiency for Coarse Bubble aeration (0.65%/ft x (12) ft of submergence)
** TCEQ Chapter 217 Table F.5 Submergence Correction Factor

ii. Aerobic Digester
(83,200 ft^3)(20 scfm/1000 ft^3) = 1,664 scfm

iii. Chlorine Contact Basin
(8,400 ft^3)(20 scfm/1000 ft^3) = 168 scfm

iv. Miscellaneous Air Lifts
(4)(40 scfm) = 160 scfm

v. Total Air Requirements (Coarse Bubble)
4,371 scfm + 1,664 scfm + 173 scfm + 160 scfm = 6,368 scfm

g. Blower Capacities. The proposed plant will include four proposed centrifugal blowers. The capacity is calculated at 5.5 psig discharge pressure at 100°F, 80% RH, and 14.64 psia inlet conditions.

i. Proposed Blower Capacity
(4)(2,500 scfm) = 10,000 scfm

ii. Firm Blower Capacity with Largest Unit out of Service
(3)(2,500 scfm) = 7,500 scfm

h. Chlorination Equipment. Calculations are for 10% trade strength bleach (NaOCl) with a specific gravity of 1.159, has 10% availability chlorine by weight, 9.7 pounds per gallon.

i. Chlorine Solution Dosage Rate = 6 mg/l

ii. Required NaOCl Solution Feed Rate at Average Daily Flow
(1.00 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 59.8 gal/day

iii. Required NaOCl Solution Feed Rate at Peak Flow
(4.00 MGD)(8.34)(6 mg/L)
((10%)/1.159)(9.7 lbs/gal) = 239.2 gal/day

iv. Maximum Bleach Storage
(Covered Storage)
(15 days)(59.8 gal/day) = 897 gal

v. Proposed Bleach Storage
(2)(400 gal) = 800 gal

Two (2) 400-gallon bulk storage tank will be provided.

APP Ex. 00104

i. Dechlorination Equipment. Calculations are for 38% trade strength Sodium Bisulfite ($NaHSO_3$) with a specific gravity of 1.320, has 28% availability sulfur dioxide by weight, 11 pounds per gallon, and no noticeable degradation of strength after 30 days.

i.	Anticipated Chlorine Residual	=	2 mg/l
ii.	Sodium Bisulfate Dosage Rate (2 mg/L CL_2)(1.5 part $NaHSO_3$/part Cl_2)	=	3 mg/l
iii.	Required $NaHSO_3$ Feed Rate at Average Daily Flow (1.0 MGD)(8.34)(3 mg/L) (2.1692 lb SO_3/gal $NaHSO_3$)	=	11.5 gal/day
iv.	Required $NaHSO_3$ Feed Rate at Peak Flow (4.0 MGD)(8.34)(3 mg/L) (2.1692 lb SO_3/gal $NaHSO_3$)	=	46.1 gal/day
v.	Sodium Bisulfate Storage (Covered Storage) (15 days)(11.5 gal/day)	=	173 gal
v.	Proposed Sodium Bisulfate Storage (1)(200 gal)	=	200 gal

One (1) 200-gallon bulk storage tank will be provided. One (1) additional tank will be kept onsite at all times to comply with 30 TAC §217 requirements.

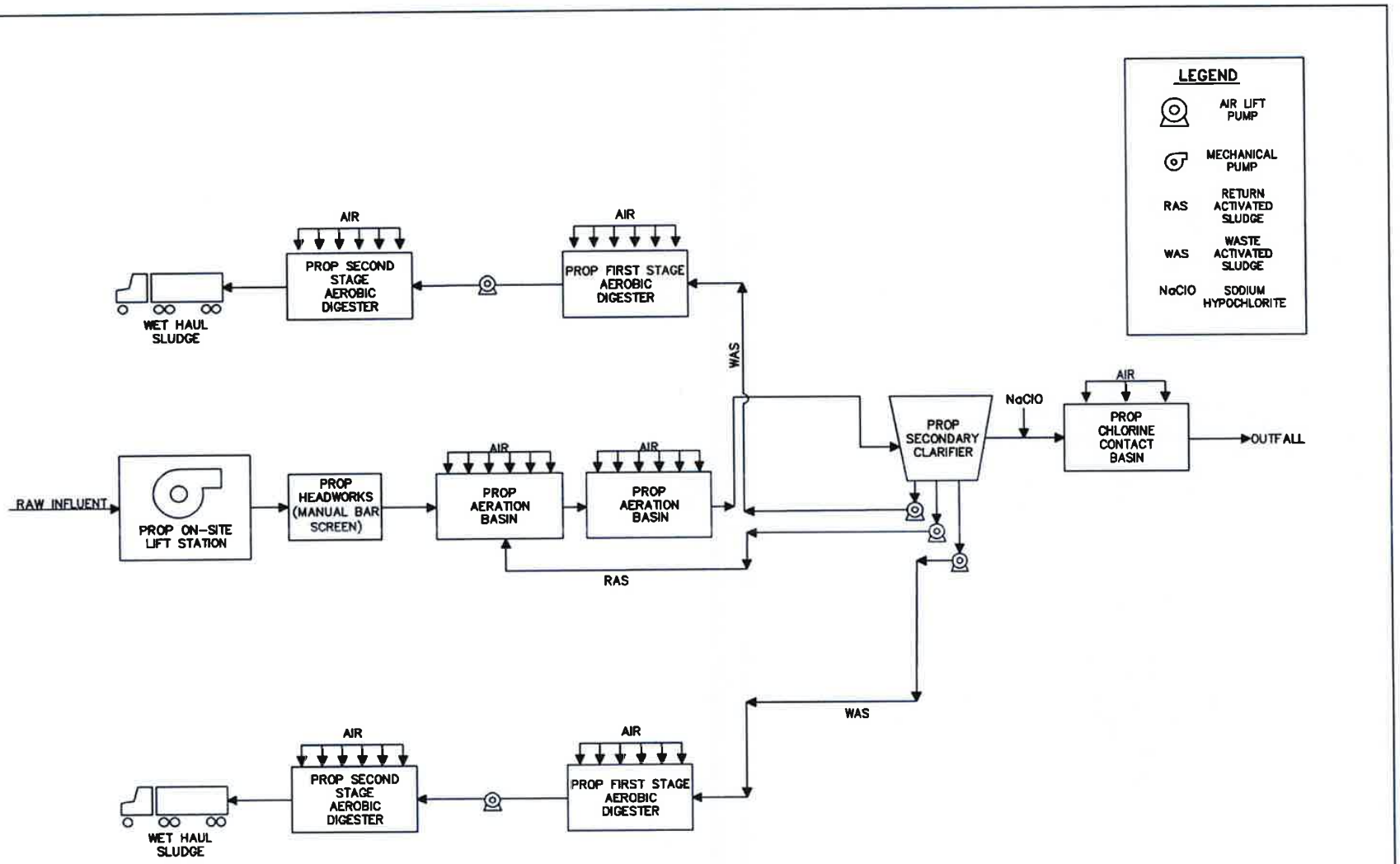
ATTACHMENT I

FLOW SCHEMATICS

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

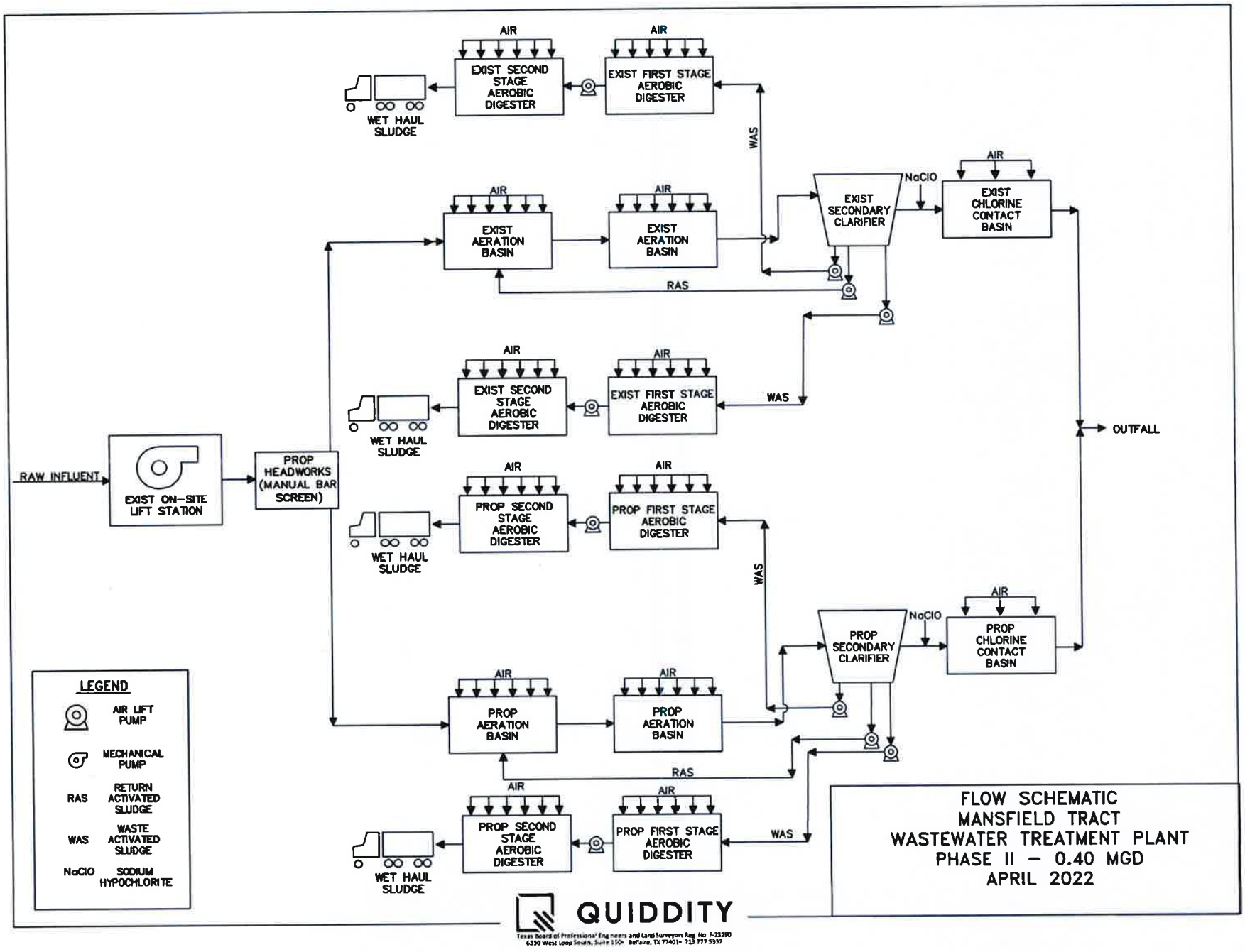
QUIDDITY



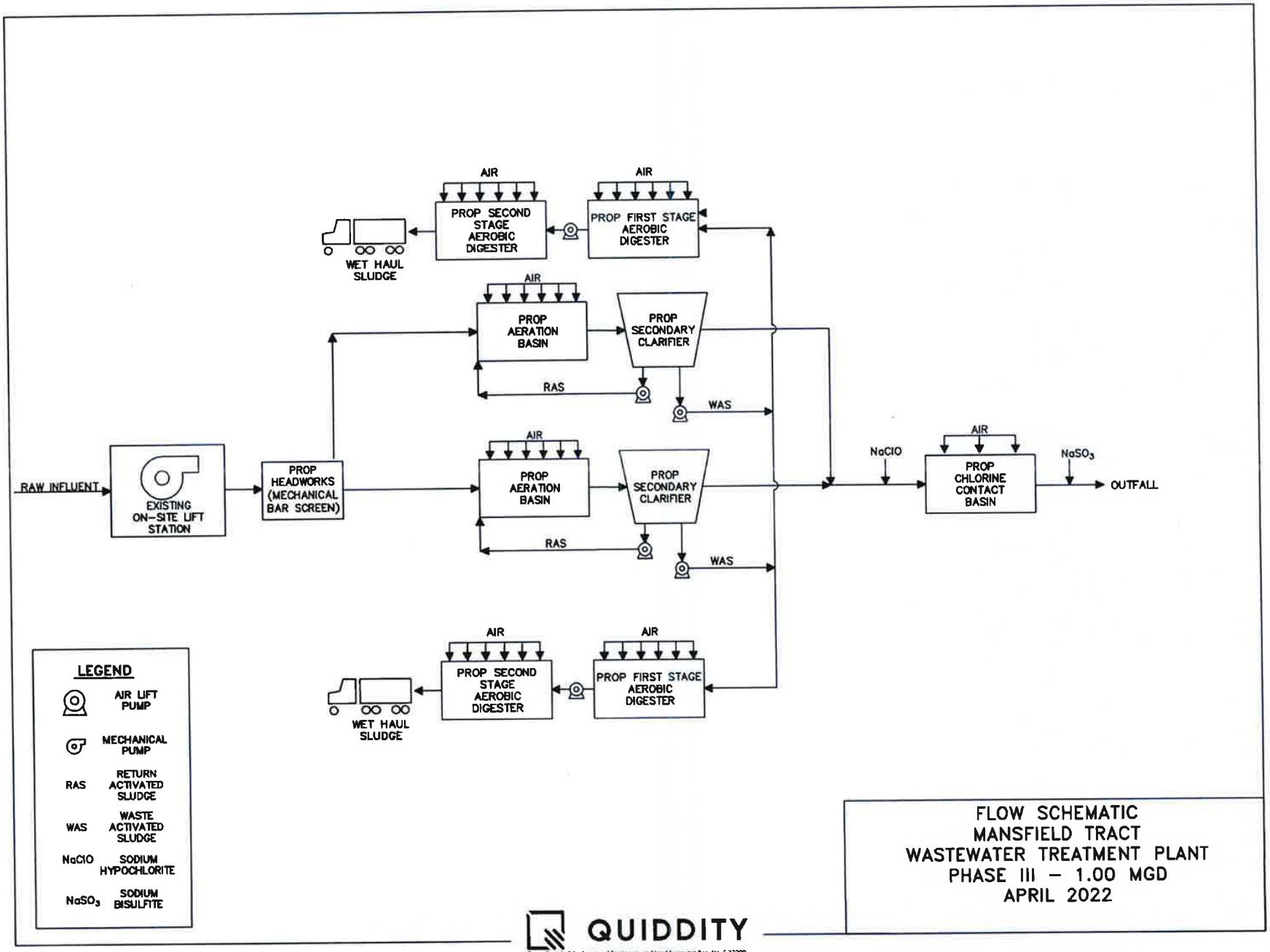
FLOW SCHEMATIC
MANSFIELD TRACT
WASTEWATER TREATMENT PLANT
PHASE I – 0.20 MGD
APRIL 2022

QUIDDITY
Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
6330 West Loop South, Suite 150• Bellaire, TX 77401• 713 777 5337

APP Ex. 00107


AIR
EXIST SECOND STAGE AEROBIC DIGESTER
EXIST FIRST STAGE AEROBIC DIGESTER
WET HAUL SLUDGE
WAS
EXIST AERATION BASIN
EXIST SECONDARY CLARIFIER
NaClO
EXIST CHLORINE CONTACT BASIN
RAS
OUTFALL
RAW INFLUENT
EXIST ON-SITE LIFT STATION
PROP HEADWORKS (MANUAL BAR SCREEN)
PROP SECOND STAGE AEROBIC DIGESTER
PROP FIRST STAGE AEROBIC DIGESTER
PROP AERATION BASIN
PROP SECONDARY CLARIFIER
PROP CHLORINE CONTACT BASIN
LEGEND
AIR LIFT PUMP
MECHANICAL PUMP
RAS RETURN ACTIVATED SLUDGE
WAS WASTE ACTIVATED SLUDGE
NaClO SODIUM HYPOCHLORITE
FLOW SCHEMATIC
MANSFIELD TRACT
WASTEWATER TREATMENT PLANT
PHASE II – 0.40 MGD
APRIL 2022
QUIDDITY
Texas Board of Professional Engineers and Land Surveyors Reg No F-23290
6330 West Loop South, Suite 150 Bellaire, TX 77401 713 777 5337

APP Ex. 00108


AIR
PROP SECOND STAGE AEROBIC DIGESTER
AIR
PROP FIRST STAGE AEROBIC DIGESTER
WET HAUL SLUDGE
AIR
PROP AERATION BASIN
PROP SECONDARY CLARIFIER
RAS
WAS
AIR
PROP AERATION BASIN
PROP SECONDARY CLARIFIER
RAS
WAS
RAW INFLUENT
EXISTING ON-SITE LIFT STATION
PROP HEADWORKS (MECHANICAL BAR SCREEN)
NaClO
AIR
PROP CHLORINE CONTACT BASIN
$NaSO_3$
OUTFALL
AIR
PROP SECOND STAGE AEROBIC DIGESTER
AIR
PROP FIRST STAGE AEROBIC DIGESTER
WET HAUL SLUDGE
LEGEND
AIR LIFT PUMP
MECHANICAL PUMP
RAS RETURN ACTIVATED SLUDGE
WAS WASTE ACTIVATED SLUDGE
NaClO SODIUM HYPOCHLORITE
$NaSO_3$ SODIUM BISULFITE
FLOW SCHEMATIC
MANSFIELD TRACT
WASTEWATER TREATMENT PLANT
PHASE III – 1.00 MGD
APRIL 2022
QUIDDITY
Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
6330 West Loop South, Suite 150 Bellaire, TX 77401 713.777.5337

APP Ex. 00109

ATTACHMENT J

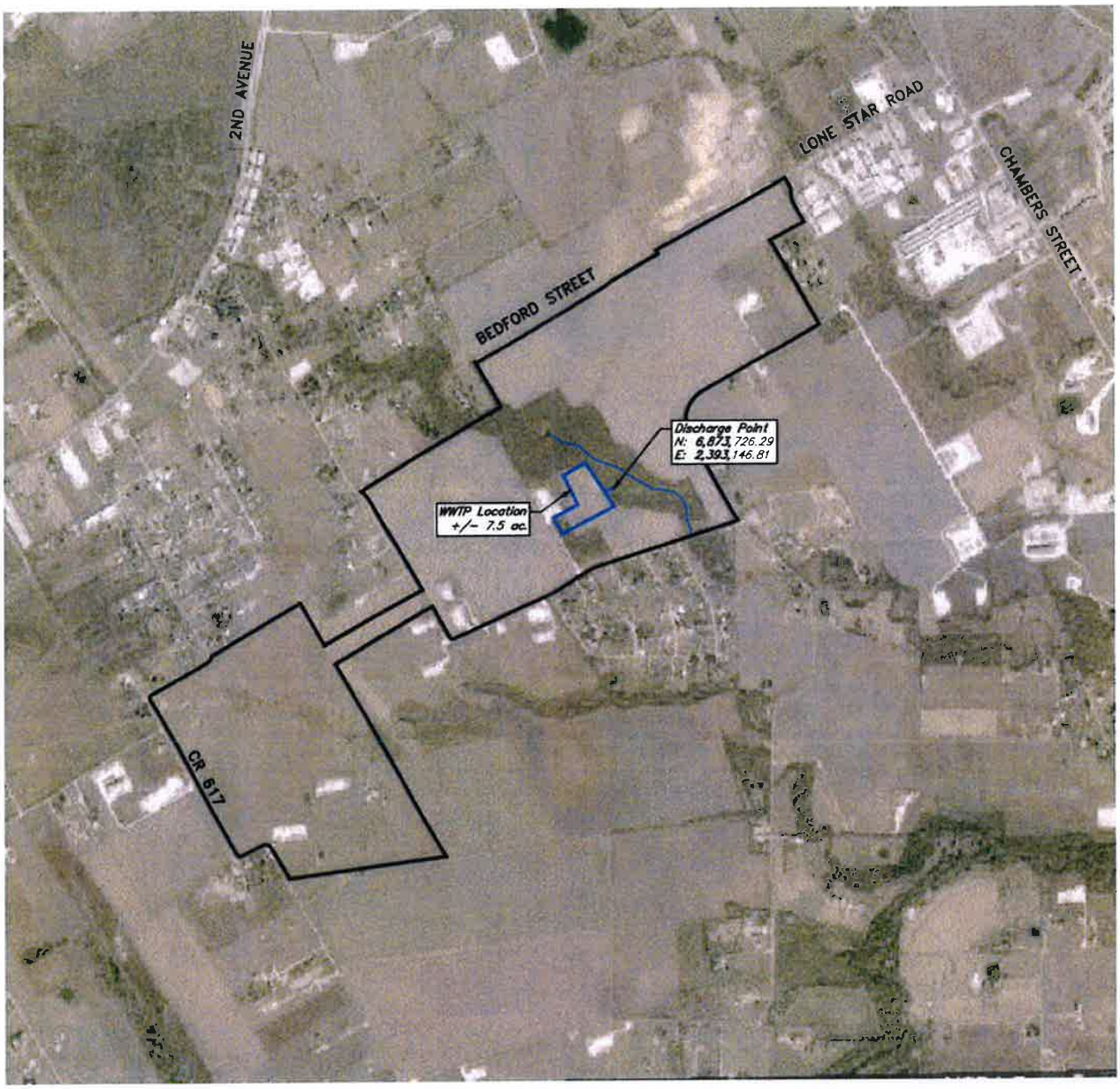
SERVICE AREA MAP

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

Megatel Homes - Mansfield Tract Wastewater Treatment Plant
Service Area Map



2000 0 1000 2000

SCALE: 1" = 2000'

LEGEND

- WWTP SERVICE AREA
- WWTP LOCATION

RECEIVED
MAY 04 2022
Water Quality Applications Team

MANSFIELD TRACT
BEING +/- 534 ACRES
TARRANT COUNTY, TEXAS

QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290
2805 Dallas Parkway, Suite 600 • Plano, Texas 75093 • 972.488.3880

JOB #: 00006-0001-00 KLT PAGE: 1 OF 1

APP Ex. 00111

ATTACHMENT K

JUSTIFICATION

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

JUSTIFICATION FOR PLANT CONSTRUCTION
MEGATEL HOMES, LLC

The Megatel Homes Mansfield Wastewater Treatment Plant will serve a residential tract located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

At build out, there will be 2,593 residential connections, 1,057 apartment unit connections, and 15 commercial connections. For design purposes, the wastewater flow for residential, apartment, and commercial connections is 300 gallons per day per connection (gpd/conn), 185 gpd/conn, and 3,750 gpd/conn, respectively.

Following is the connection and flow projection to complete build out:

Month / yr	Single family residential		Apartment Units		Commercial		Total	
	connections	flow (gpd)	connections	flow (gpd)	connections	flow (gpd)	connections	flow (gpd)
Jun-23	20	6,000	-	-	-	-	20	6,000
Jun-24	260	78,000	-	-	-	-	260	78,000
Jun-25	500	150,000	-	-	12	45,000	512	195,000
Jun-26	740	222,000	15	2,775	12	45,000	767	269,775
Jun-27	980	294,000	195	36,075	15	56,250	1,190	386,325
Jun-28	1,220	366,000	375	69,375	15	56,250	1,610	491,625
Jun-29	1,460	438,000	555	102,675	15	56,250	2,030	596,925
Jun-30	1,700	510,000	735	135,975	15	56,250	2,450	702,225
Jun-31	1,940	582,000	915	169,275	15	56,250	2,870	807,525
Jun-32	2,180	654,000	1,057	195,545	15	56,250	3,252	905,795
Jun-33	2,420	726,000	1,057	195,545	15	56,250	3,492	977,795
Jun-34	2,593	777,900	1,057	195,545	15	56,250	3,665	1,000,000

Following is the construction schedule for the current and final plant phases:

Proposed flow	Phase I	Phase II	Phase III
Design Flow (MGD)	0.2	0.4	1.0
2-Hr Peak Flow (MGD)	0.8	1.2	4.0
Date construction to commence	8/2022	6/2024	1/2026
Date construction completed and discharge begins	6/2023	4/2025	3/2027

ATTACHMENT L

SLUDGE MANAGEMENT PLAN

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

SLUDGE MANAGEMENT AND DISPOSAL PLAN
MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Megatel Homes, LLC.

The Mansfield Tract Wastewater Treatment Plant will be a 0.20 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 13,104 cubic feet (ft^3).

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.05	104
50	0.10	209
75	0.15	313
100	0.20	417

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 13,104 ft^3 digester will hold 12,262 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	82	149
50	165	74
75	247	50
100	329	37

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

SLUDGE MANAGEMENT AND DISPOSAL PLAN
MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Megatel Homes, LLC.

The Mansfield Tract Wastewater Treatment Plant will be a 0.40 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 26,208 cubic feet (ft^3).

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.10	209
50	0.20	417
75	0.30	626
100	0.40	834

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 26,208 ft^3 digester will hold 24,524 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	165	149
50	329	74
75	494	50
100	659	37

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

SLUDGE MANAGEMENT AND DISPOSAL PLAN
MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

INTRODUCTION

This sludge management and disposal plan is being submitted as an attachment to the TPDES permit application for Megatel Homes, LLC.

The Mansfield Tract Wastewater Treatment Plant will be a 1.0 MGD single stage nitrification activated sludge plant with effluent limits of 10 mg/l CBOD, 15 mg/l TSS, and 3 mg/l NH3-N.

DIMENSIONS AND CAPACITIES

Excess solids generated from the activated plant will be wasted to an aerobic digester for further treatment. The liquid stabilized sludge will then be hauled away to a TCEQ permitted land application site for disposal by a licensed sludge hauler. The digester has a volume of at least 83,200 cubic feet (ft^3).

SOLIDS GENERATION

Solids to be wasted from the activated sludge process is based on 1.0 pounds of TSS produced per pound of BOD applied. Following is the amount of solids generated by the wastewater treatment plant at design flow and at 75 percent, 50 percent and 25 percent of design flow:

Percent of Design Flow	Flow (MGD)	Solids Generated (lb/day)
25	0.25	626
50	0.50	1,251
75	0.75	1,877
100	1.00	2,502

OPERATING PARAMETERS

The single stage nitrification activated sludge process works best between mixed liquor suspended solids (MLSS) concentrations of 2,000 – 6,000 mg/l. The operator will determine the mixed liquor concentration that produces the highest quality effluent taking into consideration factors such as hydraulic and organic loading, available air capacity, and solids handling. Field testing and laboratory analysis will be done to monitor the MLSS and maintain the appropriate solids concentration.

SOLIDS REMOVAL PROCEDURE

Laboratory analysis and field testing will be conducted to determine the solids concentration in the aeration basin. To maintain an appropriate solids inventory, the amount of solids to be wasted per day is equal to the amount of solids generated per day. This amount is stated in the SOLIDS GENERATION section of this plan. Excess solids will then be wasted from the bottom of the clarifier directly to the aerobic digester to maintain the appropriate solids concentration in the aeration basin.

SOLIDS REMOVAL SCHEDULE

It is assumed that 70% of the solids wasted to the digester are volatile solids and the volatile solids reduction is 30%. For every pound of solids wasted to the digester, 0.79 pounds of solids will need to be disposed of by land application. In addition, it is assumed that the solids can be thickened to 15,000 mg/l in the digester. At this concentration, a 83,200 ft^3 digester will hold 77,854 pounds of solids. The capacity of the digester divided by the pounds per day of solids to be disposed of will give the sludge hauling schedule.

Percent of Design Flow	Solids Disposed (lb/day)	Hauling Schedule (days)
25	494	158
50	988	79
75	1,482	53
100	1,977	39

ULTIMATE SLUDGE DISPOSAL

Sludge will be liquid hauled from the plant by a TCEQ registered sludge transporter to a TCEQ permitted land application site or another wastewater treatment plant.

A manifest will be issued with each load of sludge that is hauled from the plant. The following information will be on the manifest to document ultimate disposal of the sludge:

1. Date of sludge hauling
2. Generator Name
3. Generator's address
4. Volume of sludge hauled
5. Name of transporter
6. TCEQ transporter registration number
7. Driver's name
8. Name of disposal site
9. TCEQ Site permit number
10. Date of disposal
11. Volume of sludge disposed

This information, along with laboratory and field data will be used to determine the amount of solids disposed of in dry weight form.

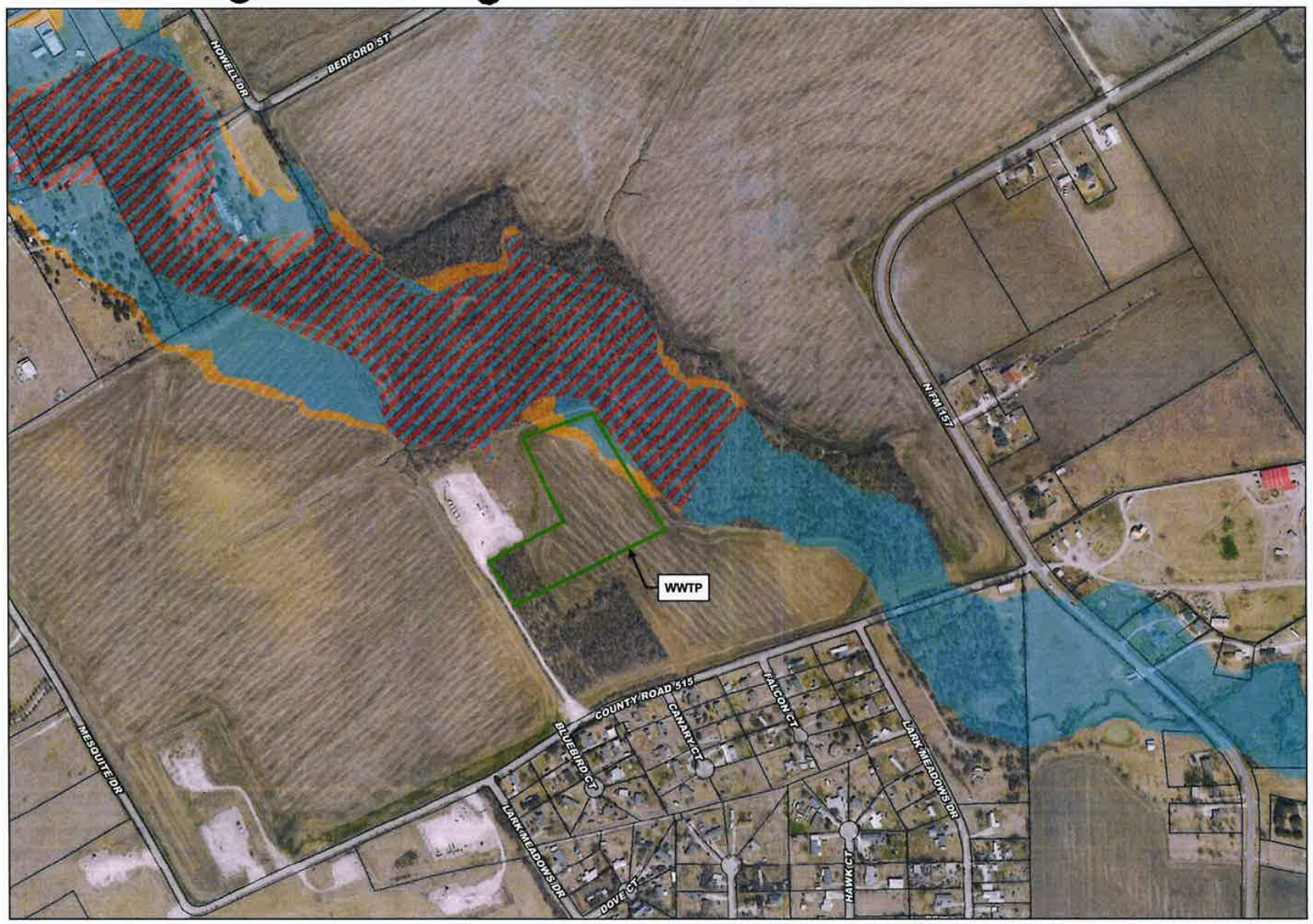
ATTACHMENT M

FEMA FLOOD MAP

MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY





VICINITY MAP
1 INCH = 10 MILES

LEGEND
- WWTP Boundary
- Floodway
- 100 Year
- 500 Year
- Johnson County Parcels

RECEIVED
MAY 04 2022
Water Quality Applications Team

FLOODPLAIN MAP

MEGATEL MANSFIELD
JOHNSON COUNTY, TEXAS

0 400
1 INCH : 400 FEET

IMAGE BY PROVIDED BY MYARMAP

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries and related facilities to said boundary. No express warranties are made by Quiddity Engineering concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

QUIDDITY

APP Ex. 00125

ATTACHMENT N

WINDROSE

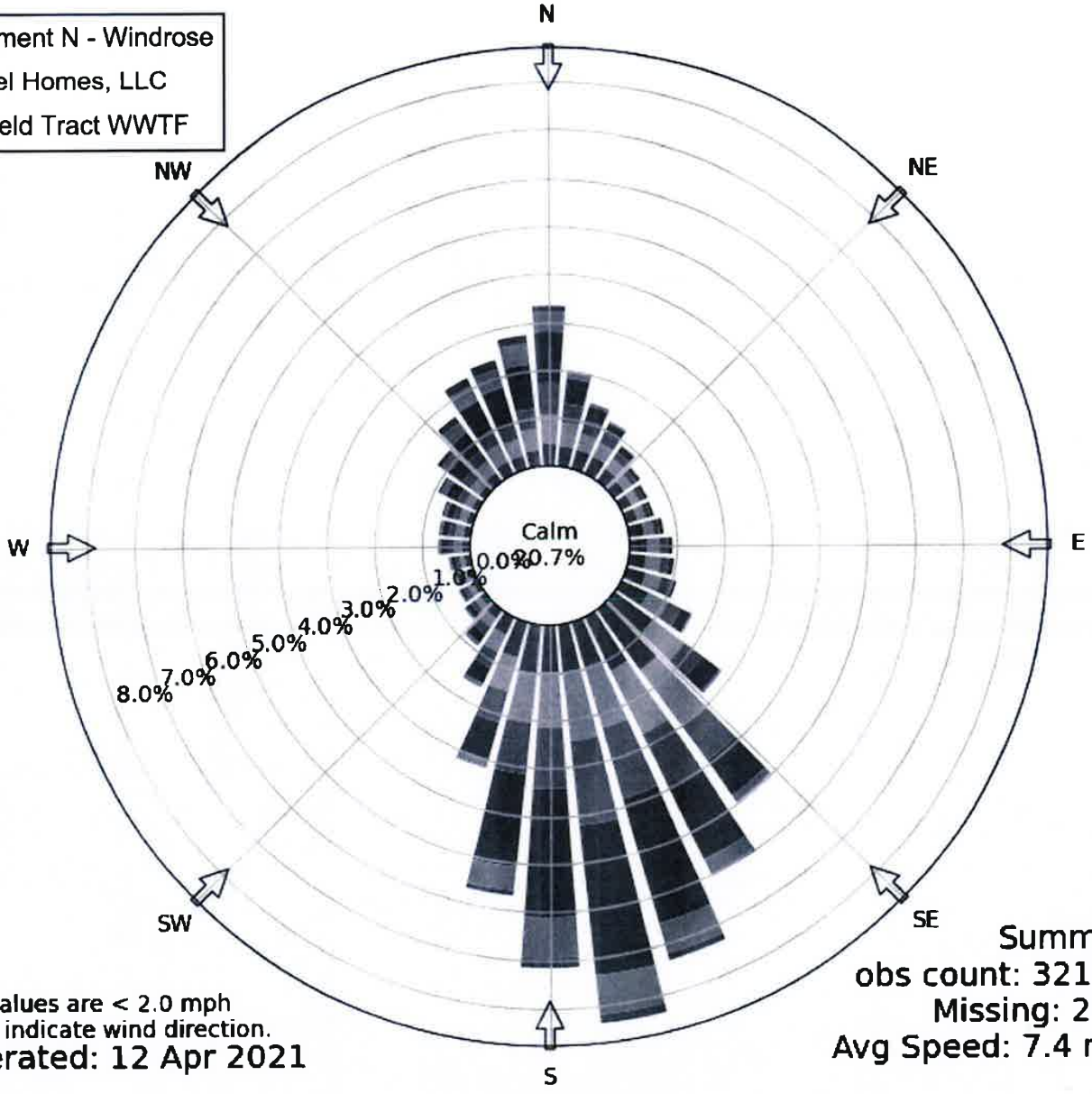
MEGATEL HOMES, LLC
MANSFIELD TRACT WASTEWATER TREATMENT PLANT

MAY 2022

QUIDDITY

[FWS] DFW NEXRAD
Windrose Plot
Time Bounds: 01 Mar 2002 07:47 AM - 12 Apr 2021 02:55 AM America/Chicago

Attachment N - Windrose
Megatel Homes, LLC
Mansfield Tract WWTF



Calm values are < 2.0 mph
Arrows indicate wind direction.
Generated: 12 Apr 2021

Summary
obs count: 321015
Missing: 2181
Avg Speed: 7.4 mph

Wind Speed [mph]
2 - 5 | 5 - 7 | 7 - 10 | 10 - 15 | 15 - 20 | 20+

APP – 2

TCEQ ED - Internal Administrative Application Processing Documentation

IINDUSTRIAL/MUNICIPAL APPLICATIONS ROUTE SHEET

New X

Major Amend___

Minor Amend___

Renewal_____

Major Facility X

Application Reviewer ✓ *Technical Reviewer*__

Final Flow ≥ *1MGD* 1.0

DATE APPLICATION RECEIVED 05/04/2022

PERMIT NUMBER 0016162001

PRE PREVIEW BY STANDARDS (RWA) 05/04/22 **N/A**_____
Route original application of new and major amendments, discharge only. The original application must be returned to the applications team within 4 hours of receipt.

PRE PREVIEW BY GROUNDWATER _____ **N/A** X
TLAP Only: Route copy of new and major amend.

PRE TECH REVIEW REQUIRED 05/04/22 **N/A**_____
Route copy of new, major amendments, major facilities or final flow ≥ 1MGD for Municipal.

COASTAL ZONE DETERMINATION _____ **N/A** X
Route copy of new application or major amendment when the facility is located in the noted county

COMMENTS ARE DUE TO APPLICATIONS TEAM BY CLOSING ON 05/16/2022

*PRE TECH REVIEW PERFORMED BY*_____

THE ATTACHMENT SHOULD BE PROVIDED TO THE APPLICATIONS TEAM AT THE END OF THE 5TH WORKING DAY

JL

Receiving Water Assessment Determination Form for new and amended TPDES permit applications

Submit to Standards Implementation Team for review.

WQ Permit Number 0016162001

Applicant Megatel Homes, LLC

Region 04 - DFW Metroplex

County Johnson

(X) **New Application** ( ) **Major Amendment**

Discharge route for 1 (one) mile from point of discharge does contain water affected by tidal?

( ) **Yes** ( ) **No**

Receiving Water Assessment Required ( ) **Yes** ( ) **No**

Segment _____

Discharge route description _____

Additional Comments _____

Standards reviewer name: _____ **Date:** _____

Receiving Water Assessment Determination Form for new and amended TPDES permit applications

Submit to Standards Implementation Team for review.

WQ Permit Number 16162-001

Applicant Megatel Homes,LLC

Region 4

County Johnson

(X) New Application **( ) Major Amendment**

Discharge route for 1 (one) mile from point of discharge does contain water affected by tidal?

( ) Yes **(X) No**

Receiving Water Assessment Required **( ) Yes** **(X) No**

Segment 0838

Discharge route description to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment 0838 of the Trinity River Basin

-Reece Branch is intermittent per aerial images and 1.9 mile to Mountain Creek

32.516803, -97.122361

Additional Comments USGS map, landowner map , and coordinates appear correct.

Standards reviewer name: Jenna R. Lueg **Date:** 5/12/2022

Receiving Water Assessment Determination Form for new and amended TPDES permit applications

Submit to Standards Implementation Team for review.

WQ Permit Number 16162-001

Applicant Megatel Homes,LLC

Region 4

County Johnson

(X) New Application **( ) Major Amendment**

Discharge route for 1 (one) mile from point of discharge does contain water affected by tidal?

( ) Yes **(X) No**

Receiving Water Assessment Required **( ) Yes** **(X) No**

Segment 0838

Discharge route description to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment 0838 of the Trinity River Basin

-Reece Branch is intermittent per aerial images and 1.9 mile to Mountain Creek

32.516803, -97.122361

Additional Comments USGS map, landowner map , and coordinates appear correct.

Standards reviewer name: Jenna R. Lueg **Date:** 5/12/2022

Coastal Zone Determination

(To Be Verified Upon Receipt Of The Application)

Permit Number 00161620 01 **County** Johnson

Indicate Type of Application:

☐ **Renewal** ☐ **Minor Amendment** ☐ **Major Amendment**

Is the facility on the Coastal Zone list?

☐ YES (Coastal Zone statement will be included in the "Notice of Draft Permit") (If a major amendment - statement will be included in the "Notice of Receipt")

☐ NO (Do not include statement in any notice)

☒ **New** ☐ **Major Amendment**

Is the facility located in one of the following counties?

☐ Aransas	☐ Galveston	☐ Kleberg	☐ San Patricio
☐ Brazoria	☐ Harris	☐ Matagorda	☐ Victoria
☐ Calhoun	☐ Jackson	☐ Nueces	☐ Willacy
☐ Cameron	☐ Jefferson	☐ Orange	
☐ Chambers	☐ Kenedy	☐ Refugio	

☐ YES Send the application to Water Quality Assessment Team for Coastal Zone Determination.

☒ NO No further review needed (Do not include statement in any notice)

Water Quality Assessment Team's determination:

Is the discharge in the Coastal Zone?

☐ YES Coastal Zone statement shall be included in the Admin Complete Notice

☐ NO Do not include statement in the Admin Complete Notice

Return to Applications Team by _____

Applicant & Their Contacts during Application Process
Mailing List for Notice

TCEQ Permit No. WQ0016162001

Applicant Information

Legal Name of Facility Owner: Megatel Homes, L.L.C.
Operator (if required to be co-permittee): N/A
Permit Mailing Address: 2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Customer No.: CN605490937 Regulated Entity No.: RN111496998

Contact Information

Applicant's Representative(S) or Contact Person during Application Process

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@quiddity.com

Mr. Alex Pfefferkorn
Land Development Manager
Quiddity Engineering
2805 Dallas Parkway, Suite 600
Plano, Texas 75093

Phone: 972-488-3880
Email: apfefferkorn@jonescarter.com

Notice To Be Published By

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@quiddity.com

Mailing Lists

Fixed State Mailing List (By Chief Clerk) SB 709 (X) N/A – Minor Amendment ()

County Mailing List: Johnson

City to Be Notified for Plant: Mansfield

City to Be Notified for Outfall and/or Disposal: Mansfield

Coastal Zone Management Plan () Yes (X) No (If **yes**, check notice rqmts for new & maj amend)

Notice to GLO () Yes (X) No

Adjacent/Downstream Landowners List plus Interested Persons

Landowner Mailing List Attached: (X) Yes () No

Bilingual Notice Required: () Yes (X) No

Notify Following County Judges Only If They Officially Requested To Be Notified Of All Permit Actions (Only Applies To Facilities with A Flow of 5 MGD or Greater): N/A

Applicant & Their Contacts during Application Process
Mailing List for Notice

TCEQ Permit No. WQ0016162001

Applicant Information

Legal Name of Facility Owner: Megatel Homes, L.L.C.
Operator (if required to be co-permittee): N/A
Permit Mailing Address: 2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Customer No.: CN605490937 Regulated Entity No.: RN111496998

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2022 JUN 13 AM 11 9
CHIEF CLERKS OFFICE

Contact Information

Applicant's Representative(S) or Contact Person during Application Process

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@quiddity.com

Mr. Alex Pfefferkorn
Land Development Manager
Quiddity Engineering
2805 Dallas Parkway, Suite 600
Plano, Texas 75093

Phone: 972-488-3880
Email: apfefferkorn@jonescarter.com

Notice To Be Published By

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Phone: 512-685-5156
Email: jnguyen@quiddity.com

Mailing Lists

Fixed State Mailing List (By Chief Clerk) SB 709 (X) N/A – Minor Amendment ()

County Mailing List: Johnson

City to Be Notified for Plant: Mansfield

City to Be Notified for Outfall and/or Disposal: Mansfield

Coastal Zone Management Plan () Yes (X) No (If **yes,** check notice rqmts for new & maj amend)

Notice to GLO () Yes (X) No

Adjacent/Downstream Landowners List plus Interested Persons

Landowner Mailing List Attached: (X) Yes () No

Bilingual Notice Required: () Yes (X) No

Notify Following County Judges Only If They Officially Requested To Be Notified Of All Permit Actions (Only Applies To Facilities with A Flow of 5 MGD or Greater): N/A

CHECK LIST FOR ADMIN REVIEW OF MUNICIPAL APPLICATION FOR PERMIT

Permit No. WQ00 16162001	**TX** 0142891	**MGD** 1.0
CN 605490937	**RN** 111496998	**County:** JOHNSON **Region No.** 4
Facility: ( ) Major (X) Minor	**App Rcvd Date:** 5/4/22	**Permit Expiration Date:** New
(X) Inactive ( ) Active	**Segment No.** 0838	

Note: A minor facility is generally one in which the final flow is less than 1.0 MGD.

Application Review Date: 05/18/22

[X] For **new and major amendment applications that propose surface water discharge**, the standards review for RWA comments is included.

[X] Coastal Zone sheet is included. – NO –

Fees or Penalties Owed: [X] No [ ] Yes Amount Owed: –

SECTION 1 APPLICATION FEES

Application Fees: The appropriate item checked **and** payment verified in receipt rpt or boexi rpt. Note: copies of checks should be removed and shredded.

Municipal Fees

Proposed/Final Phase Flow	New/Major Amend.	Renewals	Minor Amendment or Modification *without* Renewal
< .05 MGD	[ ] $350.00	[ ] $315.00	[ ] $150.00 (for any flow)
≥ .05 but < .10 MGD	[ ] $550.00	[ ] $515.00	
≥ .10 but < .25 MGD	[ ] $850.00	[ ] $815.00	
≥ .25 but < .50 MGD	[ ] $1,250.00	[ ] 1,215.00	
≥ .50 but < 1.0 MGD	[ ] $1,650.00	[ ] 1,615.00	
≥ 1.0 MGD	[X] $2,050.00	[ ] 2,015.00	

SECTION 2 TYPE OF APPLICATION

[X] The Type of application is marked

N/A [X] Reason for amendment or modification (if applicable).Also, check Tech. Report 1.1 Section 4 on page 3 (Unbuilt Phases) and Section 1.A on page 20 (Justification of permit need).

SECTION 3 FACILITY OWNER (APPLICANT) AND CO-APPLICANT

[X] Legal name of applicant is listed (***the owner of the facility must apply for the permit)***

N/A [X] Legal name of co-applicant is listed ***(if required to apply with facility owner)***

[X] Core Data Form (CDF) is provided. A separate CDF is required for each customer.

Section I – General Information

[X] Reason for submittal is marked.

[X] Customer (CN) and Regulated Entity (RN) Reference Nos. provided – verify with Central Registry

Section II – Customer Information

[X] Customer legal name is provided and it matches name on admin report

[X] Texas SOS/Filing number is provided – verify with SOS
[X] Texas State Tax ID is provided – verify with Texas Comptroller
[X] Type of customer is marked – refer to information below

[X] **Corporation:** Check with Secretary of State (SOS) at: https://direct.sos.state.tx.us/acct/acct-login.asp verify the entity status and charter number – print page. Verify correct legal spelling of applicant's name. Check spelling with SOS against the name listed in the application. (Permit must be issued in name as filed with SOS.) The applicant must be "**In existence and active**" before the application can be processed further.

[ ] **Those entities subject to state franchise taxes:** If applicable, check with Comptroller (website at: http://ecpa.cpa.state.tx.us/coa/coaStart.html. Verify the tax identification number is correct. Note: Non-profit organizations and partnerships are not subject to the state franchise tax.

[ ] **Individual: Complete Attachment 1 of Admin. Report 1.0** The complete legal name, including the middle name; and all other information is required. This info is required by Chapter 26.027C of the Texas Water Code. A separate form is required for each individual.

[ ] **Utility District:** Check IWUD to verify that district is not dissolved (inactive is O.K. to process)

[ ] **Trust**: A copy of an executed trust agreement is provided. Verify that applicant's name is the same as the name in the trust agreement. NOTE: Executed trust must show signatures of trustees or beneficiaries forming the trust and which county it is recorded in.

[ ] **Partnership**: Verify with Secretary of State (SOS) that partnership is registered, active, and has a filing number. Check spelling with SOS against the name submitted in Item 1; Check that SOS # is correct; Print page from SOS website. OR if the partnership is not listed with the SOS, a copy of the partnership agreement is provided by the applicant. The agreement must: give the name of the partnership as provided on the application for permit; list names of partners; bear signatures of the partners; state the terms of the partnership; and must be recorded in the county where the facility (plant) is located.

[ ] **Municipality/Governmental Agencies/School Districts:** City, County, ISD, Fed, etc. – applicable info is listed.

[ ] Other _____

[X] Number of employees is marked
[X] Customer role is marked
[X] Mailing address for the applicant is provided - verify on USPS website. This address is used on the permit.
[X] Email address is provided
[X] Telephone number is provided

Section III – Regulated Entity Information

[X] Regulated Entity Name is provided and it matches name on admin report
[X] Street address or location description of facility is adequately described. If different from current permit, new permit may be required. Use USPS website/GIS mapping to confirm street address
[X] The county where the facility is located is provided
[X] The name of the nearest city is provided
[X] The zip code is provided
[X] The longitude and latitude of the facility is provided – check mapit
[X] Primary SIC Code is provided
[X] Permit No. listed under appropriate programs- if not listed, add it

Section IV – Preparer Information

[X] Name, title, telephone number, and email address is provided

Section V – Authorized Signature

[X] Company name, title, printed name, phone number, signature, and date provided

SECTION 4 APPLICATION CONTACT INFORMATION

[X] Administrative and Technical contact name, address, electronic information provided

SECTION 5 PERMIT CONTACT INFORMATION

[X] Permit (2) contact names, addresses, electronic information provided

APP Ex. 00137

SECTION 6 BILLING INFORMATION

[X] Billing contact name, address, electronic information provided

SECTION 7 REPORTING INFORMATION

[X] DMR/MER contact name, address, electronic information provided

SECTION 8 NOTICE INFORMATION

N/A **Minor Amendment *without* Renewal** – NORI not required. Skip review of notice information.

[X] Name, address and phone number of one person responsible for publishing NORI is provided

[X] Method of sending NORI package is provided

[X] Name and phone number of contact to be in NORI is provided

[X] Location where application will be available is provided and is in the county where the facility is located - the location must be a building supported by taxpayer funds. Note: If discharge is directly into water body that borders two counties, application must be placed in a public facility in both counties and the notice must be published in both counties

VO – [X] Bilingual Items 1 – 5 are completed. If "Yes" to question 1 and "Yes" to either question 2, 3 or 4, then e.5 must be completed

SECTION 9 REGULATED ENTITY and PERMITTED SITE INFORMATION

[X] Regulated Entity No. is listed. If not, it's not a deficiency. It can be verified with Central Registry and PARIS.

[X] Name of project or site is provided. Should correspond to Item 22 on CDF.

[X] Owner of the facility identified in the application is the same as the name given in Section 3.A
NOTE: THE OWNER OF THE FACILITY IS REQUIRED TO APPLY FOR THE PERMIT
(Refer to legal policy memo for complete definition and discussion of facility.)

[X] Marked whether ownership of the facility is public, private or both

[X] Owner of the land where permitted facility is or will be located is the **SAME** as the applicant.

N/A [ ] The owner of the land on which the facility is located is **DIFFERENT FROM** the owner of the facility: A copy of a lease agreement or easement, with a term for the duration of the permit, between applicant and landowner, has been provided. See Lease Agreement/Easement Memo dated 2/14/06, that states that a lease is sufficient for pond systems, and that details the provisions that a lease agreement or easement must contain. OR, landowner can apply as a co-permittee. Lease must identify property by legal description or map.

Effluent Disposal Site Owner:

[ ] N/A - (no effluent disposal proposed)

[ ] If land disposal is authorized in permit or proposed, the applicant **OWNS** land on which site is located

N/A [ ] If applicant **DOES NOT OWN** land where site is located, a long-term lease agreement is provided which includes: a term of at least 5 years; is current or it includes an option to renew the term; is between the current applicant and the landowner; and includes description of property by legal description or map.
(For new TLAP permits only: A copy of an executed option to purchase agreement may be provided to show that applicant will have ownership of the land upon permit approval.)

Sewage Sludge Disposal Site Owner:

[ ] N/A - (no sludge disposal proposed)

[ ] If sludge is authorized in permit or proposed, the applicant **OWNS** land on which disposal site is located, otherwise lease is needed unless Class B sludge is land applied. Check the permit under Sludge Provisions to determine if sludge is authorized. Note: For BLU sludge application – lease is not needed; landowner just needs to sign sludge affidavit (if different from applicant)

IV

If sludge disposal is proposed or authorized in the permit, the applicant must also submit the applicable sludge forms.

SECTION 10 DISCHARGE INFORMATION

[X] Checked if treatment facility location in permit is correct.

[X] Checked if discharge info in permit is correct. If applicable, the discharge route description is adequately described and describes the discharge route to the nearest major watercourse. Changing the point of discharge and route from the

APP Ex. 00138

current permit description requires a major amendment

[X] The name of the city (or nearest city) where the outfall(s) is/will be located has been provided

[X] The county where the outfall is located is provided

[X] The longitude and latitude of the outfall is provided

[X] Marked item regarding authorization for discharge into a city, county, or state ditch. If applicable, correspondence is provided. Email TXDOT if discharge is to a **state** highway right-of-way or roadside ditch.

N/A [X] For a daily average flow of 5 MGD or more: the names of all counties located within 100 miles downstream from the point of discharge. These counties will be listed on contact sheet.

SECTION 11 DISPOSAL (TLAP) INFORMATION

[ ] The written location description of the disposal site is adequately described. **(NOTE: A CHANGE IN LOCATION OR INCREASE IN ACREAGE REQUIRES A MAJOR AMENDMENT. A decrease in acreage may also be a major amendment (due to flow rate) - check with permit writer)**

[ ] The name of the city (or nearest city) has been provided

[ ] The county where the disposal site is located is provided

[ ] The longitude and latitude of the disposal site is provided

[ ] The written flow of effluent from the facility to the effluent disposal site is adequately described

[ ] The nearest watercourse to the disposal site is listed

SECTION 12 MISCELLANEOUS INFORMATION

[X] Identified whether or not facility or discharge are on Indian land (If yes, we do not have permit authority.)

[X] For permits that allow sewage disposal the location description is adequately described. For an already-existing permit, check to see that the location has not changed

[X] Must indicate whether any former TCEQ employees who were paid for services regarding this application

[X] Fees or Penalties Owed: [X] No [ ] Yes - See page 1 of checklist

SECTION 13 ATTACHMENTS

N/A [X] Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.

[X] An ORIGINAL or equivalent FULL-SIZED USGS 7.5 minute topographic map (8½ x 11 acceptable for amendment and renewal applications) is provided and labeled showing: [X] applicant's property boundary [X] treatment facility boundaries [X] point of discharge [X] highlighted discharge route for three miles downstream or until it reaches a classified segment [X] scale [X] effluent disposal site(s) [X] pond(s) [X] sludge disposal/land application site [X] an area of not less than one mile in all directions of the site.

All original or equivalent full-sized maps must show:

[X] Color map [X] Clear contour lines [X] Upper left corner must identify map as USGS Department of the Interior Geological Survey [X] Lower left corner, datum & project information [X] Bottom, magnetic declination [X] Bottom, must show scale [X] Bottom, identify contour intervals [X] Bottom, national map accuracy std. statement [X] Bottom, show State of TX and quad location [X] Around map, lat and long coordinates [X] Bottom, quadrangle name [X] Bottom, must identify map date

SECTION 14 SIGNATURE PAGE

Note: The signature information below lists the proper signatories for the various entities and the current version of the application contains a paragraph referencing 30 TAC 305.44. The person signing the application verifies that he or she is authorized, under this rule, to sign the application. We must verify that the title meets the requirements or signatory authority has been delegated.

[X] **Original Signature Page is required.**

[X] **Signature must be properly notarized – check that signature date and notarized date are the same.**

Owner Co-Permittee

[ ]	[ ]	City - Elected official or principle executive officer of the city may be public works director.
[ ]	[ ]	Individual: only the individual signs for himself/herself.
[ ]	[ ]	Partnership: General Partner or exec officer
[X]	[ ]	Corporation: at least level of VP (CEO, Chairman of Board, Secretary can be equiv. to V.P., Member or General Manager for LLC, Manager of one or more manufacturing, production, or

APP Ex. 00139

operating facilities employing more than 250 persons - refer to 30 TAC 305.44)

[ ] [ ] Utility District: at least the level of vice president, on Board of Directors or District Manager
[ ] [ ] Water Authority: Regional managers.
[ ] [ ] Independent School Districts: at least level of the Assistant Superintendent or board members.
[ ] [ ] Governmental Agencies: Division Directors or Regional Directors.
[ ] [ ] Trust: The trustee that has been identified in the trust agreement.
[ ] [ ] Other: _____

ADMIN REPORT 1.1 For All New or Major Amendment Applications

SECTION 1 Affected Landowner Information -

Landowner Map:

[X] The applicant's complete property boundaries are delineated which includes boundaries of contiguous property owned by the applicant

[X] For domestic facilities, show the buffer zone and identify all of the landowners whose property is located within the buffer zone

[X] The property boundaries of the landowners surrounding the applicant's property have been clearly delineated on the map

[X] The location of the facility within applicant's property is shown.

For TPDES applications:

[X] The point(s) of discharge is clearly identified on the map and the discharge route(s) is highlighted.

[X] The scale of map is provided to measure one mile downstream **or** if discharge is into a lake, bay estuary, or affected by tides, ½ mile up & down stream is measured.

[X] The property boundaries of landowners adjacent to the discharge route(s) for one mile downstream from the point of discharge have been clearly delineated and the route is clearly delineated. **OR** If discharge is into a lake, bay estuary, or affected by tides, the property boundaries of landowners ½ mile up & downstream and those property owners across the lake along the shore line that fall within a ½ mile radius of the point of discharge are clearly delineated on the map.

For TLAP applications (i.e., irrigation, evaporation, etc.):

[ ] The boundaries of the disposal site is clearly identified on the map.
[ ] The boundaries of all landowners surrounding the disposal site.

[X] Cross-referenced list of landowners is provided.
[ ] Disk or four sets of labels were provided
[X] Source of landowners' info was provided.
[X] Provided response regarding permanent school fund land. If information filled out on General Land Office, then indicate so on the contact sheet.

SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

[X] SPIF is provided - **TPDES only**

TECHNICAL REPORT – MUNICIPAL/DOMESTIC APPLICATIONS

[ ] **Minor Amendment *without* Renewal.** Review not required. Just make sure report is provided.

APP Ex. 00140

THE FOLLOWING ITEMS APPLY TO ALL APPLICATIONS:

[X] The permitted or proposed design flow is indicated. Flow for Final Phase is used to determine application fee and in the notice.

N/A [ ] If flow indicated is greater than permitted, a major amendment is required.
New [ ] If flow amount is less than permitted amount, confirm with applicant that they are requesting to reduce the flow.

[X] The permit authorizes irrigation/evaporation/subsurface disposal method ***(Check current permit "Other Requirements" to see if authorized)*** or if proposed, the information has been addressed in the technical report. Verify the acreage. If the acreage has changed from what is currently permitted, a major amendment is required.

The applicable worksheets must be completed:

[X] Worksheet 3.0 - required for land disposal of effluent
[ ] Worksheet 3.1 - required for land disposal (new and major amendment only)
[ ] Worksheet 3.2 - required for subsurface land disposal (new and major amendment only)
[ ] Worksheet 3.3 - required for subsurface area drip dispersal systems (SADDS) (new and major amendment); may be required for renewal on a case-by-case basis.

[ ] SADDS Applications: Compliance history items must be completed for SADDS disposal. When the application is administratively complete, a copy of the application and a transmittal letter must be sent to the State Department of Health Services. See the folder titled "SADDS" (under the Individual Permit Review folder) for a template of the letter.

[X] Worksheet 7.0 – required for SADD applications (new and major amendment only) - We do not review the form; we just make sure that it is submitted. If it is not submitted, request it in a NOD.

[ ] Sludge disposal and/or land application is authorized in the permit on property owned or under applicant's control. ***(Check current permit "Sludge Provisions" to see if authorized)***

If facility is beneficially applying class B sludge on the same site as the facility, the applicant must submit the Beneficial Land Use of Sewage Sludge (Class B) Permit Application - Form No. 10451 (See Class B Sludge Permit checklist). The applicant must also submit the appropriate sludge application fee.

If authorization is for sludge processing, storage, disposal, composting, marketing and distribution of sludge, sludge surface disposal, or sludge monofill or for temporary storage in sludge lagoons, the applicant must submit the Domestic Wastewater Permit Application: Sewage Sludge Technical Report – Form No. 10056.
Check for:

[ ] required signatures (if applicable)
[ ] site acreage [ ] acreage application area [ ] site boundaries shown on USGS map

Notes: If the applicant is disposing or land applying sludge on land owned or under their control, but it is not authorized in their permit or by any other TCEQ authorization, a major amendment is required.

If the application is for a new permit or major amendment, then you need to check for the appropriate affected landowner requirements.

APP Ex. 00141

WHEN APPLICATION IS NOT ADMINISTRATIVELY COMPLETE:

☑ Complete NOD. See NOD SOP

WHEN APPLICATION IS ADMINISTRATIVELY COMPLETE:

☑ Complete NORI package. See NORI SOP
NORI not required for minor amendment. Complete the Routing and Contact (list "n/a" for item regarding person responsible for publication of the notice) Blue sheets only.

☒ Prepare SPIF forms (only for TPDES permits)
- ☒ checked application type
- ☒ entered county name
- ☒ entered administrative completeness date
- ☒ ensured permit number is on form
- ☒ *check agency receiving SPIF
  Minor amendments - ALL agencies **BUT** Texas Historical Commission and Army Corps of Engineers
  Renewals – All agencies **BUT** Texas Historical Commission
  New and Major Amendments – All agencies
- ☒ check that the segment number (if known) is entered in receiving water body information.
- ☒ On the accompanying map, delineate the discharge route in such a way that copies will reflect the highlighted discharge route.

***NOTE:** Copy of SPIFs not required for Houston – US Fish and Wildlife and Galveston-US Army Corps of Engineers

Admin Complete PARIS Entry and Other Reminders

WQ Folder - Application Search

Application Summary Tab–verify application info

Admin Review Tab

- Admin Review Begin Date
- Admin Complete Date
- SPIF
- NORI

Public Participation Tab – No longer required to enter public notice details. See Katherine's email dated 3/30/2017.

CR Folder – RE Search

AI Detail Screen–verify facility info

Enter Contact Info – Contact List

- Owner
- Applicant
- Technical
- Billing
- MER (TLAP only)
- Remove CN affiliation for MER contact (TLAP and TPDES)
- Verify TX No. (EPA ID) is associated to CN

OTHER

- Copy notice, and labels if New and Major Amendment, to I/Drive
- Copy contact sheet to I/Drive
- SADDS – Application to Dept. of Health Services
- Email TXDOT if discharge is to a state highway right-of-way or roadside ditch.

Additional ID Detail	Map It	Copy Map It URL			
Additional ID Program:	WWPERMIT		Legacy System (Code):	(WQ)	
Additional ID:	WQ0016162001	Status:	PENDING	ID Type:	PERMIT
Name:	MANSFIELD TRACT WWTF			Sec. Addn Id:	TX0142891, EPA ID
Physical Address:	Not on file				
Description:	1.0 MILES SW OF THE INTERSECTION OF BEDFORD ST & NORTH FM RD 157				
County:	JOHNSON	Region:	REGION 04 - DFW METROPLEX		
Nearest City:	MANSFIELD	State:	TX	Nearest Zip:	
Latitude:	32° 31 min 1 sec (32.516944)		Longitude:	97° 7 min 26 sec (-97.1238)	

0 Records

Industry Types			
Classification System	Code	Name	Primary Flag

1-1 of 1 Record

Site Classifications				
Program	Site Classification	Begin Date	End Date	CMS Min Freq Qty
WASTEWATER	DOMESTIC MINOR	05/4/2022	12/31/3000	0

1-1 of 1 Record

Customers		List All
CN Number	Name ▲	Role
CN605490937	MEGATEL HOMES LLC	OWNOPR

1-1 of 1 Record

Issued To			
CN Number	Issued To Name	Start Date	View 'Issued To' History
CN605490937			View

Regulated Entity					
Reference Number:	RN111496998	Name:	MANSFIELD TRACT WWTF	Stand-Alone:	N
Business Description:	TREATMENT OF MUNICIPAL WASTEWATER				

Location					
Address:	Not on file				
Description:	1.0 MILES SW OF THE INTERSECTION OF BEDFORD ST & NORTH FM RD 157				
County:	JOHNSON		Region:	REGION 04 - DFW METROPLEX	
Nearest City:	MANSFIELD	State:	TX	Nearest Zip:	
Latitude:	32° 31 min 1 sec (32.516944)		Longitude:	97° 7 min 26 sec (-97.1238)	

© 2002-2022 Texas Commission on Environmental Quality
Last Modified 2021-10-20 - Production v2.0.12

TEXAS SECRETARY of STATE
JOHN B. SCOTT

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number:	802936050	**Entity Type:**	Domestic Limited Liability Company (LLC)
Original Date of Filing:	February 13, 2018	**Entity Status:**	In existence
Formation Date:	N/A		
Tax ID:	32019741233	**FEIN:**	
Duration:	Perpetual		

Name: Megatel Homes, L.L.C.
Address: 1800 VALLEY VIEW LN STE 400
Farmers Branch, TX 75234-8923 USA

REGISTERED AGENT | FILING HISTORY | NAMES | MANAGEMENT | ASSUMED NAMES | ASSOCIATED ENTITIES | INITIAL ADDRESS

Name	Address	Inactive Date
Hesse & Hesse, PC	5560 Tennyson Parkway Suite 250 Plano, TX 75024 USA	

Order | Return to Search

Instructions:
- To place an order for additional information about a filing press the 'Order' button.

Franchise Tax Account Status

As of : 05/18/2022 13:31:28

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

MEGATEL HOMES, L.L.C.

Texas Taxpayer Number	32019741233
Mailing Address	2101 CEDAR SPRINGS RD STE 700 DALLAS, TX 75201-1504
Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	02/14/2018
Texas SOS File Number	0802936050
Registered Agent Name	HESSE & HESSE, PC
Registered Office Street Address	5560 TENNYSON PARKWAY SUITE 250 PLANO, TX 75024

Water Quality Receipt Report

MAY-17-22 09:00 PM

Paid In By: 04 RCR HEMPSTEAD RAIL LP

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M118776A		CK	1062		07-JUN-21	-$800.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M118776B		CK	1062		07-JUN-21	-$50.00

Paid In By: 100 TENNESSEE TOWNSHIP LTD

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M210787A		CK	1026		28-JAN-22	-$800.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M210787B		CK	1026		28-JAN-22	-$50.00

Paid In By: 12750 ALDINE WESTFIELD LP

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M108348	15868001	CK	1053		29-DEC-20	-$100.00

Paid In By: 133 LONE WOLF LTD

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M201944A	16057001	CK	87		22-OCT-21	-$1200.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M201944B	16057001	CK	87		22-OCT-21	-$50.00

Paid In By: 4 L PROCESSING

Acct.Name	Fee	Endorse. #	Ref#2	PayTyp	Check#	Card#	Tran.Date	Rec.Amnt
WATER QUALITY PERMIT APPLICATION	WQP	M020909A	05165000	CK	3955		17-JUN-20	-$1200.00
NOTICE FEES WQP WATER QUALITY PMT	PTGQ	M020909B	05165000	CK	3955		17-JUN-20	-$15.00

APP Ex. 00147



Basis 2 A/R Outstanding Past Due Transactions Detail Report By Customer Name

MAY-18-22 06:30 AM

Customer Name: MEGARGEL INVESTMENTS INC
Account #: 0033149A **Debtcollpath Stage:** WHOLD:REFERRED,UNCOL:EXHAUST **Calls:**

AST	SC2509-003	LATE FEE FOR AST0096184		0000057975	10-MAY-05	10-JUN-05	$.39
AST	SC2510-001	LATE FEE FOR AST0114223		0000057975	09-JUN-05	09-JUL-05	$.39
AST	SC2510-002	LATE FEE FOR AST0104883		0000057975	09-JUN-05	09-JUL-05	$.39
AST	SC2510-003	LATE FEE FOR AST0096184		0000057975	09-JUN-05	09-JUL-05	$.39

Total of delinquent transactions (Account): $289.53

Total of delinquent transactions (Customer): $289.53

Customer Name: MEHREEN CLEANERS LLC
Account #: 24003322 **Debtcollpath Stage:** WHOLD:REFERRED **Calls:**

DCR	DCR0222165	DRY CLEAN REG FEE 1	FY20Q	DCR11688	31-DEC-19	31-JAN-20	$62.50
DCR	DCR0221810	DRY CLEAN REG FEE 1	FY20Q	DCR10653	31-DEC-19	31-JAN-20	$62.50
DCR	SC00257109	LATE FEE - MAR 2020			10-MAR-20	10-MAR-20	$6.24

Total of delinquent transactions (Account): $131.24

Total of delinquent transactions (Customer): $131.24

Customer Name: MEHROZ ENTERPRISES INC
Account #: 23712101 **Debtcollpath Stage:** ATTGEN:REFENF **Calls:** PPLAN

WDV	WDV0092033	ADMIN PENALTY	FY22	191061PSTE	28-FEB-22	31-MAR-22	$100.00
WDV	WDV0092261	ADMIN PENALTY	FY22	191061PSTE	31-MAR-22	30-APR-22	$5724.00

Total of delinquent transactions (Account): $5824.00

Total of delinquent transactions (Customer): $5824.00

Customer Name: MEHTAB ENTERPRISE LLC
Account #: 23706422 **Debtcollpath Stage:** WHOLD:REFERRED,UNCOL:EXHAUST **Calls:**

WDV	WDV0042955	ADMIN PENALTY	FY14	111868PSTE	31-OCT-13	30-NOV-13	$114.00
WDV	WDV0043775	ADMIN PENALTY	FY14	111868PSTE	30-NOV-13	31-DEC-13	$114.00
WDV	WDV0045464	ADMIN PENALTY	FY14	111868PSTE	31-DEC-13	31-JAN-14	$114.00
WDV	WDV0046322	ADMIN PENALTY	FY14	111868PSTE	31-JAN-14	28-FEB-14	$114.00
WDV	SC00118749	ADMIN PENALTY-FEB 2014			10-FEB-14	10-FEB-14	$.57
WDV	WDV0047484	ADMIN PENALTY	FY14	111868PSTE	28-FEB-14	31-MAR-14	$114.00
WDV	WDV0042955	COLLECTION COST RECOVERY			07-MAR-14	07-MAR-14	$28.50
WDV	SC00121440	ADMIN PENALTY-MAR 2014			10-MAR-14	10-MAR-14	$1.14
WDV	WDV0048391	ADMIN PENALTY	FY14	111868PSTE	31-MAR-14	30-APR-14	$2410.00
WDV	WDV0043775	COLLECTION COST RECOVERY			04-APR-14	04-APR-14	$28.50
WDV	SC00123488	ADMIN PENALTY-APR 2014			10-APR-14	10-APR-14	$1.71
WDV	WDV0045464	COLLECTION COST RECOVERY			02-MAY-14	02-MAY-14	$28.50
WDV	SC00125317	ADMIN PENALTY-MAY 2014			12-MAY-14	12-MAY-14	$2.28
WDV	WDV0046322	COLLECTION COST RECOVERY			06-JUN-14	06-JUN-14	$28.50
WDV	SC00126912	ADMIN PENALTY-JUN 2014			10-JUN-14	10-JUN-14	$2.85
WDV	WDV0047484	COLLECTION COST RECOVERY			04-JUL-14	04-JUL-14	$28.50
WDV	SC00128310	ADMIN PENALTY-JUL 2014			10-JUL-14	10-JUL-14	$14.90
WDV	WDV0048391	COLLECTION COST RECOVERY			01-AUG-14	01-AUG-14	$602.50
WDV	SC00129823	ADMIN PENALTY-AUG 2014			11-AUG-14	11-AUG-14	$14.90
WDV	SC00131348	ADMIN PENALTY-SEP 2014			10-SEP-14	10-SEP-14	$14.90
WDV	SC00132862	ADMIN PENALTY-OCT 2014			10-OCT-14	10-OCT-14	$14.90
WDV	SC00134616	ADMIN PENALTY-NOV 2014			10-NOV-14	10-NOV-14	$14.90
WDV	SC00136763	ADMIN PENALTY-DEC 2014			10-DEC-14	10-DEC-14	$14.90
WDV	SC00139129	ADMIN PENALTY-JAN 2015			12-JAN-15	12-JAN-15	$14.90
WDV	SC00141690	ADMIN PENALTY-FEB 2015			10-FEB-15	10-FEB-15	$14.90
WDV	SC00156060	ADMIN PENALTY-MAR 2015			10-MAR-15	10-MAR-15	$14.90
WDV	SC00158211	ADMIN PENALTY-APR 2015			10-APR-15	10-APR-15	$14.90
WDV	SC00160043	ADMIN PENALTY-MAY 2015			11-MAY-15	11-MAY-15	$14.90
WDV	SC00161733	ADMIN PENALTY-JUN 2015			10-JUN-15	10-JUN-15	$14.90
WDV	SC00163204	ADMIN PENALTY-JUL 2015			10-JUL-15	10-JUL-15	$14.90
WDV	SC00164753	ADMIN PENALTY-AUG 2015			10-AUG-15	10-AUG-15	$14.90
WDV	SC00166354	ADMIN PENALTY-SEP 2015			10-SEP-15	10-SEP-15	$14.90
WDV	SC00167906	ADMIN PENALTY-OCT 2015			12-OCT-15	12-OCT-15	$14.90
WDV	SC00169620	ADMIN PENALTY-NOV 2015			10-NOV-15	10-NOV-15	$14.90
WDV	SC00171753	ADMIN PENALTY-DEC 2015			10-DEC-15	10-DEC-15	$14.90

APP Ex. 00148

Look Up a ZIP Code™ FAQs

Go to

ZIP Code™ by Address

You entered:

2101 CEDAR SPRINGS ROAD, SUITE 700
DALLAS TX

If more than one address matches the information provided, try narrowing your search by entering a street address and, if applicable, a unit number. **Edit and search again. (zip-code-lookup.htm?byaddress)**

2101 CEDAR SPRINGS RD STE 700
DALLAS TX **75201-1504**

Look Up Another ZIP Code™

Edit and Search Again (/zip-code-lookup.htm?byaddress)

Feedback

Look Up a ZIP Code™ FAQs (https://www.usps.com/faqs.htm)

Go to

ZIP Code™ by Address

You entered:

3100 ALVIN DEVANE BLVD, SUITE 150
AUSTIN TX

If more than one address matches the information provided, try narrowing your search by entering a street address and, if applicable, a unit number. **Edit and search again. (zip-code-lookup.htm?byaddress)**

3100 ALVIN DEVANE BLVD STE 150
AUSTIN TX **78741-7409**

Look Up Another ZIP Code™

Edit and Search Again (/zip-code-lookup.htm?byaddress)

Look Up a ZIP Code™ FAQs

Go to

ZIP Code™ by Address

You entered:

2805 DALLAS PARKWAY, SUITE 600
PLANO TX

If more than one address matches the information provided, try narrowing your search by entering a street address and, if applicable, a unit number. **Edit and search again. (zip-code-lookup.htm?byaddress)**

2805 DALLAS PKWY STE 600
PLANO TX **75093-8724**

Look Up Another ZIP Code™

Edit and Search Again (/zip-code-lookup.htm?byaddress)

Feedback

Google Mansfield Public Library, 104 South Westeria Street, M

All Maps Shopping Images News More Tools SafeSearch on

About 45,300 results (0.75 seconds)

Showing results for Mansfield Public Library, 104 South ***Wisteria*** Street, ***Mansfield*** , Tx
Search instead for Mansfield Public Library, 104 South Westeria Street, Mansfield , Tx

https://www.mansfieldtexas.gov › Library

Library | Mansfield, TX

104 S Wisteria St ... Hours of Operation: Monday, Wednesday, Friday: 10 a.m. - 6 p.m. Tuesday and Thursday: 10 a.m. - 8 p.m. Saturday: 10 a.m. - 4 p.m. ...

https://www.mansfieldtexas.gov › Hours-Location-and-...

Hours, Location and Contact Information | Mansfield, TX

Location: The **library** is located at **104 S Wisteria St Mansfield, TX** 76063. Phone: 817-728-3690. Hours: 10 a.m. - 6 p.m. Monday, Wednesday and Friday.

https://www.mapquest.com › ... › Texas › Mansfield

Mansfield Public Library 104 S Wisteria St ... - MapQuest

Get directions, reviews and information for **Mansfield Public Library** in **Mansfield, TX**.
Rating: 4 · 5 reviews

https://www.yelp.com › ... › Libraries

MANSFIELD PUBLIC LIBRARY - Phone Number - Yelp

Mansfield Public Library · **104 S Wisteria St Mansfield, TX** 76063. Directions · (817) 728-3690. Call Now · More Info. Hours, Wi-Fi, Open to All Business.
Rating: 4 · 5 reviews

https://community.uslocalsearch.info › mansfield-public... ⋮

Mansfield Public Library | 104 S Wisteria St ... - US Local Search

Mansfield Public Library : **104 S Wisteria St, Mansfield, TX**, 76063, United States · 76063 · (817) 453-4975 · (800) 252-9605

https://www.yellowpages.com › ... › Libraries ⋮

Mansfield Public Library - TX - Yellow Pages

Search for other **Libraries** on The Real Yellow Pages®. ... Address: **104 S Wisteria St**, **Mansfield, TX** 76063 ... **Mansfield City Public** Works. 1200 E Broad St. ...

https://www.countyoffice.org › ... › Tarrant County ⋮

Mansfield Public Library - Mansfield, TX (Address, Phone, and ...

Address, Phone Number, and Hours for **Mansfield Public Library**, a Library, at **South Wisteria Street, Mansfield TX**. Name: **Mansfield Public Library**; Address: **104** ...

https://www.waze.com › live-map › mansfield-public-li... ⋮

Driving directions to Mansfield Public Library, 104 S ... - Waze

Realtime driving directions to **Mansfield Public Library, 104 S Wisteria St, Mansfield**, based on live traffic updates and road conditions – from Waze fellow ...

https://mansfieldlibraryfriends.org › store ⋮

Store - Friends of the Mansfield Public Library

104 S Wisteria St Mansfield, TX 76063 ...



Mansfield Public Library

Website **Directions** **Save**

4.4 69 Google reviews

Public library in Mansfield, Texas

Address: 104 S Wisteria St, Mansfield, TX 76063

Hours: **Wednesday 10AM–6PM**
Thursday 10AM–8PM
Friday 10AM–6PM
Saturday 10AM–4PM
Sunday Closed
Monday 10AM–6PM
Tuesday 10AM–8PM

Confirmed by phone call 8 weeks ago

Suggest new hours

Phone: (817) 728-3690

Suggest an edit · Own this business?

Questions & answers

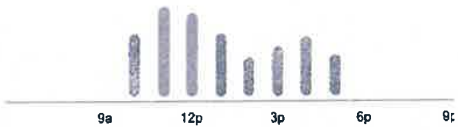
Ask a

See all questions (8)

Popular times

MON TUE WED THU FRI SAT

Live: A little busy



People typically spend up to **1 hour** here

Reviews

Write a review **Ad**

"Great staff and **service**"

"The library is really small and does not offer many r **options**..."

"Great **place** to study and the **facilities** are really nic

View all Google reviews

APP Ex. 00152


Location Mapper
Find address or place
Main St
Flying L Ln
Lone Star Rd
157
S Main St
287
Maverick Dr
Vista Pkwy
Birch St
Johnson St
Highway 287 Frontage Rd
Thornhill Ln
Melrose Dr
Tinsley Dr
Durham Dr
Ashmont Way
Rawlins Ln
Bedford St
FM-157
N FM-157
FM-157
CR-515
Lark Meadows Dr
Hawk Ct
0
0.15
0.3mi
Measurement
Miles
Measurement Result
0.97 Miles
Clear
Press CTRL to enable snapping

APP Ex. 00153

PLEASE KEEP LANDOWNER LIST ON LEFT SIDE OF FILE THROUGHOUT THE APPLICATION PROCESS

(THIS INCLUDES FILES BEING REMANDED)

ADRIAN & MARIA FELICITAS GAMEZ
14421 LARK MEADOWS DR
VENUS TX 76084

ARC PROPERTIES LLC
12329 E FM 917
ALVARADO TX 76063

ARIEL NICOLETTE CAMPISI
4141 CR 617
ALVARADO TX 76009

BENNETT GARY
3232 MESQUITE DR
VENUS TX 76084

BLANCA LOPEZ
1412 LLOYD AVE
FORT WORTH TX 76105

BRIAN M FUGITT
4232 CR 617
ALVARADO TX 76009

BRINDLEY SAMUELL SPARKMAN TRUST
PO BOX 505
INDIANOLA WA 98342

CAREY & ANNA T NELSON
6012 N FM 157
VENUS TX 76084

CLARENCE EDWIN PHILLIPS
6717 N FM 157
VENUS TX 76084

CYNTHIA HAMMOND
2209 COUNTRY BROOK DR
WEATHERFORD TX 76087

DALTONS BEST MAID PRODUCTS INC
P O BOX 1809
FORT WORTH TX 76101

DAVID S HAMMOND
492 CORDES DR
VENUS TX 76084

DEBRA C ETVIR RAYMOND M MEEKS
2922 HOWELL DR
VENUS TX 76084

DENNIS & DALE & GALE & ROBBIN WEIDNER RICE
110 TERRAPIN TR
MANSFIELD TX 76063

DON L HAGAR
4113 CR 617
ALVARADO TX 76009

DOROTHY F PHILLIPS
PO BOX 42
MANSFIELD TX 76063

ENERVEST ENERGY INSTITUTIONAL
1001 FANNIN ST STE 800
HOUSTON TX 77002

ERNEST WAYNE PRATER
1601 LIVE OAK DRIVE
IRVING TX 75061

GARY LEE PANNELL
3181 MESQUITE DR
VENUS TX 76084

GERALD SEETON
PO BOX 357
MANSFIELD TX 76063

HEATH A OWENS
3274 MESQUITE DR
VENUS TX 76084

ISRAEL ZAMORA
3220 MESQUITE DR
VENUS TX 76084

JAMES C KNAPP
PO BOX 2243
MANSFIELD TX 76063

JAMES E PRATER
10236 CR 514
ALVARADO TX 76009

JANICE WAYMAN
4149 CR 617
ALVARADO TX 76009

JENNIFER JOHNSON
6016 FALCON CT
VENUS TX 76084

JESSIE ROBLES
805 PRAIRIE AVE
CLEBURNE TX 76033

JIMMY DAVIS
6144 N FM 157
VENUS TX 76084

JOHNSON COUNTY SPECIAL
PO BOX 509
CLEBURNE TX 76033

JOSEPH D BRUCE
3200 MESQUITE DR
VENUS TX 76084

JOYCE DOLLAR ROBERTSON
5909 N FM 157
VENUS TX 76084

KEITH PHILLIPS
7017 HOLLOW OAK TRL
MANSFIELD TX 76063

KYLE PHILLIPS
1105 INGLEWOOD DR
MANSFIELD TX 76063

LADD X 2 PARTNERS LLC
914 WALNUT FALLS
MANSFIELD TX 76063

LAURA NICHOLS
PO BOX 76
MANSFIELD TX 76063

LOPEZ DAWN L & DEBBIE LYNN DRUE
300 GREEN RIVER TR
FORT WORTH TX 76103

LUZ ADRIANA GAMEZ & NATANAEL RANGEL
14425 LARK MEADOWS DR
VENUS TX 76084

PASCUAL GUTIERREZ JR
7793 OAK DR
MANSFIELD TX 76063

RAMON CASTILLO
4133 CR 617
ALVARADO TX 76009

ROBERT H III COPPLE
4125 CR 617
ALVARADO TX 76009

ROBERTO COLUNGA I
6017 BLUEBIRD CT
VENUS TX 76084

RUDOLFO ETUX MARIA S FLORES
255 MORGAN RD
MANSFIELD TX 76063

SARAH M & WESLEY G IRETON
4301 CR 617
ALVARADO TX 76009

SELLS WILLIAM TROY ETUX BRENDA REVOCABLE
1048 NEWT PATTERSON RD
MANSFIELD TX 76063

SHIRLEY GLASS
6200 N FM 157
VENUS TX 76084

SUNBELT LAND INVESTMENTS 547 LTD
3015 NEW YORK AVE STE 201
GRAND PRAIRIE TX 75052

TOMMIE SMITH
5360 NEWT PATTERSON RD
MANSFIELD TX 76063

TONORE REAL ESTATE HOLDINGS LLC
PO BOX 677
MANSFIELD TX 76063

URBANO & MARIA ESQUIVEL
6016 BLUEBIRD CT
VENUS TX 76084

CHAD WALKER
3501 CR 617
VENUS TX 76084

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

Affected Landowners List

Object ID	Owner	Mailing Address
1	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
2	WALKER CHAD ETUX	3501 CR 617 VENUS TX 76084
3	ARIEL NICOLETTE CAMPISI	4141 CR 617 ALVARADO TX 76009
4	JAMES E PRATER	10236 CR 514 ALVARADO TX 76009
5	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
6	SARAH M & WESLEY G IRETON	4301 CR 617 ALVARADO TX 76009
7	DON L HAGAR	4113 CR 617 ALVARADO TX 76009
8	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
9	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
10	BRIAN M FUGITT	4232 CR 617 ALVARADO TX 76009
11	ISRAEL ZAMORA	3220 MESQUITE DR VENUS TX 76084
12	PASCUAL GUTIERREZ JR	7793 OAK DR MANSFIELD TX 76063
13	DOROTHY F PHILLIPS	PO BOX 42 MANSFIELD TX 76063
14	HEATH A OWENS	3274 MESQUITE DR VENUS TX 76084
15	LOPEZ DAWN L & DEBBIE LYNN DRUE	300 GREEN RIVER TR FORT WORTH TX 76103
16	JANICE WAYMAN	4149 CR 617 ALVARADO TX 76009
17	ROBERT H III COPPLE	4125 CR 617 ALVARADO TX 76009
18	ERNEST WAYNE PRATER	1601 LIVE OAK DRIVE IRVING TX 75061
19	RUDOLFO ETUX MARIA S FLORES	255 MORGAN RD MANSFIELD TX 76063
20	RAMON CASTILLO	4133 CR 617 ALVARADO TX 76009
21	JAMES C KNAPP	PO BOX 2243 MANSFIELD TX 76063
22	JOYCE DOLLAR ROBERTSON	5909 N FM 157 VENUS TX 76084

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

23	KYLE PHILLIPS	1105 INGLEWOOD DR MANSFIELD TX 76063
24	KEITH PHILLIPS	7017 HOLLOW OAK TRL MANSFIELD TX 76063
25	BRINDLEY SAMUELL SPARKMAN TRUST	PO BOX 505 INDIANOLA WA 98342
26	CAREY & ANNA T NELSON	6012 N FM 157 VENUS TX 76084
27	CAREY & ANNA T NELSON	6012 N FM 157 VENUS TX 76084
28	TOMMIE SMITH	5360 NEWT PATTERSON RD MANSFIELD TX 76063
29	BENNETT GARY	3232 MESQUITE DR VENUS TX 76084
30	SELLS WILLIAM TROY ETUX BRENDA REVOCABLE	1048 NEWT PATTERSON RD MANSFIELD TX 76063
31	SHIRLEY GLASS	6200 N FM 157 VENUS TX 76084
32	SHIRLEY GLASS	6200 N FM 157 VENUS TX 76084
33	BERRY CREEK FARMS LP	6012 N FM 157 VENUS TX 76084
34	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
35	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
36	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
37	TONORE REAL ESTATE HOLDINGS LLC	PO BOX 677 MANSFIELD TX 76063
38	DEBRA C ETVIR RAYMOND M MEEKS	2922 HOWELL DR VENUS TX 76084
39	BLANCA LOPEZ	1412 LLOYD AVE FORT WORTH TX 76105
40	GARY LEE PANNELL	3181 MESQUITE DR VENUS TX 76084
41	JESSIE ROBLES	805 PRAIRIE AVE CLEBURNE TX 76033
42	ROBERTO COLUNGA I	6017 BLUEBIRD CT VENUS TX 76084
43	ADRIAN & MARIA FELICITAS GAMEZ	14421 LARK MEADOWS DR VENUS TX 76084
44	ARC PROPERTIES LLC	12329 E FM 917 ALVARADO TX 76063
45	JENNIFER JOHNSON	6016 FALCON CT VENUS TX 76084

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

46	URBANO & MARIA ESQUIVEL	6016 BLUEBIRD CT VENUS TX 76084
47	JOHNSON COUNTY SPECIAL	PO BOX 509 CLEBURNE TX 76033
48	DENNIS & DALE & GALE & ROBBIN WEIDNER RICE	110 TERRAPIN TR MANSFIELD TX 76063
49	LUZ ADRIANA GAMEZ & NATANAEL RANGEL	14425 LARK MEADOWS DR VENUS TX 76084
50	JOSEPH D BRUCE	3200 MESQUITE DR VENUS TX 76084
51	GERALD SEETON	PO BOX 357 MANSFIELD TX 76063
52	CYNTHIA HAMMOND	2209 COUNTRY BROOK DR WEATHERFORD TX 76087
53	DAVID S HAMMOND	492 CORDES DR VENUS TX 76084
54	JIMMY DAVIS	6144 N FM 157 VENUS TX 76084
55	CLARENCE EDWIN PHILLIPS	6717 N FM 157 VENUS TX 76084
56	ENERVEST ENERGY INSTITUTIONAL	1001 FANNIN ST STE 800 HOUSTON TX 77002
57	LADD X 2 PARTNERS LLC	914 WALNUT FALLS MANSFIELD TX 76063
58	TONORE TYLER MANAGEMENT LLC	PO BOX 677 MANSFIELD TX 76063
59	KYLE PHILLIPS	1105 INGLEWOOD DR MANSFIELD TX 76063
60	LAURA NICHOLS	PO BOX 76 MANSFIELD TX 76063
61	ENERVEST ENERGY INSTITUTIONAL	1001 FANNIN ST STE 800 HOUSTON TX 77002
62	LAURA NICHOLS	PO BOX 76 MANSFIELD TX 76063
63	LADONNA HAGAR	4113 CR 617 ALVARADO TX 76009

APP – 3

TCEQ ED Notice of Deficiency and Applicant's Responses

Abesha Michael

From:	Abesha Michael
Sent:	Thursday, May 19, 2022 9:46 AM
To:	Jonathan Nguyen
Cc:	apfefferkorn@jonescarter.com
Subject:	Application for Proposed Permit No. WQ0016162001, Megatel Homes, L.L.C. - Notice of Deficiency Letter
Attachments:	WQ0016162001.pdf; Municipal TPDES and TLAP PLS Form.docx; Municipal TPDES and TLAP PLS Form (Spanish).docx; Municipal Discharge New Spanish NORI.docx

Dear Mr. Nguyen:

The attached Notice of Deficiency (NOD) letter dated May 19, 2022, requests additional information needed to declare the application administratively complete. Please email or mail an original and two copies (with two copies of the cover letter) of the complete response to my attention by June 2, 2022.

Please Note: the new alternative language requirements addressed in the attached letter include new items that can either be sent by email attachment or included on a CD or USB drive if physical copies of the response are mailed.

Please let me know if you have any questions.

Thank you,

Abesha H. Michael
Applications Review & Processing Team
Water Quality Division Support Section
Water Quality Division, MC 148
PO Box 13087
Austin, Texas 78711
Phone: o: 512-239-4912; c: 346-802-8446
Email: abesha.michael@tceq.texas.gov

How is our customer service? Fill out our online customer satisfaction survey at www.tceq.texas.gov/customersurvey

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 19, 2022

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Re: Application to Renew Amend or for Proposed Permit No. WQ0016162001 (EPA I.D TX0142891)
To be Issued to Megatel Homes, L.L.C.,
CN605490937, RN111496998

Dear Mr. Nguyen:

We have received the application for the above referenced permit, and it is currently under review. Your attention to the following items is requested before we can declare the application administratively complete. Please submit one original and two copies (including a cover letter) of the complete response.

1. Administrative report 1.1: section 1, item C, affected landowners mailing labels: the application indicated the readable/writeable CD is submitted. However, we are an able to locate the CD. Please provide a readable/writable CD or you email a mailing label in a word format.

2. The following is a portion of the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit which contains information relevant to your application. Please read it carefully and indicate if it contains any errors or omissions. The complete notice will be sent to you once the application is declared administratively complete.

   Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001 (EPA I.D. No. TX0142891) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 1,000,000 gallons per day. The domestic wastewater treatment facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084. The discharge route will be from the plant site to Reece Branch; thence to Mountain Creek; thence to Joe Pool Lake. TCEQ received this application on May 4, 2022. The permit application is available for viewing and copying at Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application. https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.1238%2C32.516944&level=12

Further information may also be obtained from Megatel Homes, L.L.C at the address stated above or by calling Mr. Jonathan Nguyen, Permit Specialist, Quiddity Engineering, at 512-685-5156.

New rule requirements under Title 30 Texas Administrative Code (TAC) Chapter 39 relating to public notices have been implemented. The deficiencies listed below are new items that need to be provided to meet the alternative language requirements.

1. Please use the attached Plain Language Summary (PLS) Template to provide a plain language summary in English. Please provide the PLS in a Microsoft Word document.

2. Section 8, Item E, Item No. 5 of Administrative Report 1.0 indicates that public notices in Spanish are required. Please use the attached PLS Spanish template to translate the plain language summary into Spanish. Please provide the translated Spanish PLS in a Microsoft Word document

3. Section 8, Item E, Item No. 5 of Administrative Report 1.0 indicates that public notices in Spanish are required. After confirming the portion of the English NORI contained in item No. 2 of this letter does not contain any errors or omissions, please use the attached template to translate the NORI into Spanish. Only the first and last paragraphs are unique to this application and require translation. Please provide the translated Spanish NORI in a Microsoft Word document.

Please submit the complete response, addressed to my attention by June 2, 2022. If you should have any questions, please do not hesitate to call me at (512) 239-4912.

Sincerely,

Abesha Michael

Abesha H. Michael
Applications Review and Processing Team (MC148)
Water Quality Division
Texas Commission of Environmental Quality

Enclosure(s)
Attachment 1 - Municipal TPDES and TLAP PLS Form
Attachment 2 - Municipal TPDES and TLAP PLS Form (Spanish)
Attachment 3 - Municipal Disposal New Spanish NORI

cc: Mr. Alex Pfefferkorn, P.E., Land Development Manager, Quiddity Engineering, 2805 Dallas Parkway, Suite 600, Plano, Texas 75093

bcc: TCEQ Region 4, Water Program Manager

Abesha Michael

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Monday, May 23, 2022 9:04 AM
To: Abesha Michael
Cc: Alex Pfefferkorn; Amy S. Hennard, PG, PE; Kirby Taylor
Subject: RE: Application for Proposed Permit No. WQ0016162001, Megatel Homes, L.L.C. - Notice of Deficiency Letter
Attachments: Mailing Labels.docx; Mansfield PLS.docx; WQ0016162001.pdf

Good morning Abesha,

Attached are the following items in response to the notice of deficiency dated May 19, 2022.

- Mailing labels
- Plain Language summary
- Application indicates that bilingual education is not in the nearby school district, so the alternative language notice is not needed.

Please let me know if you have any questions.

Thank you,

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: 512.685.5156

From: Abesha Michael <Abesha.Michael@tceq.texas.gov>
Sent: Thursday, May 19, 2022 9:46 AM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Alex Pfefferkorn <apfefferkorn@quiddity.com>
Subject: Application for Proposed Permit No. WQ0016162001, Megatel Homes, L.L.C. - Notice of Deficiency Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Nguyen:

The attached Notice of Deficiency (NOD) letter dated May 19, 2022, requests additional information needed to declare the application administratively complete. Please email or mail an original and two copies (with two copies of the cover letter) of the complete response to my attention by June 2, 2022.

Please Note: the new alternative language requirements addressed in the attached letter include new items that can either be sent by email attachment or included on a CD or USB drive if physical copies of the response are mailed.

Please let me know if you have any questions.

Thank you,

Abesha H. Michael
Applications Review & Processing Team
Water Quality Division Support Section
Water Quality Division, MC 148
PO Box 13087
Austin, Texas 78711
Phone: o: 512-239-4912; c: 346-802-8446
Email: abesha.michael@tceq.texas.gov

How is our customer service? Fill out our online customer satisfaction survey at www.tceq.texas.gov/customersurvey

This e-mail and any attachments are intended only for the named recipient(s) and may contain information that is legally privileged, confidential, or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), you may not retain copy or use this e-mail or any attachment for any purpose or disclose all or any part of the contents to any other person. Any such dissemination, distribution or copying of this e-mail or its attachments is strictly prohibited. Please immediately notify the sender and permanently delete this e-mail and any attachment from your computer and/or electronic devices. Any personal views or opinions expressed by the writer may not necessarily reflect the views or opinions of Jones & Carter, Inc.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

Affected Landowners List

Object ID	Owner	Mailing Address
1	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
2	WALKER CHAD ETUX	3501 CR 617 VENUS TX 76084
3	ARIEL NICOLETTE CAMPISI	4141 CR 617 ALVARADO TX 76009
4	JAMES E PRATER	10236 CR 514 ALVARADO TX 76009
5	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
6	SARAH M & WESLEY G IRETON	4301 CR 617 ALVARADO TX 76009
7	DON L HAGAR	4113 CR 617 ALVARADO TX 76009
8	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
9	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
10	BRIAN M FUGITT	4232 CR 617 ALVARADO TX 76009
11	ISRAEL ZAMORA	3220 MESQUITE DR VENUS TX 76084
12	PASCUAL GUTIERREZ JR	7793 OAK DR MANSFIELD TX 76063
13	DOROTHY F PHILLIPS	PO BOX 42 MANSFIELD TX 76063
14	HEATH A OWENS	3274 MESQUITE DR VENUS TX 76084
15	LOPEZ DAWN L & DEBBIE LYNN DRUE	300 GREEN RIVER TR FORT WORTH TX 76103
16	JANICE WAYMAN	4149 CR 617 ALVARADO TX 76009
17	ROBERT H III COPPLE	4125 CR 617 ALVARADO TX 76009
18	ERNEST WAYNE PRATER	1601 LIVE OAK DRIVE IRVING TX 75061
19	RUDOLFO ETUX MARIA S FLORES	255 MORGAN RD MANSFIELD TX 76063
20	RAMON CASTILLO	4133 CR 617 ALVARADO TX 76009
21	JAMES C KNAPP	PO BOX 2243 MANSFIELD TX 76063
22	JOYCE DOLLAR ROBERTSON	5909 N FM 157 VENUS TX 76084

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

23	KYLE PHILLIPS	1105 INGLEWOOD DR MANSFIELD TX 76063
24	KEITH PHILLIPS	7017 HOLLOW OAK TRL MANSFIELD TX 76063
25	BRINDLEY SAMUELL SPARKMAN TRUST	PO BOX 505 INDIANOLA WA 98342
26	CAREY & ANNA T NELSON	6012 N FM 157 VENUS TX 76084
27	CAREY & ANNA T NELSON	6012 N FM 157 VENUS TX 76084
28	TOMMIE SMITH	5360 NEWT PATTERSON RD MANSFIELD TX 76063
29	BENNETT GARY	3232 MESQUITE DR VENUS TX 76084
30	SELLS WILLIAM TROY ETUX BRENDA REVOCABLE	1048 NEWT PATTERSON RD MANSFIELD TX 76063
31	SHIRLEY GLASS	6200 N FM 157 VENUS TX 76084
32	SHIRLEY GLASS	6200 N FM 157 VENUS TX 76084
33	BERRY CREEK FARMS LP	6012 N FM 157 VENUS TX 76084
34	DALTONS BEST MAID PRODUCTS INC	PO BOX 1809 FORT WORTH TX 76101
35	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
36	SUNBELT LAND INVESTMENTS 547 LTD	3015 NEW YORK AVE STE 201 GRAND PRAIRIE TX 75052
37	TONORE REAL ESTATE HOLDINGS LLC	PO BOX 677 MANSFIELD TX 76063
38	DEBRA C ETVIR RAYMOND M MEEKS	2922 HOWELL DR VENUS TX 76084
39	BLANCA LOPEZ	1412 LLOYD AVE FORT WORTH TX 76105
40	GARY LEE PANNELL	3181 MESQUITE DR VENUS TX 76084
41	JESSIE ROBLES	805 PRAIRIE AVE CLEBURNE TX 76033
42	ROBERTO COLUNGA I	6017 BLUEBIRD CT VENUS TX 76084
43	ADRIAN & MARIA FELICITAS GAMEZ	14421 LARK MEADOWS DR VENUS TX 76084
44	ARC PROPERTIES LLC	12329 E FM 917 ALVARADO TX 76063
45	JENNIFER JOHNSON	6016 FALCON CT VENUS TX 76084

Megatel Homes LLC
Mesquite Wastewater Treatment Plant Affected Landowners

46	URBANO & MARIA ESQUIVEL	6016 BLUEBIRD CT VENUS TX 76084
47	JOHNSON COUNTY SPECIAL	PO BOX 509 CLEBURNE TX 76033
48	DENNIS & DALE & GALE & ROBBIN WEIDNER RICE	110 TERRAPIN TR MANSFIELD TX 76063
49	LUZ ADRIANA GAMEZ & NATANAEL RANGEL	14425 LARK MEADOWS DR VENUS TX 76084
50	JOSEPH D BRUCE	3200 MESQUITE DR VENUS TX 76084
51	GERALD SEETON	PO BOX 357 MANSFIELD TX 76063
52	CYNTHIA HAMMOND	2209 COUNTRY BROOK DR WEATHERFORD TX 76087
53	DAVID S HAMMOND	492 CORDES DR VENUS TX 76084
54	JIMMY DAVIS	6144 N FM 157 VENUS TX 76084
55	CLARENCE EDWIN PHILLIPS	6717 N FM 157 VENUS TX 76084
56	ENERVEST ENERGY INSTITUTIONAL	1001 FANNIN ST STE 800 HOUSTON TX 77002
57	LADD X 2 PARTNERS LLC	914 WALNUT FALLS MANSFIELD TX 76063
58	TONORE TYLER MANAGEMENT LLC	PO BOX 677 MANSFIELD TX 76063
59	KYLE PHILLIPS	1105 INGLEWOOD DR MANSFIELD TX 76063
60	LAURA NICHOLS	PO BOX 76 MANSFIELD TX 76063
61	ENERVEST ENERGY INSTITUTIONAL	1001 FANNIN ST STE 800 HOUSTON TX 77002
62	LAURA NICHOLS	PO BOX 76 MANSFIELD TX 76063
63	LADONNA HAGAR	4113 CR 617 ALVARADO TX 76009

The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 Texas Administrative Code Chapter 39. The information provided in this summary may change during the technical review of the application and are not federal enforceable representations of the permit application.

Megatel Homes, L.L.C. (CN605490937) proposes to operate the Mansfield Tract wastewater treatment plant (RN111496998), an activated sludge process plant operated in the extended aeration mode. The facility will be approximately 1.0 miles southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084.

This application is for a new application to discharge at a daily average flow of 1,000,000 gallons per day of treated domestic wastewater.

Discharges from the facility are expected to contain five-day carbonaceous biochemical oxygen demand ($CBOD_5$), total suspended solids (TSS), ammonia nitrogen (NH_3-N), and *Escherichia coli*. Additional potential pollutants are included in the Domestic Technical Report 1.0, Section 7. Pollutant Analysis of Treated Effluent in the permit application package. Domestic wastewater will be treated by an activated sludge process plant and the treatment units will include a bar screen, aeration basins, final clarifiers, sludge digesters, chlorine contact chambers and a dechlorination chamber.

Abesha Michael

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Wednesday, May 25, 2022 8:49 AM
To: Abesha Michael
Cc: Alex Pfefferkorn; Amy S. Hennard, PG, PE; Kirby Taylor
Subject: RE: Application for Proposed Permit No. WQ0016162001, Megatel Homes, L.L.C. - Notice of Deficiency Letter

Good morning Abesha,

Apologies for not addressing item number 2 on the NOD. The draft NORI language has been review and is good to go.

Let me know if you have any questions.

Thank you!

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: 512.685.5156

From: Jonathan Nguyen
Sent: Monday, May 23, 2022 9:04 AM
To: Abesha Michael <Abesha.Michael@tceq.texas.gov>
Cc: Alex Pfefferkorn <apfefferkorn@quiddity.com>; Amy S. Hennard, PG, PE <ahennard@quiddity.com>; Kirby Taylor <ktaylor@quiddity.com>
Subject: RE: Application for Proposed Permit No. WQ0016162001, Megatel Homes, L.L.C. - Notice of Deficiency Letter

Good morning Abesha,

Attached are the following items in response to the notice of deficiency dated May 19, 2022.

- Mailing labels
- Plain Language summary
- Application indicates that bilingual education is not in the nearby school district, so the alternative language notice is not needed.

Please let me know if you have any questions.

Thank you,

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: 512.685.5156

Abesha Michael

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Thursday, June 2, 2022 8:47 AM
To: Hanne Nielsen
Subject: RE: WQ0016162001-Megatel Homes, LLC - pretech review
Attachments: Updated Page Admin Report Pg 15.pdf; Updated Tech Report Pg 30.pdf; Justification.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Hanne,

See response below for each item:

- See attached page 15 of the administrative report
- The "Open Space" is all floodplain. There will be no single family lots in that area. Right now, Megatel will own all of the service area. Once it is developed, the plant ownership will then transfer to a MUD.
- The buffer zone maps have the distance of each unit to the plant boundary. With that, you will be able to see how much the 150-ft buffer extends past the plant boundary.
- The justification was provided with the application. This shows the development schedule up to the final flow phase. The gallons per day per connection are what is commonly used in this area. We are projecting for the development to be fully built out by 2034.
- Reece Branch is actually an intermittent stream and does not require worksheet 2.1. Attached is the updated page from worksheet 2.0.

I will add the revised application to the file transfer site if this response is acceptable. Let me know if you have any questions.

Thank you,

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: 512.685.5156

From: Hanne Nielsen <hanne.nielsen@tceq.texas.gov>
Sent: Wednesday, June 1, 2022 3:30 PM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Subject: WQ0016162001-Megatel Homes, LLC - pretech review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jonathan,

I am the permit writer assigned to permit No. WQ0016162001-Megatel Homes, LLC and I've completed a pre-tech review of the application. Based on my review I have the following comments:

Domestic Admin Report 1.1.

Page 15, Buffer zone Map.

- Please indicate both "Ownership" and "restrictive easement" in the checkboxes to be consistent with the buffer zone map.

Attachment E. Buffer zone map
Please explain what the "Open space" is. Who owns the property? And who will provide the restrictive easement?

- On the map, please show the distance in feet the buffer zone extends into all the surrounding property not owned by the applicant.

Worksheet 1.1
The "Justification of permit need" needs to include all the items mentioned in the instructions to the application. Please also include the following information (language is from the instructions (form No. TCEQ-10053ins)):

- Please Provide the source and basis upon which population figures were derived (census and/or other methodology). Also, provide population projections at the end of the design life of the treatment facility (usually 50+ years) and the source and basis upon which population figures were derived.

Worksheet 2.1
- Please fill out and submit as this is required for all new applications.

Please have your response to me by COB June 15, 2022

In addition to the above items, if available, please also email me an electronic copy (PDF/Word) of the revised permit application with all attachments for our records. If you prefer, you may share the application via TCEQ FTPS at: https://ftps.tceq.texas.gov/.

Please note that the TCEQ may request additional information as necessary to aid in drafting an accurate and representative permit. If you have any questions, please let me know.

Best regards,

Hanne Lehman Nielsen
Sr. Environmental Permit Specialist
Municipal Permits Team
Water Quality Division
(512) 239-6524

How is our customer service? Fill out our online customer satisfaction survey at www.tceq.texas.gov/customersurvey

This e-mail and any attachments are intended only for the named recipient(s) and may contain information that is legally privileged, confidential, or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), you may not retain copy or use this e-mail or any attachment for any purpose or disclose all or any part of the contents to any other person. Any such dissemination, distribution or copying of this e-mail or its attachments is strictly prohibited. Please immediately notify the sender and permanently delete this e-mail and any attachment from your computer and/or electronic devices. Any personal views or opinions expressed by the writer may not necessarily reflect the views or opinions of Jones & Carter, Inc.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

land(s):

N/A

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☒ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

☒ Yes ☐ No

APP Ex. 00175

☐ Open Bay

☐ Tidal Stream, Bayou, or Marsh

☐ Other, specify:

B. Flow characteristics

If a stream, man-made channel or ditch was checked above, provide the following. For existing discharges, check one of the following that best characterizes the area *upstream* of the discharge. For new discharges, characterize the area *downstream* of the discharge (check one).

☒ Intermittent - dry for at least one week during most years

☐ Intermittent with Perennial Pools - enduring pools with sufficient habitat to maintain significant aquatic life uses

☐ Perennial - normally flowing

Check the method used to characterize the area upstream (or downstream for new dischargers).

☐ USGS flow records

☐ Historical observation by adjacent landowners

☒ Personal observation

☐ Other, specify:

C. Downstream perennial confluences

List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point.

Mountain Creek

D. Downstream characteristics

Do the receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.)?

Yes ☐ No ☒

If yes, discuss how.

APP Ex. 00176

JUSTIFICATION FOR PLANT CONSTRUCTION
MEGATEL HOMES, LLC

The Megatel Homes Mansfield Wastewater Treatment Plant will serve a residential tract located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

At build out, there will be 2,593 residential connections, 1,057 apartment unit connections, and 15 commercial connections. For design purposes, the wastewater flow for residential, apartment, and commercial connections is 300 gallons per day per connection (gpd/conn), 185 gpd/conn, and 3,750 gpd/conn, respectively.

Following is the connection and flow projection to complete build out:

Month / yr	Single family residential		Apartment Units		Commercial		Total	
	connections	flow (gpd)	connections	flow (gpd)	connections	flow (gpd)	connections	flow (gpd)
Jun-23	20	6,000	-	-	-	-	20	6,000
Jun-24	260	78,000	-	-	-	-	260	78,000
Jun-25	500	150,000	-	-	12	45,000	512	195,000
Jun-26	740	222,000	15	2,775	12	45,000	767	269,775
Jun-27	980	294,000	195	36,075	15	56,250	1,190	386,325
Jun-28	1,220	366,000	375	69,375	15	56,250	1,610	491,625
Jun-29	1,460	438,000	555	102,675	15	56,250	2,030	596,925
Jun-30	1,700	510,000	735	135,975	15	56,250	2,450	702,225
Jun-31	1,940	582,000	915	169,275	15	56,250	2,870	807,525
Jun-32	2,180	654,000	1,057	195,545	15	56,250	3,252	905,795
Jun-33	2,420	726,000	1,057	195,545	15	56,250	3,492	977,795
Jun-34	2,593	777,900	1,057	195,545	15	56,250	3,665	1,000,000

Following is the construction schedule for the current and final plant phases:

Proposed flow	Phase I	Phase II	Phase III
Design Flow (MGD)	0.2	0.4	1.0
2-Hr Peak Flow (MGD)	0.8	1.2	4.0
Date construction to commence	8/2022	6/2024	1/2026
Date construction completed and discharge begins	6/2023	4/2025	3/2027

APP – 4

TCEQ ED Declaration of Administrative Completeness and Notice of Receipt of Application and Intent to Obtain Permit Documentation, and Applicant's Verification of First Notice

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 8, 2022

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

RE: Declaration of Administrative Completeness
Applicant Name: Megatel Homes, L.L.C. (CN605490937)
Permit No.: WQ0016162001 (EPA I.D. No. TX0142891)
Site Name: Mansfield Tract WWTP (RN111496998)
Type of Application: New

Dear Mr. Nguyen:

The executive director has declared the above referenced application, received on May 4, 2022 administratively complete on June 8, 2022.

You are now required to publish notice of your proposed activity and make a copy of the application available for public review. The following items are included to help you meet the regulatory requirements associated with this notice:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Public Notice Verification Form
- Publisher's Affidavits

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

1. Publish the enclosed notice within **30 calendar days** after your application is declared administratively complete. (See this letter's first paragraph for the declaration date.) **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**

2. On or before the date you publish notice, place a copy of your permit application in a public place in the county where the facility is or will be located. This copy must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place throughout the comment period.

3. For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.

4. Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at (512) 239-0600. If you have any questions regarding the content of the notice, please contact Abesha Michael at (512) 239-4912.

Sincerely,

Erika Crespo

Erika Crespo, Assistant Deputy Director
Applications Review and Processing Team (MC-148)
Water Quality Division

EC/ahm

Enclosures

bcc: TCEQ Region 4, Water Program Manager

Texas Commission on Environmental Quality
Instructions for Public Notice for a Water Quality Permit
Notice of Receipt of Application and Intent to Obtain Permit (NORI)

Your application has been declared administratively complete. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

1. REVIEW THE NOTICE FOR ACCURACY

   Read the enclosed notice carefully and notify the Application Review and Processing Team at 512-239-4671 immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

2. PUBLISH THE NOTICE IN THE NEWSPAPER

   You must publish the enclosed notice within 30 days after the date of administrative completeness. Refer to the cover letter for the date of administrative completeness.

   You must publish the enclosed notice at your expense, at least once in the newspaper of largest circulation within each county where the facility and discharge point are located or will be located. If the facility and discharge point are located or will be located in a municipality, the enclosed notice must be published at least once in a newspaper of general circulation in the municipality. These requirements may be satisfied by one publication if the newspaper meets all of the above requirements.

   The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE

   You must publish notice in an alternative language IF: either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

   - students are enrolled in a program at that school;
   - students from that school attend a bilingual education program at another location; or
   - the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

   A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

APP Ex. 00182

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at http://www.tceq.texas.gov/permitting/wastewater/review/wqspanish_nori.html. If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

4. PUT THE APPLICATION IN A PUBLIC PLACE

You must put a copy of the administratively complete application in the public place identified in the enclosed notice.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place for the publication's designated comment period.

During the technical review, you must update the publicly available application so that it includes all application revisions within 10 business days from the date the revision is transmitted to the TCEQ.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

5. PROVIDE PROOF OF PUBLICATION

For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the

APP Ex. 00183

image when making copies. Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION

You must submit a completed Public Notice Verification Form (enclosed) which certifies that the administratively complete application was placed at the public place identified in the enclosed notice.

7. SUBMIT PROOFS TO TCEQ

The proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) must be submitted to TCEQ within 30 days of publication.

By email to: PROOFS@tceq.texas.gov

OR by mail at:
TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

NOTE: If proofs are submitted by email, you do not have to mail in the original documents.

Additional Information

If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at http://www.tceq.texas.gov/agency/cc/cc_db.html or http://www.tceq.texas.gov/agency/cc/eda.html. Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016162001

APPLICATION. Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001 (EPA I.D. No. TX0142891) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 1,000,000 gallons per day. The domestic wastewater treatment facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084. The discharge route will be from the plant site to Reece Branch; thence to Mountain Creek; thence to Joe Pool Lake. TCEQ received this application on May 4, 2022. The permit application is available for viewing and copying at Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application. https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.1238%2C32.516944&level=12

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide**

instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at https://www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Megatel Homes, L.L.C at the address stated above or by calling Mr. Jonathan Nguyen, Permit Specialist, Quiddity Engineering, at 512-685-5156.

Issuance Date: June 8, 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit (NORI)
Water Quality Permit

All applicants must complete this page.

Applicant Name: _____

Site or Facility Name: _____

Water Quality Permit Number: _____

Regulated Entity Number: RN _____ Customer Number: CN _____

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place: _____

Address of Public Place: _____

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711-3087

Applicant Name: Megatel Homes, L.L.C.
Permit No.: WQ0016162001

PUBLISHER'S AFFIDAVIT
FOR WATER QUALITY PERMITS

STATE OF TEXAS §
COUNTY OF _____§

Before me, the undersigned authority, on this day personally appeared

_____ who being by me duly sworn, deposes
(name of person representing newspaper)

and says that **(s)**he is the_____
(title of person representing newspaper)

of the _____; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in _____ County, Texas or is
(name of county)

a newspaper of general circulation in _____,
(name of municipality)

Texas; and that the enclosed notice was published in said newspaper on the following date**(s)**:

_____

_____
(newspaper representative's signature)

Subscribed and sworn to before me this the _____ day of _____,

20____.

(Seal)

_____
Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711-3087

Applicant Name: Megatel Homes, L.L.C.
Permit No.: WQ0016162001

ALTERNATIVE LANGUAGE
PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned notary public, on this day personally appeared

_____, who being by me duly sworn, deposes
(name of person representing newspaper)

and says that (s)he is the _____ of the
(title of person representing newspaper)

_____; that said newspaper is
(name of newspaper)

generally circulated in _____ County, Texas and
(same county as proposed facility)

is published primarily in _____ language; that the
(alternative language)

enclosed notice was published in said newspaper on the following date(s):

_____.

Subscribed and sworn to before me this the _____ day of _____,

20____, by _____
(newspaper representative's signature)

(Seal)

_____
Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit (NORI)
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: _____

Site or Facility Name: _____

Water Quality Permit Number: _____

Regulated Entity Number: RN _____ Customer Number: CN _____

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

☐ A newspaper or publication could not be found in any of the alternative languages in which notice is required.

☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name:

Language:

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

Paul Worrall

From: Rachel Ximenez
Sent: Thursday, June 30, 2022 11:04 AM
To: PROOFS
Subject: FW: NORI-MAGETAL HOMES LLC -WQ0016162001
Attachments: 1826844 Affidavit.pdf

Rachel L Ximenez
Notice Team
Office of the Chief Clerk
Rachel.Ximenez@tceq.texas.gov

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Thursday, June 30, 2022 11:01 AM
To: Rachel Ximenez <Rachel.Ximenez@Tceq.Texas.Gov>
Cc: Erwin Madrid <Erwin.Madrid@tceq.texas.gov>
Subject: RE: NORI-MAGETAL HOMES LLC -WQ0016162001

Good morning,

See attached. Let me know if you need anything else for this application.

Thanks!

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: 512.685.5156

From: Rachel Ximenez <Rachel.Ximenez@Tceq.Texas.Gov>
Sent: Thursday, June 30, 2022 9:36 AM
To: Jonathan Nguyen <jnguyen@quiddity.com>
Cc: Erwin Madrid <Erwin.Madrid@tceq.texas.gov>
Subject: NORI-MAGETAL HOMES LLC -WQ0016162001

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Paul Worrall

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Wednesday, June 29, 2022 7:54 AM
To: PROOFS
Cc: Amy S. Hennard, PG, PE; Kirby Taylor
Subject: Megatel Homes LLC, WQ0016162001, NORI Submittal
Attachments: Megatel WQ0016162001 NORI Submittal.pdf

Good morning,

Attached is the public notice verification form, publisher's affidavit, and newspaper tear sheet for Megatel Homes LLC, WQ0016162001.

Please let me know if you have any questions.

Thank you,

Jonathan Nguyen
Permitting Specialist

QUIDDITY

jnguyen@quiddity.com
512.685.5156
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741, United States

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 78711-3087

Applicant Name: Megatel Homes, L.L.C.
Permit No.: WQ0016162001

PUBLISHER'S AFFIDAVIT
FOR WATER QUALITY PERMITS

STATE OF TEXAS §
COUNTY OF Johnson §

Before me, the undersigned authority, on this day personally appeared

Max Tezkol who being by me duly sworn, deposes
(name of person representing newspaper)

and says that **(s)**he is the Legal Account
(title of person representing newspaper)

of the The Dallas Morning News; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in Johnson County, Texas or is
(name of county)

a newspaper of general circulation in _____,
(name of municipality)

Texas; and that the enclosed notice was published in said newspaper on the following date**(s)**: June 11, 2022

_____
(newspaper representative's signature)

Subscribed and sworn to before me this the 30th day of June, 2022

(Seal)

Rebecca E Tezkol
Notary Public in and for the State of Texas
Rebecca Elizabeth Neal Tezkol
Print or Type Name of Notary Public
My Commission Expires 05/19/2025

REBECCA ELIZABETH NEAL TEZKOL
Notary ID #133110603
My Commission Expires
May 19, 2025

TCEQOFFICE OF THE CHIEF CLERK
MC105 Attn: Notice Team
P.O. BOX 13087
AUSTIN, TX 787113087

Applicant Name: Megatel Homes, L.L.C.
Permit No.: WQ0016162001

PUBLISHER'S AFFIDAVIT
FOR WATER QUALITY PERMITS

STATE OF TEXAS §
COUNTY OF JOHNSON §

Before me, the undersigned authority, on this day personally appeared

MAX TEZKOL
(name of person representing newspaper) who being by me duly sworn, deposes

and says that (s)he is the LEGAL ACCOUNT
(title of person representing newspaper)

of the THE DALLAS MORNING NEWS; that this newspaper is a newspaper of
(name of newspaper)

largest circulation in JOHNSON County, Texas or is
(name of county)

a newspaper of general circulation in _____,
(name of municipality)

Texas; and that the enclosed notice was published in said newspaper on the following date(s):

06/11/2022

(newspaper representative's signature)

Subscribed and sworn to before me this the 11th day of JUNE,

2022.

(Seal)

Notary Public in and for the State of Texas

REBECCA ELIZABETH NEAL TEZKOL
Print or Type Name of Notary Public

My Commission Expires 05/19/2022

NOTARY PUBLIC
Rebecca Elizabeth Neal Tezkol
Exp. 05/19/2025
ID No. 133110803
STATE OF TEXAS

Classified
Marketplace
One of the most trusted brands in North Texas.

Get started today at **dallasnews.com/classifieds** or call **214.745.8123.**

legal

LEGAL BIDS & NOTICES
- Bankruptcy, Court Sales
- Bids and Proposals
- Legal Notices

Legal Notices

CITY OF DALLAS
City of Dallas 2021 Drinking Water Quality Report

The City of Dallas Drinking Water Quality Report is produced annually to provide information about the City's water system including source water, the levels of detected contaminants and compliance with drinking water rules. The report is also produced in order to answer your water quality questions.

The 2021 Drinking Water Quality Report shows that the levels of contaminants in Dallas' water meet or are below the amounts allowed by law.

A copy of the 2021 Drinking Water Quality Report can be obtained by calling Dallas' 311 Information Line or downloaded from the City website www.dallaswar.com.

As of June 3, 2022 Dr. DiAnne Davis, MD is no longer with North Dallas Dermatology Associates

Bids & Proposals

Request for Qualifications (RFQ):

Texans Can Academies has posted a Request for Qualifications for Insurance Broker Services for Workers' Compensation. The RFQ can be found at https://texanscan.bonfirehub.com/portal/?tab=openOpportunities

Legal Notices

NOTICE OF RATE CHANGE REQUEST

Oncor Electric Delivery Company LLC ("Oncor") publishes this notice that on May 13, 2022, Oncor filed with the Public Utility Commission of Texas ("Commission") its Petition and Statement of Intent to Change Rates, a copy of which is kept at Oncor's office at 1616 Woodall Rodgers Freeway, Dallas, Texas 75202. This notice is being published pursuant to 16 Tex. Admin. Code § 22.51(a)(1).

Oncor's rate filing, based on the system-wide financial results for a 12-month test year ending on December 31, 2021, adjusted for known and measureable changes, supports a net increase in transmission and distribution rates of approximately $251 million over adjusted test-year revenues, or approximately a 4.5% increase over adjusted test-year revenues of $5,560 million. Test-year revenues have been adjusted to normalize billing units, to remove the revenues associated with Oncor's Energy Efficiency Cost Recovery Factor, and to increase test-year revenues to reflect Transmission Cost of Service ("TCOS") and Transmission Cost Recovery Factor ("TCRF") adjustments. TCOS revenue was adjusted to include the March 31, 2022 interim update rate at 2021 ERCOT 4CP. TCRF revenue was adjusted to equal the March 1, 2022 TCRF revenue requirement reflected on Line 2, Attachment A of Oncor's petition approved in Docket No. 52898 and further adjusted to include the effects of the 2021 ERCOT 4CP load approved in Docket No. 52989. If approved, the increased rates will be charged to Oncor's direct customers, all retail electric providers ("REPs"), in those portions of Oncor's service area under the original jurisdiction of the Commission. Each such REP is potentially affected by the proposed change. Depending on the REPs' actions, the end-use customer classes of such REPs are potentially affected by the proposed change. In addition, the result could be a change in Oncor's transmission cost of service rates, which would impact all load serving entities in the Electric Reliability Council of Texas. Oncor has requested a June 17, 2022 effective date for its proposed rate change.

Persons who wish to intervene in or comment upon these proceedings, in Docket No. 53601, *Application of Oncor Electric Delivery Company LLC for Authority to Change Rates*, should notify the Commission as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Commission

22-0087
CITY OF DALLAS ORDINANCES

The Dallas city council passed the following ordinances at a meeting of the city council on June 8, 2022. This ordinance becomes effective with this publication in accordance with the city charter.

Ordinance No. 32222
An ordinance providing for the abandonment of a portion of an alley located adjacent to City Block 5/858 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Austin Street Real Estate and Austin Street Center Dallas; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

Ordinance No. 32223
An ordinance providing for the abandonment of a portion of Jim Miller Road located adjacent to City Block 6063 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Foodpro 2, Inc.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

Ordinance No. 32224
An ordinance providing for the abandonment of a portion of Nomas Street located adjacent to City Block 97108 & 107108 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Armando Corio and Antonia Corio; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

Ordinance No. 32225
An ordinance granting a revocable license to AT&T Services, Inc., (formerly Southwestern Bell Telephone Company) to occupy, maintain and utilize a portion of Browder Street right-of-way located near the intersection of Jackson Street adjacent to City Block 130/79 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing twenty bollards, a tree and landscape and irrigation; providing for the terms and conditions of this license; providing for the one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

Ordinance No. 32226
An ordinance granting a private license to 4714 McKinney Ave LP to occupy, maintain and utilize a portion of McKinney Avenue right-of-way located near the intersection of McKinney Avenue and Hester Avenue adjacent to City Block F/1623 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing eleven light poles and four benches; providing for the terms and conditions of this license; providing for the one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

Ordinance No. 32227
An ordinance amending Ordinance No. 30071, passed by the Dallas City Council on April 27, 2016, as amended by Ordinance No. 30835, passed by the Dallas City Council on April 11, 2018, as amended by Ordinance No. 31513, passed by the Dallas City Council on April 8, 2020, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 2191 for the sale of alcoholic beliverages in conjunction with a general merchandise or food store greater than 3,500 square feet; amending the conditions in Section 2 of that ordinance; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Ordinance No. 32228
An ordinance amending Article 220, "PD 220," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending the property location and size, definitions and interpretations, development plan, permitted uses, structure setbacks, height, maximum lot coverage, off-street parking, and landscape plan regulations in Sections 51P-220.102, 51P-220.103, 51P-220.104, 51P-220.105, 51P-220.106, 51P-220.107, 51P-220.108, 51P-220.110, and 51P-220.113 of Article 220; providing new Sections 51P-220.103.1, "Exhibits," 51P-220.105.1, "Accessory Uses," 51P-220.113.1, "Environmental Performance Standards," 51P-220.113.1, "Traffic Management Plan," and 51P-220.113.2, "Additional Provisions For A Private School Use," to Article 220; deleting Section 51P-220.116, "Zoning Map"; providing a new development plan; providing a traffic management plan; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Ordinance No. 32229
An ordinance changing the zoning classification on the following property: BEING all of City Block A/5075; fronting approximately 405.20 feet on the south line of Northwest Highway west of Midway Road; and containing approximately 3.621 acres, from an R-10(A) Single Family District to Planned Development District No. 1084; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 1084; establishing use regulations and development standards for this planned development district; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Ordinance No. 32230
An ordinance changing the zoning classification on the following property: BEING a tract of land in City Block 7073/39 located along the southwest line of Rivertrail Boulevard between R. L. Thornton Freeway and Dearborn Street; and containing approximately 2.305 acres, from the Cedars West Subarea within "Planned Development District No. 784 (Trinity River Corridor Special Purpose District) to Cedars West Subdistrict No. 4 within the Cedars West Subarea within Planned Development District No. 784; amending Article 784, "PD 784," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending the exhibits, conceptual and development plans, environmental performance standards, urban village form district regulations, and creation of subareas regulations in Sections 51P-784.104.1, 51P-784.106, 51P-784.110, 51P-784.203, and 51P-784.302 of Article 784; providing a revised overall subarea and subdistrict property descriptions; providing a revised subarea and subdistrict map; providing a Cedars West Subdistrict No. 4 development plan; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

Ordinance No. 32231
An ordinance repealing Ordinance No. 25022, passed by the Dallas City Council on September 11, 2002, as amended by Ordinance No. 28757, passed by the Dallas City Council on August 22, 2012, as amended by Ordinance No. 30575, passed by the Dallas City Council on August 9, 2017, which amended the zoning ordinances of the City of Dallas by granting Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall on the following property: BEING all of Lot 7A in City Block 7073/39 located at the west corner of Industrial Boulevard and Dearborn Street; fronting approximately 65.51 feet along the southwest line of Industrial

services

Call us about our exciting new online and print advertising opportunities!

Attorneys
The Davis Law Firm
Personal Injury Claims
Pay no attorney's fees unless you recover Court costs, litigation expenses, and medical bills are paid from your share of the recovery. If there is no recovery, you will not be responsible for any court costs or litigation expenses, except for unpaid medical bills.
Office in Dallas, TX
972-426-8388

Care Services - Adult
Southern Care Home Health LLC Accepting Clients For Care In Your Home Of: 469-559-9335 MEDICAID ACCEPTED

Concrete
JRD CONCRETE
Sidewalks & Driveways
Patios & Parking Lots!
(214)-789-5866

JUAN EXPRESS CONCRETE
Free est. Bonded.
(972)-768-3793
ZonfolioConcrete.com

Concrete Work, Low rates. Free estimates. Patios, Driveways & more!
972-272-4468
214-674-1166

Handyman
Manuels Painting & Remodeling
Home Additions, Roofing, Deck & Siding, Tile, Granite, Fencing, Floors, Kitchen, Bathrooms & More. Commercial Jobs and Jaua 214-483-4868 Licensed

Home Repairs
GONZALEZ Painting & Remodeling
Tile, Wood Floors, Granite, Fences, Bathrooms, Roofs, Kitchens, Doors & Windows
972-480-4489 or 972-480-4027

Landscaping, Lawn & Garden
Aranda Landscape
Residential & Commercial
Lawn Care & Flower bed
Free Estimates!!
214-320-2146 or 214-283-6474

Paint/Wallpaper
Glens Painting
Residential & Commer-

Roofing Repair
Best Deal in Town!
Free A/C Tune-up with Roof Replacement
Call 214-375-2484 for all of your roofing & Remodeling needs. Ask about our Vets & Senior Discounts. Ask for Roy

Tree Service
Eagle Tree & Roofing
Service. Spring is Here! Time for Tree Maintenance. Professional Work! Dead or Alive! 214-375-5220

Brick, Stone Services
Brick Repair, Cracks, Mail Boxes, Etc., No Job To Big or Small, 20 years Experience. Free Estimates. (469) 926-5064

Home Repairs
THE HANDY GUYS
Since 1996
Repairs & Remodeling
You name it, we do it!
Kitchens, Bathrooms, Roofing, Plumbing, Electrical, Flooring, Decks, Fences, Siding, Carpentry, Gutters and more!
214-394-8788
www.thehandyguy.net

House Foundation Repairs
ROCK Foundation Repair
Free est; $175 per & beam
214-489-5606
972-765-0729
469-735-8572, credit cards
dfw-foundationrepair.com

Plumbing & Septic/ Drainage
Commercial Plumbing
Master #10005
Sewer Odor defection, Lease finish work, Commercial Repairs.
Leon Lorenz
All Design Plumbing, Inc.
(281) 732-0185

Water-pipes Leak? Free Camera Detection & Repair
Sewer Problem
Showers & Bath Remodeling
Water Heaters, Faucets
Toilets, Gas leaks Repair, Extra
Seniors Discounts & payments.
(972) 800-3965

APP Ex. 00197

(512) 936-7136, and free at (800) 735-2989 or 711. The deadline for intervention in the proceeding is 45 days after the date the application was filed with the Commission.

Oncor Electric Delivery Company LLC

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016162001

APPLICATION. Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001 (EPA I.D. No. TX0142891) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 1,000,000 gallons per day. The domestic wastewater treatment facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084. The discharge route will be from the plant site to Reece Branch; thence to Mountain Creek; thence to Joe Pool Lake. TCEQ received this application on May 4, 2022. The permit application is available for viewing and copying at Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.1238%2C32.516944&level=12

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "(I/we) request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at https://www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Megatel Homes, L.L.C at the address stated above or by calling Mr. Jonathan Nguyen, Permit Specialist, Quiddity Engineering, at 512-685-5156.

Issuance Date: June 8, 2022

BILIERAE JOHNSON
City Secretary

home market

HOMECENTER FOR RENT
- Acreage, Farms and Ranches
- Commercial Real Estate
- Lake & Vacation Property
- Dallas Rentals
- Metroplex Rentals
- Out of Metroplex Rentals
- Miscellaneous Rentals

Acreage, Farms & Ranches

NOTICE
Residential rental locators are required to be licensed by the TX Real Estate Commission, Austin
800-250-8732
Locators may advertise apartment units in general terms & all units may not have the same features. The amount of rent quoted in an ad may be the starting rent for a basic unit which does not have all advertised features.

Rentals Miscellaneous

Rooms for Rent

Good Christian Man looking for a room to rent. Hardworking, no problems. Leonard 214-384-4294

Room For Rent in a 3Bd House Irving, TX All Bills Paid $800 214.598.7224

HOMECENTER FOR SALE
- Acreage, Farms and Ranches
- Commercial Real Estate
- Lake & Vacation Property
- Dallas Sales
- Metroplex Sales
- Out of Metroplex Sales
- Miscellaneous Sales

Equal Housing Opportunity
Real estate advertised in this newspaper is subject to the amended Federal Fair Housing Act of 1968, which makes it illegal to advertise any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin or intention to make such preference, limitation or discrimination. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. For complaints call the Fair Housing Office in your city or HUD 800-669-9777.

Commercial Real Estate

Income Producing Property

Ready to live the dream, or own a piece of it? Historic Downtown Telluride, Colorado Bar for Sale. All fixtures and inventory included. $299K
Call 970-708-0222

Sell the  off your back.
Buy and sell with locals.
214.745.8123
dallasnews.com/classifieds

Acreage, Farms & Ranches

Acreage - Out of Texas

For Sale 162 Secluded acres in Southeast OK, excellent deer, turkey and bear hunting, all timber 40 mins from Broken Bow Lake Call Freddie 870-584-3681 or Charlie 870-784-3519



Acreage - Miscellaneous

OWN YOUR PIECE OF TEXAS TODAY! PRICES STARTING AT $450/AC - TRANS PECOS REGION. ALSO THE HILL COUNTRY (EDWARDS, MENARD, COKE, VAL VERDE COUNTY - FREE RANGING EXOTICS), SOUTH TEXAS (DUVAL COUNTY - WHITETAIL, HOGS). LARGE ACREAGE OR SMALL. 30 YEAR FIXED RATE OWNER FINANCING, ONLY 5% DOWN. CALL TOLL FREE OR EMAIL FOR INDIVIDUAL PRICES AND TERMS.
ranchenterprisesltd.com 800-876-9720

Acreage - Out of Metroplex East



FAMILY FARM HIDEAWAY
NEW - 2/2 Cottage - Large Entertainment Deck
Remote - One Acre - Pond View - 1 1/2 Hrs.
Steel 1000 sf Barn/Workshop - Barndo
2 APTS (friends - or $2,000. Income)
Steel Storage Shed 25x60 - Horses, Equip., Boats
Adjacent to Cooper Lake - All for only $385,500.
Broker 214-368-4633

Dallas Rentals

North Dallas

FREE RENT!
469-256-6453

Preston/ Campbell 3-3-2, RISD, Granite, LG Corner Lot, Quiet, Security, Updated, LG Garage, Custom Build, $3,195/mo, (214) 404-1557-Avail. 7/1

Metroplex Rentals

Garland

FREE RENT! Newly Renovated: Fully furnished Apartments. No Credit Check/ Lease! Utilities & Cable INCLUDED. Stay Where You're Appreciated! Call/Email us for more information. 469-314-6689 Dallas.manager@siegelselect.com

Irving

3Bd/2Bo Home for Rent, Irving, TX near airport, near 183 & Esters Rd. $1,800/mo + Deposit 817-320-0544

That's the [shirt]
Buy and sell with locals.
214.745.8123
dallasnews.com/classifieds

Plastering, Drywall

Drywall Patching & Wood Fence Staining
254-262-1219

Portable Buildings



WOOD BUILDINGS (Unfinished Inside)
12x16 .... $4,314
14x24 .... $7,986
16x32 .... $9,558
24x28 .... $15,114
30x40 .... $25,890
(built on site) 817-505-6215



ROOF REPAIRS
Leaks, Missing Shingles Roof Turbines, Gutter Cleaning.
19 years of exper.
Greg: 972-849-1845

Warner Roofing Company
All Types of Roofing!!
Insurance Claims Welcome.
Free Estimates.
Licensed & Fully Insured
the warner company ****BBB MEMBER****
214-207-7725
thewarnercompanytx.com

Sprinkler Systems

SPRINKLER SYSTEMS
Repair & Install
Free Testing & Est. Ask about discounts and Payments when you mention this Ad.
972-800-3965



home market

Want to Buy



CASH FOR YOUR HOUSE
Any Condition
Any price.
Call Jim 972-898-5740

BILLBUYSHOUSES.com
Trusted Texan Buying Houses "as is" Since 1991



Prompt Cash Offer
Bill Pays Closing Costs
Sell Quick Without Repairs

Bill Jackson
Real Estate Broker
214.478.8979



Eileen Petroski
Licensed Realtor

Best Cash Offer For Your House!
Turn Your Unwanted House Into Cash
HOUSE HUNTERS of Dallas.com
30 Years Buying Homes In DFW Metroplex
$$ More Money For You $$
CALL NOW
214-906-2291
- No Repairs
- No Commissions
- No Closing Costs
Just Quick Cash! 7 Day Closings!
We Buy Houses In Any Condition Or Location

The Dallas Morning News
Download our app at dallasnews.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Receipt of Application and Intent to Obtain Permit (NORI)
Water Quality Permit

All applicants must complete this page.

Applicant Name: Megatel Homes, LLC

Site or Facility Name: Mansfield Tract WWTF

Water Quality Permit Number: WQ0016162001

Regulated Entity Number: RN 111496998 Customer Number: CN 605490937

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place: Mansfield Public Library

Address of Public Place: 104 South Wisteria Street, Mansfield, TX 76063

Applicant or Applicant Representative Signature: _____

Title: Permit Specialist Date: 6/29/2022

APP Ex. 00199

WQ STANDARD MAIL LIST

APPLICANT:
MR JONATHAN NGUYEN
QUIDDITY ENGINEERING
3100 ALVIN DEVANE BLVD STE 150
AUSTIN, TX 78741-7409

Other Applicant Representatives:
MR ALEX PFEFFERKORN
QUIDDITY ENGINEERING
2805 DALLAS PKWY STE 600
PLANO, TX 75093-8724

PERMIT #: WQ0016162001
BASIN:
REGION: 4
COUNTY: JOHNSON

PERMITTEE: MEGATEL HOMES LLC

TO BE PUBLISHED BY: MR JONATHAN NGUYEN

DATE NOTICE MAILED: 06/16/2022

CCO #: 128210

NOTICE TECH INITIALS: KANDERSO

EVELYN ROSBOROUGH
USEPA REGION 6
1445 ROSS AVE STE 1200
MAIL CODE 6WQ
DALLAS TX 75202-2733
rosborough.evelyn@epa.gov
(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD
LONE STAR CHAPTER SIERRA CLUB
PO BOX 4998
AUSTIN TX 78765
cyrus.reed@sierraclub.org

MYRON J HESS
1705 MARGARET ST
AUSTIN TX 78704
myron@myronhess.com

ANNIE SCHMITT
NATIONAL WILDLIFE FEDERATION
505 E HUNTLAND DR STE 485
AUSTIN TX 78752
schmitta@nwf.org

ANNE ROGERS
COASTAL FISHERIES DIVISION – FPP
TEXAS PARKS AND WILDLIFE
INTERAGENCY MAIL
wqnotice@tpwd.state.tx.us

SARA THORNTON
LLOYD GOSSELINK ROCHELLE & TOWNSEND
816 CONGRESS AVE STE 1900
AUSTIN TX 78701
sthornton@lglawfirm.com

RAILROAD COMMISSION OF TEXAS
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT
INTERAGENCY MAIL

DONNA MCCARVER
ARCHEOLOGY DIVISION
TEXAS HISTORICAL COMMISSION
INTERAGENCY MAIL
donna.mccarver@thc.texas.gov

NICHOLE SAUNDERS
ENVIRONMENTAL DEFENSE FUND
5400 MUSKET RDG
AUSTIN, TX 78759
nsaunders@edf.org

DAVID T VILLARREAL PH.D.
ENVIRONMENTAL QUALITY PROGRAM
TEXAS DEPARTMENT OF AGRICULTURE
INTERAGENCY MAIL

HEIDI BOJES PH.D.
TEXAS DEPARTMENT OF STATE HEALTH SERVICES
INTERAGENCY MAIL
heidi.bojes@dshs.state.tx.us
(Bojes gets IHW, MSW, and WQ notices.)

TONY WILLIAMS
GRANT PROGRAM AND SUPPORT DIVISION
COASTAL RESOURCES PROGRAM
TEXAS GENERAL LAND OFFICE
INTERAGENCY MAIL
federal.consistency@glo.texas.gov
(WILLIAMS only gets notices with CMP language.)

MICHAEL BOOTH
5701 W SLAUGHTER A130-404
AUSTIN TX 78749

APP Ex. 00200

Landowners 16162.001
50

ADRIAN & MARIA FELICITAS GAMEZ
14421 LARK MEADOWS DR
VENUS TX 76084

ARC PROPERTIES LLC
12329 E FM 917
ALVARADO TX 76063

ARIEL NICOLETTE CAMPISI
4141 CR 617
ALVARADO TX 76009

BENNETT GARY
3232 MESQUITE DR
VENUS TX 76084

BLANCA LOPEZ
1412 LLOYD AVE
FORT WORTH TX 76105

BRIAN M FUGITT
4232 CR 617
ALVARADO TX 76009

BRINDLEY SAMUELL SPARKMAN TRUST
PO BOX 505
INDIANOLA WA 98342

CAREY & ANNA T NELSON
6012 N FM 157
VENUS TX 76084

CLARENCE EDWIN PHILLIPS
6717 N FM 157
VENUS TX 76084

CYNTHIA HAMMOND
2209 COUNTRY BROOK DR
WEATHERFORD TX 76087

DALTONS BEST MAID PRODUCTS INC
P O BOX 1809
FORT WORTH TX 76101

DAVID S HAMMOND
492 CORDES DR
VENUS TX 76084

DEBRA C ETVIR RAYMOND M MEEKS
2922 HOWELL DR
VENUS TX 76084

DENNIS & DALE & GALE & ROBBIN WEIDNER RICE
110 TERRAPIN TR
MANSFIELD TX 76063

DON L HAGAR
4113 CR 617
ALVARADO TX 76009

DOROTHY F PHILLIPS
PO BOX 42
MANSFIELD TX 76063

ENERVEST ENERGY INSTITUTIONAL
1001 FANNIN ST STE 800
HOUSTON TX 77002

ERNEST WAYNE PRATER
1601 LIVE OAK DRIVE
IRVING TX 75061

GARY LEE PANNELL
3181 MESQUITE DR
VENUS TX 76084

GERALD SEETON
PO BOX 357
MANSFIELD TX 76063

HEATH A OWENS
3274 MESQUITE DR
VENUS TX 76084

ISRAEL ZAMORA
3220 MESQUITE DR
VENUS TX 76084

JAMES C KNAPP
PO BOX 2243
MANSFIELD TX 76063

JAMES E PRATER
10236 CR 514
ALVARADO TX 76009

JANICE WAYMAN
4149 CR 617
ALVARADO TX 76009

JENNIFER JOHNSON
6016 FALCON CT
VENUS TX 76084

JESSIE ROBLES
805 PRAIRIE AVE
CLEBURNE TX 76033

JIMMY DAVIS
6144 N FM 157
VENUS TX 76084

JOHNSON COUNTY SPECIAL
PO BOX 509
CLEBURNE TX 76033

JOSEPH D BRUCE
3200 MESQUITE DR
VENUS TX 76084

1 of 2

16126004

JOYCE DOLLAR ROBERTSON
5909 N FM 157
VENUS TX 76084

KEITH PHILLIPS
7017 HOLLOW OAK TRL
MANSFIELD TX 76063

KYLE PHILLIPS
1105 INGLEWOOD DR
MANSFIELD TX 76063

LADD X 2 PARTNERS LLC
914 WALNUT FALLS
MANSFIELD TX 76063

LAURA NICHOLS
PO BOX 76
MANSFIELD TX 76063

LOPEZ DAWN L & DEBBIE LYNN DRUE
300 GREEN RIVER TR
FORT WORTH TX 76103

LUZ ADRIANA GAMEZ & NATANAEL RANGEL
14425 LARK MEADOWS DR
VENUS TX 76084

PASCUAL GUTIERREZ JR
7793 OAK DR
MANSFIELD TX 76063

RAMON CASTILLO
4133 CR 617
ALVARADO TX 76009

ROBERT H III COPPLE
4125 CR 617
ALVARADO TX 76009

ROBERTO COLUNGA I
6017 BLUEBIRD CT
VENUS TX 76084

RUDOLFO ETUX MARIA S FLORES
255 MORGAN RD
MANSFIELD TX 76063

SARAH M & WESLEY G IRETON
4301 CR 617
ALVARADO TX 76009

SELLS WILLIAM TROY ETUX BRENDA REVOCABLE
1048 NEWT PATTERSON RD
MANSFIELD TX 76063

SHIRLEY GLASS
6200 N FM 157
VENUS TX 76084

SUNBELT LAND INVESTMENTS 547 LTD
3015 NEW YORK AVE STE 201
GRAND PRAIRIE TX 75052

TOMMIE SMITH
5360 NEWT PATTERSON RD
MANSFIELD TX 76063

TONORE REAL ESTATE HOLDINGS LLC
PO BOX 677
MANSFIELD TX 76063

URBANO & MARIA ESQUIVEL
6016 BLUEBIRD CT
VENUS TX 76084

CHAD WALKER
3501 CR 617
VENUS TX 76084

161162

THE HONORABLE BEVERLY POWELL
TEXAS SENATE
DISTRICT ROOM E1.712
TEXAS STATE CAPITOL
beverly.powell@senate.texas.gov;
ben.wright@senate.texas.gov

THE HONORABLE DEWAYNE BURNS
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM E1.322
TEXAS STATE CAPITOL
Dewayne.burns@house.texas.gov

6-14-22

CITY OF MANSFIELD
HEALTH OFFICIAL
1305 E BROAD ST
MANSFIELD TX 76063-1804

CITY OF MANSFIELD
MAYOR
1305 E BROAD ST
MANSFIELD TX 76063-1804

CITY OF CROWLEY
201 E MAIN ST
CROWLEY TX 76036-2649

JOHNSON COUNTY HEALTH AUTHORIT
COUNTY COURTHOUSE
2 N MAIN ST
CLEBURNE TX 76033-5500

JOHNSON COUNTY JUDGE
COUNTY COURTHOUSE
2 N MAIN ST STE B6
CLEBURNE TX 76033-5502

NORTH CENTRAL TEXAS COUNCIL OF
DEPT OF ENVIRONMENTAL
PO BOX 5888
ARLINGTON TX 76005-5888

PUBLIC HEALTH REGION 2/3
TEXAS DEPARTMENT OF STATE HEAL
1301 S BOWEN RD STE 200
ARLINGTON TX 76013-2262

US ARMY CORPS OF ENGINEERS REG
CESWS-PER-R
PO BOX 17300
FORT WORTH TX 76102-0300

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
STE 140
2005 NE GREEN OAKS BLVD
ARLINGTON TX 76006-2601

GLENN C CLINGENPEEL
TRINITY RIVER AUTHORITY OF TEX
5300 S COLLINS ST
ARLINGTON TX 76018-1710

MR BRENTON DUNN REG MANAGER
TARRANT REGIONAL WATER DISTRIC
800 E NORTHSIDE DR
FORT WORTH TX 76102-1016

KATHY TURNER JONES MANAGER
PRAIRIELANDS GROUNDWATER CONSE
208 KIMBERLY DR
CLEBURNE TX 76031-8704

LAURALEE VALLON GENERAL CO
BRAZOS RIVER AUTHORITY
4600 COBBS DR
PO BOX 7555
WACO TX 76714-7555

MEAGAN FENDLEY UTILITIES ENVIRONMEI
CITY OF ARLINGTON
MS 09-0110
PO BOX 90231
ARLINGTON TX 76004-3231

MONICA JACOBS
KELLY HART & HALLMAN LLP
STE 2000
303 COLORADO ST
AUSTIN TX 78701-4653

MATTHEW S JALBERT
TRINITY RIVER AUTHORITY OF TEXAS
PO BOX 240
ARLINGTON TX 76004-0240

JAN JANSZEN
832 COUNTY ROAD 2850
KOPPERL TX 76652-4825

ROSANA NAREZ
TEX MEX NOTICIAS
PO BOX 1796
GRANBURY TX 76048-8796

ROSANA NAREZ
PO BOX 93331
SOUTHLAKE TX 76092-0113

JERI & ROGER NORRIS
PO BOX 486
NEMO TX 76070-0486

CINDY & STEVE R PASCARELLI
2005 FM 731
BURLESON TX 76028-6347

AILEEN SAARTY
RJN GROUP INC
STE 710
14755 PRESTON RD
DALLAS TX 75254-6815

KYTINNA SOTO OWNER
LA PRENSA COMUNIDAD
PO BOX 732
TOLAR TX 76476-0732

MS SARAH K WALLS
CANTEY HANGER LLP
STE 300
600 W 6TH ST
FORT WORTH TX 76102-3684

JOHN P WIER
9917 TANTARRA DR
BURLESON TX 76028-7855

6-14-22

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

NORI

WQ 0016162001

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE PITNEY BOWES
ZIP 78753 $ 000.53⁰
02 4W
0000360444 JUN 16 2022

LAURA NICHOLS
PO BOX 76
MANSFIELD TX 76063

CHIEF CLERKS OFFICE
2022 JUN 22 AM 9:55
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
93141200 5136

787 NFE 1 321I0006/18/22
RETURN TO SENDER
NICHOLS
BOX CLOSED
UNABLE TO FORWARD
RETURN TO SENDER
INT BC: 78711308787 *0810-06436-16-43

78711>3087
76063$0076 B001

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

NORI
WQ0016162001

PENALTY FOR
PRIVATE USE

ZIP 78753 $ 000.53⁰
02 4W
0000360444 JUN 16 2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2022 JUL 28 AM 10:18
CHIEF CLERKS OFFICE

CYNTHIA HAMMOND
2209 COUNTRY BROOK DR
WEATHERFORD TX 76087

NIXIE 750 7E 1 2207/21/22
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 78711308787 *1882-01485-21-18

APP Ex. 00206

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

NORI
WQ0016162001

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE PITNEY BOWES
ZIP 78753 $ 000.53⁰
02 4W
0000360444 JUN 16 2022

CHIEF CLERKS OFFICE
2022 JUN 29 PM 2:27
COMMISSION ON ENVIRONMENTAL QUALITY

ALEX PFEFFERKORN
QUIDDITY ENGINEERING
2085 DALLAS PKWY STE 600
PLANO TX 75093

NIXIE 750 DE 1 0006/23/22
RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

NSN
BC: 78711308787 *0810-06484-16-43

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

NORI
WQ0016162001

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE PITNEY BOWES
ZIP 78753 $ 000.53⁰
02 4W
0000360444 JUN 16 2022

CHIEF CLERKS OFFICE
2022 JUN 29 PM 2:27
COMMISSION ON ENVIRONMENTAL QUALITY

ROSANA NAREZ
TEX MEX NOTICIAS
PO BOX 1796
GRANBURY TX 76048-8796

NIXIE 750 FE 1 0005/22/22
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTF
BC: 78711308787 *0810-06491-16-43

APP Ex. 00207

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

MOD I
WQ 0016162001

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE PITNEY BOWES
ZIP 78753 $ 000.53⁰
02 4W
0000360444 JUN 16 2022

TOMMIE SMITH
5360 NEWT PATTERSON RD
MANSFIELD TX 76063

CHIEF CLERKS OFFICE
2022 JUN 29 PM 2:31
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NIXIE 750 FE 1 0006/22/22
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
UTF
BC: 78711308787 *0810-06562-16-43

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

MOD I
WQ 0016162001

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE PITNEY BOWES
ZIP 78753 $ 000.53⁰
02 4W
0000360444 JUN 16 2022

JOHNSON COUNTY SPECIAL
PO BOX 509
CLEBURNE TX 76033

CHIEF CLERKS OF
2022 JUN 29 PM
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NIXIE 750 DE 1 0006/22/22
RETURN TO SENDER
VACANT
UNABLE TO FORWARD
VAC
BC: 78711308787 *0810-06532-16-43

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

MOD I
WQ 0016162001

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE PITNEY BOWES
ZIP 78753 $ 000.53⁰
02 4W
0000360444 JUN 16 2022

DOROTHY F PHILLIPS
PO BOX 42
MANSFIELD TX 76063

CHIEF CLERKS OFFICE

Senate Bill 709 (84th Legislative Session, 2015) amended the Texas Water Code by adding new Section 5.5553, which requires the Texas Commission on Environmental Quality (TCEQ) to provide written notice to you at least thirty (30) days prior to the TCEQ's issuance of draft permits for applications that are located in your district.

Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the TCEQ for proposed Texas Pollutant Discharge Elimination System No. WQ0016162001 (EPA I.D. No. TX0142891) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 1,000,000 gallons per day. The domestic wastewater treatment facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084. The discharge route will be from the plant site to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Sabine River Basin. TCEQ received this application on May 4, 2022. The permit application is available for viewing and copying at Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application. https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.1238%2C32.516944&level=12

TCEQ is preparing the initial draft permit. At the time the draft permit is issued, the applicant will be required to publish notice in a newspaper of general circulation, and the TCEQ will provide a copy of the notice of draft permit to persons who have requested to be on a mailing list.

Questions regarding this application may be directed to Mr. Firoj Vahora by calling 512-239-4540.

Issuance Date: July 1, 2022

APP – 5

City of Mansfield - First Comments and Request for Contested Case Hearing

WQ
/28210

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, August 31, 2022 3:34 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016162001
Attachments: Mansfield.TCEQ Letter.WQ0016162001.Megatel Homes.EAT.083020221.pdf

H

From: ataylor@toase.com <ataylor@toase.com>
Sent: Wednesday, August 31, 2022 11:10 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016162001

REGULATED ENTY NAME MANSFIELD TRACT WWTF

RN NUMBER: RN111496998

PERMIT NUMBER: WQ0016162001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: MEGATEL HOMES LLC

CN NUMBER: CN605490937

FROM

NAME: MR E. Allen Taylor, JR

EMAIL: ataylor@toase.com

COMPANY: Taylor, Olson, Adkins, Sralla & Elam, LLP

ADDRESS: 6000 WESTERN PL Suite 200
FORT WORTH TX 76107-4607

PHONE: 8173322580

FAX: 8173324740

COMMENTS: Please see the attached letter.

TOASE

TAYLOR·OLSON·ADKINS·SRALLA·ELAM

ATTORNEYS & COUNSELORS

6000 WESTERN PLACE, SUITE 200
I-30 AT BRYANT IRVIN ROAD
FORT WORTH, TEXAS 76107
EMAIL:TOASE@TOASE.COM

TELEPHONE: (817) 332-2580
TOLL FREE: (800) 318-3400
FACSIMILE: (817) 332-4740
WEBSITE: WWW.TOASE.COM

E. ALLEN TAYLOR, JR.
EXT. 212
ataylor@toase.com

August 30, 2022

Mr. Toby Baker
Executive Director of the
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P. O. Box 13087
Austin, Texas 78711-3087

Re: Proposed Permit No. WQ0016162001 Relating to Megatel Homes, LLC

Dear Mr. Baker:

The City of Mansfield, Texas, a home rule community located in Tarrant, Johnson and Ellis Counties, has received notice of a permit application filed by Megatel Homes, LLC for a Texas Pollutant Discharge Elimination System Permit No. WQ00015162001. The requested Permit would authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of one million gallons per day. The land area for which the Permit is sought lies within the statutorily created extraterritorial jurisdiction of the City of Mansfield, Texas, and within an area for which the City of Mansfield has responsibility to regulate subdivision pursuant to the provisions of Chapter 212 of the Texas Local Government Code. The City of Mansfield routinely provides public water and public wastewater service to development within the City and within significant portions of its extraterritorial jurisdiction. On February 18, 2022, representatives of Megatel filed a Petition seeking water and/or wastewater service from the City of Mansfield for the area in question. On July 5, 2022, the City advised Mr. Ross Martin, an attorney representing the Megatel entity and/or its affiliates, that the City of Mansfield would provide water and wastewater utility service to the area and was willing to enter into a contract on commercially reasonable terms to deliver that service pursuant to the provisions of Section 42.042 of the Texas Local Government Code, as amended. The City did not place conditions on its commitment to provide service.

The communication transmitted by the City on July 5, 2022, provided assurance to the Megatel entity that wastewater utility service would be available from an existing governmental entity thereby eliminating the need for the creation of an independent sewer treatment and wastewater discharge facility at the proposed location identified in the current Permit Application. The City of Mansfield believes that it is consistently in the public interest to limit the number of wastewater treatment facilities and their attendant discharge activities to regional and sub-regional areas where they can be carefully managed and monitored by experienced governmental operators. The governmental

entities have experience in managing these facilities and are familiar with the environmental conditions and constraints applicable to activities within their jurisdiction. The creation of additional private or semi-private wastewater treatment activities increases the need for inspection, testing and monitoring providing a burden without a concomitant public benefit. The City of Mansfield does not believe that a discharge permit for this facility should be authorized unless there is an evidentiary hearing held in which the applicant provides substantive competent evidence that it cannot acquire wastewater utility service under commercially reasonable terms from any existing entity. Evidence should also be presented to demonstrate that the discharge of treated water at the proposed location will not negatively impact the environment by negatively impacting the stream segment and the surrounding area both at the discharge site and downstream from that point. Evidence should also be presented showing that the Applicant has the appropriate level of experience, managerial competence and financial resources to demonstrate that it can effectively construct and manage the proposed wastewater treatment and discharge activity. The City of Mansfield requests that a public hearing and/or an evidentiary hearing be held addressing the appropriateness of this Application and whether or not a Permit should issue.

The City of Mansfield requests that the City be made a party to the process relating to this Application, that a contested case hearing be scheduled, and that the City of Mansfield be placed on any and all appropriate mailing lists relating to this Permit. The City contacts who will be managing the City's position in regard to this matter are City Manager, Joe Smolinski, 1200 E. Broad Street, Mansfield, Texas 76063, and Assistant City Manager, Matt Jones, 1200 E. Broad Street, Mansfield, Texas 76063. The law firm of Taylor Olson Adkins Sralla & Elam, LLP serves as general counsel and city attorney to the City and should be copied on any and all correspondence relating to this matter with partner in charge designated as Allen Taylor, 6000 Western Place, Suite 200, Fort Worth, Texas 76107. If the City may provide you with any additional information or assistance, please feel free to contact me.

Sincerely,

E. Allen Taylor, Jr.

EAT/ds

cc: Joe Smolinski
City Manager
City of Mansfield
1200 E Broad Street
Mansfield, Texas 76063

cc: Matt Jones
Assistant City Manager
City of Mansfield
1200 E Broad Street
Mansfield, Texas 76063

W:\Mansfield\Land Use\Megatel Homes\TCEQ Letter.EAT001.wpd

APP – 6

TCEQ ED - Internal Technical Application Processing Documentation (Including Various Technical Memorandum)

Permit Application Routing and Summary Sheet

This sheet must be filed on the left side of the permit file until the application is issued, denied or withdrawn. After which it is moved to the right side of the permit file. If the application is denied or withdrawn, the file must be remanded back to the Application Review and Processing Team.

Applicant Name	Megatel Homes, L.L.C.		
Plant Name	Mansfield Tract WWTP		
TCEQ Permit #	WQWQ0016162001	EPA ID #	TXTX0142891
TCEQ Region	4 Segment No. 838	Receiving Water	to Reece Branch;
CN605490937	RN111496998	County	Johnson

Facility Active?	No	
Within Coastal Zone?	No	(If yes, check notice rqmts for new & maj amend)
Above Threshold?	No	
EPA Classification	Minor	
Authorization Type	Private Domestic	
Discharge Type	TPDES	
Application Type	New	

Task	Due Date	Actual Date
Application Received		5/4/2022
Initial Review	5/14/2022	5/19/2022
NOD Required	Yes	5/19/2022
Admin Complete	6/12/2022	6/8/2022
WQA Complete	7/13/2022	
Draft Complete	8/27/2022	
Tech Complete	9/6/2022	
Draft Mailed	9/9/2022	
File with CCO	9/26/2022	
Standards Reviewer	Jenna Rhea	
Peer Reviewer		
Crit. Cond. Reviewer	Brian Christman	
Modeling Reviewer	GDubke 7/6	
Biomon Reviewer	M.A. Wallace	
Groundwater Reviewer		
Soils Reviewer		

Initial PTT Deadline
9/26/2022

Abesha Michael

See below

H.N. 7/11/2022

DD 7/18/2022

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Firoj Vahora, Team Leader
Municipal Team, Wastewater Permitting Section

Date: 9/22/2021

From: Deba Dutta, P.E., Municipal Permits Team

PR: Self

APPLICANT: Megatel Homes, L.L.C.
PLANT NAME: Mansfield Tract WWTP
TPDES PERMIT NO: WQ0016162001

EPA ID No: TX0142891

FILE NAME: H:\WQ_WQ Division-New Network Drive\Wastewater Permitting Section\MUNI\PERMIT FILES_Working Files\WQ0016162001_MEGATEL HOME LLC

Admin Complete Date:	6/8/2022	Pretreatment Memo:	N/A
Standards Memo:	6/23/2022	Assign Date:	7/18/2022
Critical Condition Memo:	6/23/2022	Tech Complete Date:	9/22/2022
Modeling Memo:	6/23/2022	RFI Letter Date:	
Biomonitoring Memo:	7/7/2022	Response Letter Date:	

PERMIT TYPE

☐ Public Domestic
☒ Private Domestic

☒ Discharge (TPDES)
☐ Land Application

☒ Major (> 1 MGD)

PERMIT ACTION

New

PERMIT PACKAGE

YES	NO	
☒	☐	Transmittal letter to applicant
☒	☐	Transmittal letter to EPA
☒	☐	Fact Sheet and ED Preliminary Decision for major TPDES Permit
☒	☐	Permit Draft
☒	☐	Biomonitoring Requirements for Major TPDES Permits
☐	☒	Pretreatment Requirements for POTWs
☐	☒	Authorization to land apply or dispose of Class B Biosolids or sewage sludge on property adjacent to WWTP in draft permit. Includes appropriate other requirements (including quarterly and annual reporting, soil monitoring, language in notice and fact sheet, attachments.
☒	☐	EPA REVIEW CHECKLIST
☒	☐	FACILITY PROCESS FORM for PARIS
☒	☐	TEXTOX Printout in file
☒	☐	NOTICE for admin complete on or after 9/1/99
☒	☐	CAPTION (also saved in **I:\EVERYONEwq\CAPTION**)
☒	☐	Legislative Notice (SB709) required **(saved in I:\WQ\Muni\LEGISLATIVE NOTICE)**
☒	☐	MAJOR/MINOR DETERMINATION if needed
☐	☒	LOCATED IN THE COASTAL ZONE (if located in coastal zone, include **CMP Threshold Sheet**)
☒	☐	SPELLCHECK: DRAFT PERMIT/TECH SUM/SOB/FACT SHEET/NOTICE/LETTER(S)
☒	☐	**SCHEDULE FOR ERC Part A: All major permits and permits in Edwards Aquifer area are scheduled for ERC**
☐	☒	Located in the Edwards Aquifer area
☒	☐	**COMPLIANCE HISTORY:** CN= UNCLASSIFIED and RN=N/A
☐	☒	ENFORCEMENT ORDER(S)
☐	☒	CHANGES TO THE DRAFT PERMIT based on discussion at ERC

COMMENTS: New application to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.40 MGD in the Interim II phase, and an annual average flow not to exceed 1.0 MGD in the Final phase.

Request for Comments on Draft Permit
TCEQ – Water Quality Division
Phone: (512)239-4671
Fax: (512)239-4430
Mailing Address: TCEQ, Water Quality Division, P.O. Box 13087, Austin, TX 78711-3087

TO: Region: **4**

Submitted by: **Deba Dutta, P.E.** E-Mail ID: **deba.dutta@tceq.texas.gov** Phone: **(512) 239-4608**

Date Request Submitted:

Comments Deadline: Within 7 days

Date Application Received by TCEQ in Austin: **May 4, 2022**

REGIONAL OFFICES: The entity below has submitted an application for the project referenced below in accordance with regulations of the TCEQ. Please return comments ASAP, but no later than the comments deadline, which is 10 days from the submittal date. Permit disposition will proceed after comments are received or after the comments deadline has passed. If no comments are received within this time frame, we will assume you have no comments or objections to the project as proposed. Please return a complete copy of the form (both sides) with your comments.

PROJECT TYPE: **Renewal**

TEAM ASSIGNED: **MUNICIPAL**

APPLICATION TYPE: ☒ **TPDES** ☐ **TLAP**

REGULATED ENTITY NO.: **RN111496998**

PERMIT NO.: **WQ0016162001**

CUSTOMER REFERENCE NO.: **CN605490937**

COMPANY NAME: **Megatel Homes, L.L.C.**

PLANT NAME: **Mansfield Tract WWTP**

ADDRESS: **2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201**

SEGMENT: **0838**

COUNTY: **Johnson**

TECHNICAL CONTACT: **Mr. Jonathan Nguyen**

PHONE: **512-685-5156**

PERMIT CLASSIFICATION: **MAJOR**

COMPLIANCE RATING: **CN= UNCLASSIFIED and RN=N/A**

SUMMARY OF APPLICATION REQUEST: New application to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.40 MGD in the Interim II phase, and an annual average flow not to exceed 1.0 MGD in the Final phase.

PERMIT WRITER COMMENTS: The domestic wastewater treatment facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084.

RESPONSE TO REQUEST FOR COMMENTS ON DRAFT PERMIT

TO: **Deba Dutta, P.E.**

FROM: Region: **4**

Copy of Application Received by your Office: ☐ YES ☐ NO Date Received: _____

COMPANY NAME: Megatel Homes, L.L.C.

PERMIT NO.: WQ0016162001

REGULATED ENTITY NO: RN111496998

Investigator's/Compliance Officer's Name (Please Print): _____

Phone: _____

Comments Deadline (from pg. 1):

Date of Last Site Visit: _____

COMMENTS ON CONDITIONS: (Please mark up the draft special conditions with your comments. Please address applicability and enforceability. List any additional conditions below):

Compliance Determination Conditions: _____

_____

_____

_____

_____

Operational Limitations: _____

_____

_____

_____

_____

General Comments: _____

_____

_____

_____

_____

AGENDA CAPTION FOR PERMIT NO. WQ0016162001

Megatel Homes, L.L.C. has applied for new Texas Pollutant Discharge Elimination System Permit No. WQ0016162001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day. The facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084.

MUNICIPAL EPA REVIEW CHECKLIST

Permittee Name: Megatel Homes, L.L.C.
Permit Number: TPDES Permit No. WQ0016162001, EPA ID No. TX0142891

NOTE: Minor amendments, endorsements, and minor modifications (except for pretreatment) are exempt from EPA review. ***However, HSC permits Seg Nos. 1001, 1005, 1006, 1007, 1016, 2426, 2427, 2428, 2429, 2430, and 2436 require review by modeling to ensure that the loading is consistent with the revised WLE-1R, so you may need to check with the modeler or check the most recent modeling memo to confirm that the loading is consistent.***

For renewal, amendment or new permits check any items that apply to determine if the permit is subject to EPA review:

PLEASE CHECK ☒ ALL THE APPLICABLE BELOW:

Draft permit authorizes:

YES	NO	
☒	☐	Discharge from a designated major facility
☐	☒	Discharge from a POTW with an approved pretreatment program
☒	☐	Discharge from a facility with a daily/annual average flow >1.0 MGD
☐	☒	Discharge to a critical concern species watershed that requires EPA review
☐	☒	Discharge that includes a request for a water quality variance
☐	☒	Storm water discharge to high priority species watershed
☐	☒	First time implementation of a final TMDL for an existing facility
☐	☒	Prior to a final TMDL, new permit, or expanded discharge to an impaired listed 303(d) listed segment, and that has the potential to discharge any pollutant that is causing or contributing to the impairment.
☐	☒	After a final TMDL, new permit or expanded discharge to an impaired listed 303(d) listed segment where the TMDL does not allocate the loadings described in the draft permit
☐	☒	After a final TMDL, a permit with effluent limits that allow loadings in excess of those prescribed by the TMDL for the segment
☐	☒	After a final TMDL, a permit that allows **more** than a 3-year schedule for an existing facility to be in compliance with final effluent limits based on the TMDL allocation (new facilities have to be compliant upon discharge)
☐	☒	Discharge directly to territorial seas of the United States (from the coastline to 3 miles out but not including Bays and Estuaries)
☐	☒	Discharge or sewage sludge management that may affect another state or Mexico. For sewage sludge management, may affect means, accepts sewage sludge from another state or Mexico. For discharge, it means a discharge within 3 miles of a boundary with another state or Mexico.
☐	☒	Discharge from a Class I sludge management facility. (A Class I facility is a POTW or combination of POTWs operated by the same authority with a design flow of >5 MGD and that have IUs and are required to have an approved pretreatment program or are subject to pretreatment standards, **OR** any other treatment works treating domestic sewage sludge classified as a Class I sludge management facility by the Regional Administrator in conjunction with the TCEQ.)

If any column is marked "YES", EPA must receive a copy of the full permit package.
If all columns are marked "NO", EPA does not need to review the draft permit.

Permit Writer: Deba Dutta, P.E.

Date: 9/21/2022

MUNICIPAL MAJOR/MINOR DETERMINATION

Permittee Name: Megatel Homes, L.L.C.

Permit Number: TPDES Permit No. WQ0016162001, EPA ID No. TX0142891

Type of Application: Renewal

Check Appropriate Classification:

☒ Major
☐ Minor

Permitted Flow: 1.0 MGD

Permit Writer: Deba Dutta, P.E.

Date: 9/21/2022

Give a copy to team EPA coordinator (Alfonso) if there are any changes. EPA considers new permits minor unless notified that the permit is a major.

PARIS FACILITY EXTENSION - TREATMENT PROCESS
TPDES PERMIT NO. WQ0016162001

PERMITTEE: Megatel Homes, L.L.C.
PLANT NAME Mansfield Tract WWTP
Application Type: Renewal ☒ Interim I ☒ Interim II ☐ Interim III ☒ Final

WASTEWATER TREATMENT

Primary Treatment
02 Preliminary treatment – bar screen
03 Preliminary treatment – grit removal
04 Preliminary treatment -
05 Preliminary treatment - others
B1 Imhoff tank
06 Scum removal
07 Flow equalization basins
08 Preaeration
09 Primary sedimentation
D2 Septic tank
A5 Facultative lagoon

Secondary Treatment
10Trickling filter – rock media
11 Trickling filter – plastic media
12 Trickling filter – redwood slats
13 Trickling filter – other media
14 Activate sludge – conventional
15 Activate sludge – complete mix
16 Activate sludge – contact
17 Activated sludge – extended aeration
18 Pure oxygen activate sludge
19 Bio-Disc (rotating biological filter)
20 Oxidation ditch
21 Clarification using tube settlers
22 Secondary clarification
B6 Constructed wetlands
E5 Natural treatment
E6 Overland flow

Advanced Treatment - Biological
23 Biological nitrification – separate
24 Biological nitrification - combined
25 Biological denitrification
26 Post aeration (reaeration)

Advanced Treatment –
27 Microstrainers – primary
28 Microstrainers – secondary
D1 Dunbar Beds
29 Sand filters
30 Mix media filters (sand and coal)
31 Other filtrations
B2 Bubble diffuser (compressor)
32 Activated carbon – granular
B3 Mechanical surface aerator
33 Activated carbon-powered
34 Two stage lime treatment of raw
35 Two stage tertiary lime treatment
36 Single stage lime treatment of raw
37 Single state tertiary lime treatment
38 Recarbonation
39 Neutralization
40 Alum addition to primary
41 Alum addition to secondary
42 Alum addition to separate state
43 Ferri-chloride addition to primary
44 Ferri-chloride addition to secondary
45 Ferri-chloride addition to separate
46 Other chemical additions
47 Ion exchange
48 Breakpoint chlorination
49 Ammonia stripping
50 Dechlorination

Disinfection
51 Chlorination for disinfection
52 Ozonation for disinfection
53 Other disinfection
D3 Ultra violet light

Land Treatment
54 Land treatment of primary effluent
55 Land treatment of secondary effluent
56 Land treatment of intermediate (less than secondary)

Other Treatment
57 Stabilization ponds
58 Aerated lagoons
59 Outfall pumping
60 Outfall diffuser
61 Effluent to other plants
62 Effluent outfall
63 Other treatment
64 Evapo-transpiration beds
64 Recalcination

Disposal Method
A7 Irrigation – public access
A8 Irrigation – agricultural
B4 Evapo-transpiration beds
B6 Constructed wetlands
C1 Irrigation – pastureland
D4 Pressure dosing system
D5 Percolation system
D8 Other reuse method
E1 Evaporation/plays
E2 Discharge only
E3 Discharge and (use other #)
E4 Injection well(s)

SLUDGE TREATMENT
65 Aerobic digestion – air
66 Aerobic digestion – oxygen
67 Composting
68 Anaerobic digestion
69 Sludge lagoons
70 Heat treatment – dryer
71 Chlorine oxidation of sludge
72 Lime stabilization
73 Wet air oxidation
74 Dewatering – sludge drying beds, sand
F2 Dewatering – sludge drying bed
75 Dewatering – mechanical-vacuum
76 Dewatering – mechanical – centrifuge
77 Dewatering – mechanical – filter press
78 Dewatering – others
79 Gravity thickening
80 Air flotation thickening
D6 Sludge holding tank

Incineration
81 Incineration – multiple hearth
82 Incineration – fluidized beds
83 Incineration – rotary kiln
84 Incineration –others
85 Pyrolysis
86 Co-incineration with solid waste
87 Co-pyrolysis with solid waste
88 Co-incineration - others

SLUDGE DISPOSAL
89 Co-disposal landfill
D7 Sludge – only monofill
90 Land application (permitted)
91 Commercial land application
92 Trenching
B5 Transport to another WWTP
F3 Transport to Regional compost facility
94 Other sludge handling
95 Digest gas utilization facilities
E7 Commercial land application
F4 Dedicated land disposal
F5 Marketing and distribution
F6 Marketing and distribution non-

MISCELLANEOUS
01 Pumping raw wastewater
96 Control/lab/maintenance buildings
97 Fully automated using digital control -
98 Fully automated using analog control
99 Semi-automated plant
A1 Manually operated and controlled
A2 Package plant
A3 Semi-package plant
A4 Custom built plant
A7 Irrigation – public access
A8 Irrigation – agriculture
A9 Effluent storage ponds (irrigation)
C1 Irrigation – pastureland
D8 Other reuse method
D9 Emergency holding ponds
E1 Evaporation or playa
E8 Monitoring wells
E9 Biomonitoring
F7 Stormwater (SSO)
F8 Unconventional

PERMIT Deba Dutta, P.E.
Municipal Permits Team
Wastewater Permitting Section, Water Quality Division
Date: 9/21/2022

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN605490937, RN111496998, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605490937, Megatel Homes, L.L.C. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN111496998, MANSFIELD TRACT WWTF **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 1.0 MILES SW OF THE INTERSECTION OF BEDFORD ST & NORTH FM RD 157 JOHNSON, TX, JOHNSON COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER PERMIT WQ0016162001 **WASTEWATER** EPA ID TX0142891

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: July 08, 2022

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: May 04, 2017 to July 08, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: WH **Phone:** (512) 239-3581

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? NO
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

Thru: C. Brad Caston, Standards Implementation Team Peer Review
Water Quality Assessment Section
Water Quality Division

From: Jenna R. Lueg Standards Implementation Team
Water Quality Assessment Section
Water Quality Division

Date: 6/23/2022

Subject: Megatel Homes, LLC; Permit no. WQ0016162001
New; Application received 5/4/2022

The discharge route for the above referenced permit is to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment 0838 of the Trinity River Basin. The designated uses and dissolved oxygen criterion as stated in Appendix A of the Texas Surface Water Quality Standards (30 Texas Administrative Code §307.10) for Segment 0838 are primary contact recreation, public water supply, high aquatic life use, and 5.0 mg/L dissolved oxygen.

Since the discharge is directly to an unclassified water body, the permit action was reviewed in accordance with 30 Texas Administrative Code §307.4(h) and (l) of the 2018 Texas Surface Water Quality Standards and the TCEQ's implementation procedures for the standards. Based on a receiving water assessment and/or other available information, a preliminary determination of the aquatic life uses in the area of the discharge impact has been performed and the corresponding dissolved oxygen criterion assigned.

Reece Branch; limited aquatic life use; 3.0 mg/L dissolved oxygen.
Mountain Creek; high aquatic life use; 5.0 mg/L dissolved oxygen.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, 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 Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

Thru: Josi Robertson, Water Quality Assessment Team
Water Quality Assessment Section

From: Brian Christman, Water Quality Assessment Team
Water Quality Assessment Section

Date: June 28, 2022

Subject: Megatel Homes, L.L.C.
Wastewater Permit No. WQ0016162001
Critical Conditions Recommendation Memo

The following information applies to **Outfall 001**.

The TexTox menu number is 7 for an intermittent water body with perennial pools.

This discharge is to Reece Branch.

Segment No.	0838
Critical Low Flow [7Q2] (cfs)	0
% Effluent for Chronic Aquatic Life (Mixing Zone)	100
% Effluent for Acute Aquatic Life (ZID)	100
Effluent Flow for Human Health (MGD)	1.0 (Proposed)
Harmonic Mean Flow (cfs)	0.1

Human Health criteria apply for Incidental Fish Only.

There is no mixing zone established for this discharge to an intermittent stream with perennial pools. Chronic toxic criteria apply at the point of discharge.

Also Check menu number **3**.

This discharge is to Mountain Creek.

Segment No.	0838
Effluent Flow for Human Health (MGD)	1.0 (Proposed)
Harmonic Mean Flow (cfs)	0.2

Human Health criteria apply for Fish Only.

APP Ex. 00225

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

From: Gunnar Dubke, P.E.
Modeler, Water Quality Assessment Team
Water Quality Assessment Section

Date: July 6, 2022

Subject: Megatel Homes, LLC
New Permit (WQ0016162001, TX0142891)
Discharge to a tributary of Joe Pool Lake (Segment No. 0838)

The referenced applicant is seeking a new permit authorizing the discharge of treated domestic wastewater into the watershed of Joe Pool Lake (Segment No. 0838). A dissolved oxygen analysis of the referenced discharge was conducted using an uncalibrated QUAL-TX model for effluent flows of 0.20 MGD, 0.40 MGD, and 1.0 MGD. The facility is located in Johnson County.

Based on model results, the proposed effluent limits of **10 mg/L $CBOD_5$, 3.0 mg/L NH_3-N, and 4.0 mg/L DO** are predicted to be adequate to maintain dissolved oxygen levels above the criteria stipulated by the Standards Implementation Team for Reece Branch (3.0 mg/L) and Mountain Creek (5.0 mg/L) **for all effluent flow phases**.

These limits also comply with the statewide lake rule for discharges within five miles upstream of public water supply reservoirs.

Coefficients and kinetics used in the model are a combination of standardized default and estimated values. The results of this evaluation can be reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

Segment No. 0838 is not currently listed in the State's inventory of impaired and threatened waters (the **2020** Clean Water Act Section 303(d) list).

The effluent limits recommended above have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). The recommended limits are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

From: M. A. Wallace, PhD, Standards Implementation Team
Water Quality Assessment Section
MAW 7/7/22 Water Quality Division

Date: 7/7/2022

Subject: Megatel Homes, LLC
Mansfield Tract WWTP
Permit No. WQ0016162001

WHOLE EFFLUENT TOXICITY (WET) TESTING (BIOMONITORING)

The following information applies to Outfall 001. We recommend freshwater chronic and 24-hour acute testing. For chronic testing, we recommend the water flea (*Ceriodaphnia dubia*) and the fathead minnow (*Pimephales promelas*) as test species and a testing frequency of once per quarter for both test species, for at least the first year of testing, after which both species may be eligible for the testing frequency reduction. We recommend a dilution series of 32%, 42%, 56%, 75%, and 100% with a critical dilution of 100%. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

For the 24-hour acute testing, we recommend a water flea (*Ceriodaphnia dubia* or *Daphnia pulex*) and the fathead minnow as test species and a testing frequency of once per six months for both test species.

The effluent flow from this facility initially will be less than the final 1.0 MGD phase. Therefore, there is no WET testing history to review. The permittee will be required to initiate WET testing within 90 days of initial discharge of the final 1.0 MGD phase.

REASONABLE POTENTIAL (RP) DETERMINATION

A reasonable potential determination was performed in accordance with 40 CFR §122.44(d)(1)(ii) to determine whether the discharge will reasonably be expected to cause or contribute to an exceedance of a state water quality standard or criterion within that standard. Each test species is evaluated separately. The RP determination is based on representative data from the previous three years of WET testing. This determination was performed in accordance with the methodology outlined in the TCEQ letter to the EPA dated December 28, 2015, and approved by the EPA in a letter dated December 28, 2015.

With no WET testing history, and therefore zero failures, a determination of no RP was made. WET limits are not required and the permittee may be eligible for the testing frequency reduction after one year of quarterly testing occurs.

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Re: Megatel Homes, L.L.C. - TPDES Permit No. WQ0016162001, EPA ID No. TX0142891 (CN605490937; RN111496998)

Dear Mr. Nguyen:

Enclosed for your review and comment is a copy of a draft permit, Fact Sheet and Executive Director's Preliminary Decision for the above-referenced operation. This draft permit is subject to further staff review and modification; however, we believe it generally includes the terms and conditions that are appropriate to your discharge. **Please read the entire draft carefully and note the following:**

1. The draft permit will be issued to expire **five years from the date of issuance**.
2. *E. coli* bacteria limits have been added to the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319.
3. The draft permit includes all updates based on the 30 TAC § 312 rule change effective April 23, 2020.

Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision (NAPD), that was prepared for your application. Please review this notice and provide comments if there are any inaccuracies or any information that is not consistent with your application. Please do not publish the notice at this time; after the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper from the Office of the Chief Clerk. Please note that these instructions will not be mailed if the Office of the Chief Clerk has not received the requested proof that the first notice (Notice of Receipt and Intent to Obtain a Permit) has been published. This could cause delays in the processing of your application and the final issuance of the draft permit. When the NAPD notice is received, please publish promptly and submit proof of publication (affidavit and tearsheet) to the Office of the Chief Clerk. **Failure to publish notice and submit proof of publication in a timely manner may result in returning of the application and loss of authorization to operate.**

It is your responsibility to submit your comments on the draft permit prior to the

APP Ex. 00228

deadline that is indicated in the email. Comments can be sent to deba.dutta@tceq.texas.gov in place of or in addition to a hard copy.

If you have any comments or questions, please contact me at (512) 239-4608, or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,

Deba Dutta
Deba Dutta, P.E., Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

DPD/SW

Enclosures

cc: Mr. Zach Ipour, President, Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201

Deba Dutta

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Wednesday, September 28, 2022 11:01 AM
To: Deba Dutta
Subject: RE: WQ0016162001 Megatel Homes LLC

Good morning Deba,

We approve the draft permit and NAPD. Please proceed with the next steps.

Thank you!

Jonathan Nguyen
Permitting Specialist
Email: jnguyen@quiddity.com
T: 512.685.5156

From: Deba Dutta <Deba.Dutta@tceq.texas.gov>
Sent: Wednesday, September 28, 2022 9:11 AM
To: Jonathan Nguyen <jnguyen@quiddity.com>; zack@megatelhomes.com
Subject: RE: WQ0016162001 Megatel Homes LLC
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

This is gentle reminder that your **comments and/or approval** is due no later than, ***Thursday, September 29, 2022.***

Thanks.
Deba

Deba P. Dutta, P.E.
Municipal Permits Team, MC-148
Wastewater Permitting Section
Water Quality Division, TCEQ
12100 Park 35 Circle, Austin, Texas 78753
Phone: 512-239-4608
Email: Deba.Dutta@tceq.texas.gov

Take Care of Texas
TakeCareOfTexas.org

Customer Satisfaction Survey

From: Shemica Wilford <Shemica.Wilford@tceq.texas.gov>
Sent: Thursday, September 22, 2022 3:42 PM
To: jnguyen@quiddity.com; zack@megatelhomes.com
Cc: Deba Dutta <Deba.Dutta@tceq.texas.gov>
Subject: WQ0016162001 Megatel Homes LLC

To whom it may concern,

Attached for your review, is the letter, DRAFT permit, NAPD, and statement of basis/technical summary, for Permit WQ0016162001 Megatel Homes LLC.

> Alternative language notice in Spanish is available at https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices. El aviso de idioma alternativo en español está disponible en https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices.

Please note, a translated copy of the NAPD in the alternative language must be submitted with your comments on the draft permit. If a translated NAPD is not received, the draft permit cannot be filed with the Office of the Chief Clerk. For notice templates in Spanish, please visit: https://www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html.

Please submit any **comments and/or approval** no later than, ***Thursday, September 29, 2022.*** If the comments and/ or approval are not received by the given deadline, it may cause significant delays in the permit process. Please contact Deba Dutta with your comments and/ or approval to: Deba.Dutta@tceq.texas.gov .

Thank you,

Shemica Wilford
Customer Information Assistance (CIA)
Water Quality Division
Texas Commission on Environmental Quality (TCEQ)
Shemica.Wiflord@tceq.texas.gov

This e-mail and any attachments are intended only for the named recipient(s) and may contain information that is legally privileged, confidential, or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), you may not retain copy or use this e-mail or any attachment for any purpose or disclose all or any part of the contents to any other person. Any such dissemination, distribution or copying of this e-mail or its attachments is strictly prohibited. Please immediately notify the sender and permanently delete this e-mail and any attachment from your computer and/or electronic devices. Any personal views or opinions expressed by the writer may not necessarily reflect the views or opinions of Quiddity Engineering, Inc.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Jonathan Nguyen
Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Re: Megatel Homes, L.L.C. - TPDES Permit No. WQ0016162001, EPA ID No. TX0142891 (CN605490937; RN111496998)

Dear Mr. Nguyen:

Enclosed for your review and comment is a copy of a draft permit, Fact Sheet and Executive Director's Preliminary Decision for the above-referenced operation. This draft permit is subject to further staff review and modification; however, we believe it generally includes the terms and conditions that are appropriate to your discharge. **Please read the entire draft carefully and note the following:**

1. The draft permit will be issued to expire **five years from the date of issuance**.

2. *E. coli* bacteria limits have been added to the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319.

3. The draft permit includes all updates based on the 30 TAC § 312 rule change effective April 23, 2020.

4. This application was declared administratively complete on June 8, 2022. Please note, a translated copy of the NAPD in the alternative language must be submitted with your comments on the draft permit. If a translated NAPD is not received, the draft permit cannot be filed with the Office of the Chief Clerk. For notice templates in Spanish, please visit: https://www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html.

Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision (NAPD), that was prepared for your application. Please review this notice and provide comments if there are any inaccuracies or any information that is not consistent with your application. Please do not publish the notice at this time; after the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper from the Office of the Chief Clerk. Please note that these instructions will not be mailed if the Office of the Chief Clerk has not received the requested proof that the first notice (Notice of Receipt and Intent to Obtain a Permit) has been published. This

could cause delays in the processing of your application and the final issuance of the draft permit. When the NAPD notice is received, please publish promptly and submit proof of publication (affidavit and tearsheet) to the Office of the Chief Clerk. **Failure to publish notice and submit proof of publication in a timely manner may result in returning of the application and loss of authorization to operate.**

It is your responsibility to submit your comments on the draft permit prior to the deadline that is indicated in the email. Comments can be sent to deba.dutta@tceq.texas.gov in place of or in addition to a hard copy.

If you have any comments or questions, please contact me at (512) 239-4608, or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,

Deba Dutta
Deba Dutta, P.E., Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

DPD/SW

Enclosures

cc: Mr. Zach Ipour, President, Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201

DRAFT NOTICE, DO NOT PUBLISH UNTIL YOU RECEIVE THE OFFICIAL VERSION AND INSTRUCTIONS FROM TCEQ's OFFICE OF THE CHIEF CLERK.

Texas Commission on Environmental Quality

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

NEW

PERMIT NO. WQ0016162001

APPLICATION AND PRELIMINARY DECISION. Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201 has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day. TCEQ received this application on May 4, 2022.

The facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084. The treated effluent will be discharged to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch, and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.1238%2C32.516944&level=12

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas.

DRAFT NOTICE, DO NOT PUBLISH UNTIL YOU RECEIVE THE OFFICIAL VERSION AND INSTRUCTIONS FROM TCEQ's OFFICE OF THE CHIEF CLERK.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices. El aviso de idioma alternativo en español está disponible en https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed.

DRAFT NOTICE, DO NOT PUBLISH UNTIL YOU RECEIVE THE OFFICIAL VERSION AND INSTRUCTIONS FROM TCEQ's OFFICE OF THE CHIEF CLERK.

If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment **within 30 days from the date of newspaper publication of this notice.**

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Megatel Homes, L.L.C. at the address stated above or by calling Mr. Jonathan Nguyen, Permit Specialist, Quiddity Engineering, at 512-685-5156.

Issuance Date: _____

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001, EPA I.D. No. TX0142891, to discharge to water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	Megatel Homes, L.L.C. 2101 Cedar Springs Road, Suite 700 Dallas, Texas 75201
Prepared By:	Deba Dutta, P.E. Municipal Permits Team Wastewater Permitting Section (MC 148) Water Quality Division (512) 239-4608
Date:	9/22/2022
Permit Action:	Renewal

1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **five years from the date of issuance**.

2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, at a daily average flow not to exceed 0.20 MGD in the Interim II phase, and an annual average flow not to exceed 1.0 MGD in the Final phase. The proposed wastewater treatment facility will serve a residential subdivision located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

A. FACILITY AND DISCHARGE LOCATION

The plant site will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084.

Outfall Location:

Outfall Number	Latitude	Longitude
001	32.516803 N	97.122361 W

The treated effluent will be discharged to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use.

4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Mansfield Tract Wastewater Treatment Facility will be a suspended growth single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase will include an onsite lift station, manual bar screens, two aeriation basin, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Interim II phase will include an onsite lift station, manual bar screens, flow splitting weirs, two aeriation basin, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Final phase will include an onsite lift station, mechanical bar screens, two aeriation basin, two secondary clarifiers, a chlorine contact chamber, a disinfection system, and two aerobic digesters. The facility has not been constructed.

The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

5. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

Self-reporting data is not available since the facility is not in operation.

7. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

A. INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	17	15	25
TSS	15	25	25	40
NH_3-N	3	5.0	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	N/A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample. There shall be no

APP Ex. 00238

discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Five/week
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli	One/month

B. INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	33	15	25
TSS	15	50	25	40
NH_3-N	3	10	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	N/A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Five/week
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week

APP Ex. 00239

E. coli	One/month

C. FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 1.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,778 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	83	15	25
TSS	15	125	25	40
NH_3-N	3	25	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN/100 ml	126	N/A	N/A	399

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
$CBOD_5$	Two/week
TSS	Two/week
NH_3-N	Two/week
DO	Two/week
E. coli	Two/month

D. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

APP Ex. 00240

E. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

(1) The draft permit includes chronic freshwater biomonitoring requirements as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical dilution) is defined as 100%. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

(a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:

(a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).

(b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

F. BUFFER ZONE REQUIREMENTS

The draft permit includes a requirement for the permittee to obtain legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC § 309.13(e)(3).

G. SUMMARY OF CHANGES FROM APPLICATION

None.

8. DRAFT PERMIT RATIONALE

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated in Title 40 of the CFR require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines.

Effluent limitations for maximum and minimum pH are in accordance with 40 CFR § 133.102(c) and 30 TAC § 309.1(b).

APP Ex. 00241

B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

(1) WATER QUALITY SUMMARY

The treated effluent is discharged to to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 0838 is not currently listed in the State's inventory of impaired and threatened waters (the 2020 C WA § 303(d) list).

The effluent limitations and conditions in the draft permit comply with EPA-approved portions of the 2018 Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10, effective March 1, 2018; 2014 TSWQS, effective March 6, 2014; 2010 TSWQS, effective July 22, 2010; and 2000 TSWQS, effective July 26, 2000. These limits also comply with the statewide lake rule for discharges within five miles upstream of public water supply reservoirs.

(2) CONVENTIONAL PARAMETERS

Effluent limitations for the conventional effluent parameters (i.e., Five-Day Biochemical Oxygen Demand or Five-Day Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

(3) COASTAL MANAGEMENT PLAN

The facility is not located in the Coastal Management Program boundary.

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

The Texas Surface Water Quality Standards (30 TAC Chapter 307) state that surface waters will not be toxic to man, or to terrestrial or aquatic life. The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards, June 2010" is designed to ensure compliance with 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.

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

There is no mixing zone for this discharge directly to an intermittent stream with perennial pools; acute and chronic freshwater criteria apply at the end of pipe. The following critical effluent percentages are being used:

APP Ex. 00243

Acute Effluent %: 100% Chronic Effluent %: 100%

Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded.

The LTA is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12).

Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and total suspended solids (TSS) according to the segment-specific values contained in the TCEQ guidance document "*Procedures to Implement the Texas Surface Water Quality Standards, June 2010.*" The segment values are 153 mg/l for hardness (as calcium carbonate), 21 mg/l chlorides, 7.9 standard units for pH, and 4.0 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation. See Attachment A of this Fact Sheet.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). The discharge point is to an intermittent stream with perennial pools or to an intermittent stream within 3 miles upstream of an intermittent stream with perennial pools. Human health screening using incidental freshwater fish tissue criteria (= 10 X freshwater fish tissue criteria) is applicable due to the perennial pools that support incidental freshwater fisheries. TCEQ uses the mass balance equation to estimate dilution in the intermittent stream with perennial pools during

APP Ex. 00244

average flow conditions. The estimated dilution for human health protection is calculated using the permitted flow of 1.0 MGD and the harmonic mean flow of 0.2 cfs for Mountain Creek. The following effluent percentage is being used:

Human Health Effluent %: 93.93%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent limitations for aquatic life protection. A 99th percentile confidence level in the long-term average calculation is used with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70% and 85% of the calculated daily average water quality-based effluent limitation. See Attachment A of this Fact Sheet.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 0838, which receives the discharge from this facility, is designated as a public water supply. The discharge point is located at a distance greater than three miles from the classified segment. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable due to the distance between the discharge point and the classified segment.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

TCEQ has determined that there may be pollutants present in the effluent that may have the potential to cause toxic conditions in the receiving stream. Whole effluent biomonitoring is the most direct measure of potential toxicity that incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

APP Ex. 00245

The existing permit includes chronic freshwater biomonitoring requirements. The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the Final phase.

(b) PERMIT ACTION

The test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body.

No analytical data is available because the facility is not in operation.

(6) WHOLE EFFLUENT TOXICITY CRITERIA (24-HOUR ACUTE)

(a) SCREENING

The existing permit includes 24-hour acute freshwater biomonitoring language.

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests for the life of the permit. The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the ??? phase.

9. WATER QUALITY VARIANCE REQUESTS

No variance requests have been received.

10. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice

APP Ex. 00246

sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Deba Dutta, P.E. at (512) 239-4608.

11. ADMINISTRATIVE RECORD

The following items were considered in developing the draft permit:

B. APPLICATION

Application received on May 4, 2022, and additional information received on June 2, 2022.

B. MEMORANDA

Interoffice Memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.

C. MISCELLANEOUS

Federal Clean Water Act § 402; Texas Water Code § 26.027; 30 TAC Chapters 30, 305, 309, 312, and 319; Commission policies; and U.S. Environmental Protection Agency guidelines.

Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10.

Procedures to Implement the Texas Surface Water Quality Standards (IP), Texas Commission on Environmental Quality, June 2010, as approved by the U.S. Environmental Protection Agency, and the IP, January 2003, for portions of the 2010 IP not approved by the U.S. Environmental Protection Agency.

Texas 2020 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, March 25, 2020; approved by the U.S. Environmental Protection Agency on May 12, 2020.

Texas Natural Resource Conservation Commission, Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

Attachment A: Calculated Water Quality Based Effluent Limitations

TEXTOX MENU #7 - INTERMITTENT STREAM WITH PERENNIAL POOLS

The water quality-based effluent limitations developed below are calculated using:

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health, Incidental Fishery
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Megatel Homes, L.L.C.
TPDES Permit No.:	WQ0016162001
Outfall No.:	001
Prepared by:	Deba P. Dutta, P.E.
Date:	9/21/2022

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	Reece Branch
Segment No.:	838
TSS (mg/L):	4
pH (Standard Units):	7.9
Hardness (mg/L as $CaCO_3$):	153
Chloride (mg/L):	21
Effluent Flow for Aquatic Life (MGD):	1
Critical Low Flow [7Q2] (cfs):	0
% Effluent for Chronic Aquatic Life:	100
% Effluent for Acute Aquatic Life:	100
Effluent Flow for Human Health (MGD):	1
Harmonic Mean Flow (cfs):	0.1
% Effluent for Human Health:	93.929

CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	173978.75	0.590		1.00	Assumed
Cadmium	6.60	-1.13	831136.22	0.231		1.00	Assumed
Chromium (total)	6.52	-0.93	912187.69	0.215		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	912187.69	0.215		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	375383.87	0.400		1.00	Assumed
Lead	6.45	-0.80	929719.64	0.212		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	222241.83	0.529		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	575278.59	0.303		1.00	Assumed

APP Ex. 00249

Zinc	6.10	-0.70	477043.53	0.344	1.00	Assumed	

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (µg/L)*	*FW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Aldrin	3.0	N/A	3.00	N/A	1.72	N/A	2.52	5.34
Aluminum	991	N/A	991	N/A	568	N/A	834	1765
Arsenic	340	150	577	254	330	196	287	609
Cadmium	13.0	0.331	56.1	1.43	32.2	1.10	1.61	3.42
Carbaryl	2.0	N/A	2.00	N/A	1.15	N/A	1.68	3.56
Chlordane	2.4	0.004	2.40	0.00400	1.38	0.00308	0.00452	0.00957
Chlorpyrifos	0.083	0.041	0.0830	0.0410	0.0476	0.0316	0.0464	0.0981
Chromium (+3)	807	105	3752	488	2150	376	552	1168
Chromium (+6)	15.7	10.6	15.7	10.6	9.00	8.16	11.9	25.3
Copper	21.2	13.6	53.0	34.1	30.4	26.2	38.5	81.5
Cyanide (free)	45.8	10.7	45.8	10.7	26.2	8.24	12.1	25.6
4,4'-DDT	1.1	0.001	1.10	0.00100	0.630	0.00077	0.00113	0.00239
Demeton	N/A	0.1	N/A	0.100	N/A	0.0770	0.113	0.239
Diazinon	0.17	0.17	0.170	0.170	0.0974	0.131	0.143	0.302
Dicofol	59.3	19.8	59.3	19.8	34.0	15.2	22.4	47.4
Dieldrin	0.24	0.002	0.240	0.00200	0.138	0.00154	0.00226	0.00478
Diuron	210	70	210	70.0	120	53.9	79.2	167
Endosulfan I (alpha)	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endosulfan II (beta)	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endosulfan sulfate	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endrin	0.086	0.002	0.0860	0.00200	0.0493	0.00154	0.00226	0.00478
Guthion	N/A	0.01	N/A	0.0100	N/A	0.00770	0.0113	0.0239
Heptachlor	0.52	0.004	0.520	0.00400	0.298	0.00308	0.00452	0.00957
Hexachlorocyclohexane (Lindane)	1.126	0.08	1.13	0.0800	0.645	0.0616	0.0905	0.191
Lead	102	3.99	483	18.8	277	14.5	21.2	45.0
Malathion	N/A	0.01	N/A	0.0100	N/A	0.00770	0.0113	0.0239
Mercury	2.4	1.3	2.40	1.30	1.38	1.00	1.47	3.11
Methoxychlor	N/A	0.03	N/A	0.0300	N/A	0.0231	0.0339	0.0718
Mirex	N/A	0.001	N/A	0.00100	N/A	0.00077	0.00113	0.00239
Nickel	671	74.5	1267	141	726	108	159	337
Nonylphenol	28	6.6	28.0	6.60	16.0	5.08	7.47	15.8
Parathion (ethyl)	0.065	0.013	0.0650	0.0130	0.0372	0.0100	0.0147	0.0311
Pentachlorophenol	21.6	16.5	21.6	16.5	12.3	12.7	18.1	38.4
Phenanthrene	30	30	30.0	30.0	17.2	23.1	25.2	53.4
Polychlorinated Biphenyls (PCBs)	2.0	0.014	2.00	0.0140	1.15	0.0108	0.0158	0.0335
Selenium	20	5	20.0	5.00	11.5	3.85	5.65	11.9
Silver	0.8	N/A	5.88	N/A	3.37	N/A	4.95	10.4
Toxaphene	0.78	0.0002	0.780	0.000200	0.447	0.00015	0.00022	0.00047
Tributyltin (TBT)	0.13	0.024	0.130	0.0240	0.0745	0.0185	0.0271	0.0574
2,4,5 Trichlorophenol	136	64	136	64.0	77.9	49.3	72.4	153
Zinc	168	169	489	493	280	379	411	870

APP Ex. 00250

HUMAN HEALTH (APPLIES FOR INCIDENTAL FRESHWATER FISH TISSUE)

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Incidental Fish Criterion (µg/L)*	*WLAh (µg/L)*	*LTAh (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrylonitrile	1150	1224	1139	1673	3541
Aldrin	1.147E-04	0.000122	0.000114	0.000166	0.000353
Anthracene	13170	14021	13040	19168	40553
Antimony	10710	11402	10604	15587	32978
Arsenic	N/A	N/A	N/A	N/A	N/A
Barium	N/A	N/A	N/A	N/A	N/A
Benzene	5810	6186	5753	8456	17890
Benzidine	1.07	1.14	1.06	1.55	3.29
Benzo(*a*)anthracene	0.25	0.266	0.248	0.363	0.769
Benzo(*a*)pyrene	0.025	0.0266	0.0248	0.0363	0.0769
Bis(chloromethyl)ether	2.745	2.92	2.72	3.99	8.45
Bis(2-chloroethyl)ether	428.3	456	424	623	1318
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	75.5	80.4	74.8	109	232
Bromodichloromethane [Dichlorobromomethane]	2750	2928	2723	4002	8467
Bromoform [Tribromomethane]	10600	11285	10495	15427	32639
Cadmium	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	460	490	455	669	1416
Chlordane	0.025	0.0266	0.0248	0.0363	0.0769
Chlorobenzene	27370	29139	27099	39835	84278
Chlorodibromomethane [Dibromochloromethane]	1830	1948	1812	2663	5635
Chloroform [Trichloromethane]	76970	81945	76209	112026	237008
Chromium (hexavalent)	5020	5344	4970	7306	15457
Chrysene	25.2	26.8	25.0	36.6	77.5
Cresols [Methylphenols]	93010	99021	92090	135372	286399
Cyanide (free)	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.02	0.0213	0.0198	0.0291	0.0615
4,4'-DDE	0.0013	0.00138	0.00129	0.00189	0.00400
4,4'-DDT	0.004	0.00426	0.00396	0.00582	0.0123
2,4'-D	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	4730	5036	4683	6884	14564
1,2-Dibromoethane [Ethylene Dibromide]	42.4	45.1	42.0	61.7	130
m-Dichlorobenzene [1,3-Dichlorobenzene]	5950	6335	5891	8659	18321
o-Dichlorobenzene [1,2-Dichlorobenzene]	32990	35122	32664	48015	101583
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	22.4	23.8	22.2	32.6	68.9
1,2-Dichloroethane	3640	3875	3604	5297	11208
1,1-Dichloroethylene [1,1-Dichloroethene]	551140	586761	545688	802161	1697089
Dichloromethane [Methylene Chloride]	133330	141947	132011	194056	410554
1,2-Dichloropropane	2590	2757	2564	3769	7975
1,3-Dichloropropene [1,3-Dichloropropylene]	1190	1267	1178	1731	3664
Dicofol [Kelthane]	3	3.19	2.97	4.36	9.23
Dieldrin	2.0E-04	0.000213	0.000198	0.000291	0.000615
2,4-Dimethylphenol	84360	89812	83525	122782	259764
Di-*n*-Butyl Phthalate	924	984	915	1344	2845
Dioxins/Furans [TCDD Equivalents]	7.97E-07	8.49E-07	7.89E-07	0.0000012	0.0000025
Endrin	0.2	0.213	0.198	0.291	0.615
Epichlorohydrin	20130	21431	19931	29298	61985

APP Ex. 00251

Ethylbenzene	18670	19877	18485	27173	57489
Ethylene Glycol	1.68E+08	1788581 76	1663381 04	2445170 12	5173115 02
Fluoride	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.001	0.00106	0.000990	0.00145	0.00307
Heptachlor Epoxide	0.0029	0.00309	0.00287	0.00422	0.00892
Hexachlorobenzene	0.0068	0.00724	0.00673	0.00989	0.0209
Hexachlorobutadiene	2.2	2.34	2.18	3.20	6.77
Hexachlorocyclohexane (*alpha*)	0.084	0.0894	0.0832	0.122	0.258
Hexachlorocyclohexane (*beta*)	2.6	2.77	2.57	3.78	8.00
Hexachlorocyclohexane (*gamma*) [Lindane]	3.41	3.63	3.38	4.96	10.5
Hexachlorocyclopentadiene	116	123	115	168	357
Hexachloroethane	23.3	24.8	23.1	33.9	71.7
Hexachlorophene	29	30.9	28.7	42.2	89.2
4,4'-Isopropylidenediphenol [Bisphenol A]	159820	170149	158239	232611	492123
Lead	38.3	192	179	263	556
Mercury	0.122	0.130	0.121	0.177	0.375
Methoxychlor	30	31.9	29.7	43.6	92.3
Methyl Ethyl Ketone	9.92E+06	1056114 9	9821869	1443814 7	3054601 2
Methyl *tert*-butyl ether [MTBE]	104820	111595	103783	152561	322765
Nickel	11400	22926	21321	31342	66308
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	18730	19941	18545	27260	57674
N-Nitrosodiethylamine	21	22.4	20.8	30.5	64.6
N-Nitroso-di-*n*-Butylamine	42	44.7	41.6	61.1	129
Pentachlorobenzene	3.55	3.78	3.51	5.16	10.9
Pentachlorophenol	2.9	3.09	2.87	4.22	8.92
Polychlorinated Biphenyls [PCBs]	6.40E-03	0.00681	0.00634	0.00931	0.0197
Pyridine	9470	10082	9376	13783	29160
Selenium	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.4	2.56	2.38	3.49	7.39
1,1,2,2-Tetrachloroethane	263.5	281	261	383	811
Tetrachloroethylene [Tetrachloroethylene]	2800	2981	2772	4075	8621
Thallium	2.3	2.45	2.28	3.34	7.08
Toluene	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.11	0.117	0.109	0.160	0.338
2,4,5-TP [Silvex]	3690	3928	3653	5370	11362
1,1,1-Trichloroethane	7843540	8350484	7765950	1141594 6	2415210 3
1,1,2-Trichloroethane	1660	1767	1644	2416	5111
Trichloroethylene [Trichloroethene]	719	765	712	1046	2213
2,4,5-Trichlorophenol	18670	19877	18485	27173	57489
TTHM [Sum of Total Trihalomethanes]	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	165	176	163	240	508

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS:

Aquatic Life ***Parameter***	***70% of Daily Avg. (µg/L)***	***85% of Daily Avg. (µg/L)***
Aldrin	1.76	2.14
Aluminum	584	709
Arsenic	201	244
Cadmium	1.13	1.37
Carbaryl	1.17	1.43
Chlordane	0.00316	0.00384

APP Ex. 00252

Chlorpyrifos	0.0324	0.0394
Chromium (+3)	386	469
Chromium (+6)	8.39	10.1
Copper	26.9	32.7
Cyanide (free)	8.47	10.2
4,4'-DDT	0.000792	0.000962
Demeton	0.0792	0.0962
Diazinon	0.100	0.121
Dicofol	15.6	19.0
Dieldrin	0.00158	0.00192
Diuron	55.4	67.3
Endosulfan (alpha)	0.0443	0.0538
Endosulfan (beta)	0.0443	0.0538
Endosulfan sulfate	0.0443	0.0538
Endrin	0.00158	0.00192
Guthion	0.00792	0.00962
Heptachlor	0.00316	0.00384
Hexachlorocyclohexane (Lindane)	0.0633	0.0769
Lead	14.9	18.0
Malathion	0.00792	0.00962
Mercury	1.03	1.25
Methoxychlor	0.0237	0.0288
Mirex	0.000792	0.000962
Nickel	111	135
Nonylphenol	5.22	6.34
Parathion (ethyl)	0.0103	0.0125
Pentachlorophenol	12.7	15.4
Phenanthrene	17.6	21.4
Polychlorinated Biphenyls (PCBs)	0.0110	0.0134
Selenium	3.96	4.81
Silver	3.46	4.20
Toxaphene	0.000158	0.000192
Tributyltin (TBT)	0.0190	0.0230
2,4,5 Trichlorophenol	50.7	61.5
Zinc	288	349

Human Health ***Parameter***	***70% of Daily Avg. (µg/L)***	***85% of Daily Avg. (µg/L)***
Acrylonitrile	1171	1422
Aldrin	0.000116	0.000141
Anthracene	13417	16293
Antimony	10911	13249
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	5919	7187
Benzidine	1.09	1.32
Benzo(*a*)anthracene	0.254	0.309
Benzo(*a*)pyrene	0.0254	0.0309
Bis(chloromethyl)ether	2.79	3.39
Bis(2-chloroethyl)ether	436	529
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	76.9	93.4
Bromodichloromethane [Dichlorobromomethane]	2801	3402
Bromoform [Tribromomethane]	10799	13113
Cadmium	N/A	N/A

APP Ex. 00253

Carbon Tetrachloride	468	569
Chlordane	0.0254	0.0309
Chlorobenzene	27885	33860
Chlorodibromomethane [Dibromochloromethane]	1864	2263
Chloroform [Trichloromethane]	78418	95222
Chromium (hexavalent)	5114	6210
Chrysene	25.6	31.1
Cresols [Methylphenols]	94760	115066
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0203	0.0247
4,4'-DDE	0.00132	0.00160
4,4'-DDT	0.00407	0.00494
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	4819	5851
1,2-Dibromoethane [Ethylene Dibromide]	43.1	52.4
m-Dichlorobenzene [1,3-Dichlorobenzene]	6061	7360
o-Dichlorobenzene [1,2-Dichlorobenzene]	33610	40813
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	22.8	27.7
1,2-Dichloroethane	3708	4503
1,1-Dichloroethylene [1,1-Dichloroethene]	561512	681837
Dichloromethane [Methylene Chloride]	135839	164947
1,2-Dichloropropane	2638	3204
1,3-Dichloropropene [1,3-Dichloropropylene]	1212	1472
Dicofol [Kelthane]	3.05	3.71
Dieldrin	0.000203	0.000247
2,4-Dimethylphenol	85947	104365
Di-*n*-Butyl Phthalate	941	1143
Dioxins/Furans [TCDD Equivalents]	8.12E-07	9.86E-07
Endrin	0.203	0.247
Epichlorohydrin	20508	24903
Ethylbenzene	19021	23097
Ethylene Glycol	1711619 08	2078394 60
Fluoride	N/A	N/A
Heptachlor	0.00101	0.00123
Heptachlor Epoxide	0.00295	0.00358
Hexachlorobenzene	0.00692	0.00841
Hexachlorobutadiene	2.24	2.72
Hexachlorocyclohexane (*alpha*)	0.0855	0.103
Hexachlorocyclohexane (*beta*)	2.64	3.21
Hexachlorocyclohexane (*gamma*) [Lindane]	3.47	4.21
Hexachlorocyclopentadiene	118	143
Hexachloroethane	23.7	28.8
Hexachlorophene	29.5	35.8
4,4'-Isopropylidenediphenol [Bisphenol A]	162827	197719
Lead	184	223
Mercury	0.124	0.150
Methoxychlor	30.5	37.1
Methyl Ethyl Ketone	1010670 3	1227242 5
Methyl *tert*-butyl ether [MTBE]	106792	129676
Nickel	21939	26640
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	19082	23171
N-Nitrosodiethylamine	21.3	25.9
N-Nitroso-di-*n*-Butylamine	42.7	51.9

Pentachlorobenzene	3.61	4.39
Pentachlorophenol	2.95	3.58
Polychlorinated Biphenyls [PCBs]	0.00652	0.00791
Pyridine	9648	11715
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.44	2.96
1,1,2,2-Tetrachloroethane	268	325
Tetrachloroethylene [Tetrachloroethylene]	2852	3463
Thallium	2.34	2.84
Toluene	N/A	N/A
Toxaphene	0.112	0.136
2,4,5-TP [Silvex]	3759	4565
1,1,1-Trichloroethane	7991162	9703554
1,1,2-Trichloroethane	1691	2053
Trichloroethylene [Trichloroethene]	732	889
2,4,5-Trichlorophenol	19021	23097
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	168	204

APP Ex. 00255

TPDES PERMIT NO. WQ0016162001
[For TCEQ office use only - EPA I.D. No. TX0142891]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Megatel Homes, L.L.C.

whose mailing address is

2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

is authorized to treat and discharge wastes from the Mansfield Tract Wastewater Treatment Facility, SIC Code 4952

located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084

to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **five years from the date of issuance**.

ISSUED DATE:

_____
For the Commission

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of completion of expansion to the 0.40 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Max. Single Grab	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (17)	15	25	35	One/week	Grab
Total Suspended Solids	15 (25)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (5.0)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

APP Ex. 00257

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of completion of expansion to the 0.40 million gallons per day (MGD) facility and lasting through the date of completion of expansion to the 1.0 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,111 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Max. Single Grab	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (33)	15	25	35	One/week	Grab
Total Suspended Solids	15 (50)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (10)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

APP Ex. 00258

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date completion of expansion to the 1.0 million gallons per day (MGD) facility and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 1.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,778 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (83)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (125)	25	40	60	Two/week	Composite
Ammonia Nitrogen	3 (25)	6	10	15	Two/week	Composite
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Two/month	Grab

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

APP Ex. 00259

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC § 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§ 5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC § 26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

1. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

   The daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

APP Ex. 00261

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.

6. The term "biosolids" is defined as sewage sludge that has been tested or processed to meet Class A, Class AB, or Class B pathogen standards in 30 TAC Chapter 312 for beneficial use.

7. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act (CWA); TWC §§ 26, 27, and 28; and THSC § 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 this 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.

2. Test Procedures

a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge or biosolids use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;

ii. identity of individual who collected the sample or made the measurement.

iii. date and time of analysis;

iv. identity of the individual and laboratory who performed the analysis;

v. the technique or method of analysis; and

vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Compliance

Monitoring Team of the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective December 21, 2025, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

   b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

      i. Unauthorized discharges as defined in Permit Condition 2(g).

      ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.

      iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

   c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

   d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Compliance Monitoring Team of the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

   All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

APP Ex. 00264

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   i. One hundred micrograms per liter (100 µg/L);

   ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

   iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

   iv. The level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   i. Five hundred micrograms per liter (500 µg/L);

   ii. One milligram per liter (1 mg/L) for antimony;

   iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or

   iv. The level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

11. All POTWs must provide adequate notice to the Executive Director of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. For the purpose of this paragraph, adequate notice shall include information on:

   i. The quality and quantity of effluent introduced into the POTW; and

   ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

   a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

   b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

   2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

   3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

   c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

   a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

   b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

   c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

   d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

   e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

   f. A permit may be amended, suspended and reissued, or revoked for cause in accordance

with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

   i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or

   ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or

   iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the

regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

   This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

   Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

8. Property Rights

   A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

   The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

    The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy

    a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

       i. the permittee;

       ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or

       iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.

b. This notification must indicate:

i. the name of the permittee;

ii. the permit number(s);

iii. the bankruptcy court in which the petition for bankruptcy was filed; and

4. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge or biosolids use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30

TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).

7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §§ 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words confidential business information on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

   b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:

    a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

    b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

    c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

    d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

    e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well,

container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC § 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC § 361.

TCEQ Revision 06/2020

APP Ex. 00273

SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **The disposal of sludge or biosolids by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of Class A or Class AB Biosolids. This provision does not authorize the permittee to land apply biosolids on property owned, leased or under the direct control of the permittee.**

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE OR BIOSOLIDS LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge or biosolids.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. 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.

B. Testing Requirements

1. Sewage sludge or biosolids shall be tested once during the term of this permit during Interim I and II phases, and annually during the Final phase. in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge or biosolids failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC

Region 4) within seven (7) days after failing the TCLP Test. The report shall contain test results, certification that unauthorized waste management has stopped, and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

2. Biosolids shall not be applied to the land if the concentration of the pollutants exceeds the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C. of this permit.

TABLE 1

Pollutant	Ceiling Concentration (Milligrams per kilogram)*
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B biosolids pathogen requirements.

a. For sewage sludge to be classified as Class A biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge must be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC § 312.82(a)(2)(A) for specific information;

APP Ex. 00275

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of must be treated in one of the Processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion; or

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of must be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

b. For sewage sludge to be classified as Class AB biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 MPN per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52° Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50%; or

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(iv-vi) for specific information; or

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

c. Sewage sludge that meets the requirements of Class AB biosolids may be classified a Class A biosolids if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.

APP Ex. 00276

d. Three alternatives are available to demonstrate compliance with Class B biosolids criteria.

Alternative 1

i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.

o. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and

1. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U.S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

APP Ex. 00277

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and

v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition to the Alternatives 1 – 3, the following site restrictions must be met if Class B biosolids are land applied:

i. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of biosolids.

ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of biosolids when the biosolids remain on the land surface for 4 months or longer prior to incorporation into the soil.

iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of biosolids when the biosolids remain on the land surface for less than 4 months prior to incorporation into the soil.

iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of biosolids.

v. Domestic livestock shall not be allowed to graze on the land for 30 days after application of biosolids.

vi. Turf grown on land where biosolids are applied shall not be harvested for 1 year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

vii. Public access to land with a high potential for public exposure shall be restricted

APP Ex. 00278

for 1 year after application of biosolids.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids.

ix. Land application of biosolids shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following Alternatives 1 through 10 for vector attraction reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.

Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.

Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.

Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been

treated in either an aerobic or anaerobic treatment process.

Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 9 -

i. Biosolids shall be injected below the surface of the land.

ii. No significant amount of the biosolids shall be present on the land surface within one hour after the biosolids are injected.

iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10-

i. Biosolids applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ii. When biosolids that are incorporated into the soil is Class A or Class AB with respect to pathogens, the biosolids shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test	- once during the term of this permit during Interim I and II phases, and annually during the Final phase.
PCBs	- once during the term of this permit during Interim I and II phases, and annually during the Final phase.

All metal constituents and fecal coliform or *Salmonella* sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC § 312.46(a)(1):

Amount of biosolids (*) metric tons per 365-day period	Monitoring Frequency
0 to less than 290	Once/Year
290 to less than 1,500	Once/Quarter
1,500 to less than 15,000	Once/Two Months
15,000 or greater	Once/Month

APP Ex. 00280

(*) *The amount of bulk biosolids applied to the land (dry wt. basis).*

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC § 312.7

Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.

Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge or biosolids for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE OR BIOSOLIDS FOR APPLICATION TO THE LAND MEETING CLASS A, CLASS AB or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A, Class AB or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

1. **Pollutant Limits**

Table 2

Pollutant	Cumulative Pollutant Loading Rate (pounds per acre)*
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

Pollutant	Monthly Average Concentration (milligrams per kilogram)*
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

*Dry weight basis

B. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A, Class AB or Class B biosolids pathogen reduction requirements as defined above in Section I.B.3.

APP Ex. 00282

C. Management Practices

1. Bulk biosolids shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.

2. Bulk biosolids not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.

3. Bulk biosolids shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk Class A or AB biosolids sold or given away. The information sheet shall contain the following information:

   a. The name and address of the person who prepared the Class A or AB biosolids that are sold or given away in a bag or other container for application to the land.

   b. A statement that application of the biosolids to the land is prohibited except in accordance with the instruction on the label or information sheet.

   c. The annual whole sludge application rate for the biosolids application rate for the biosolids that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk biosolids are applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk biosolids are proposed to be applied. The notice shall include:

   a. The location, by street address, and specific latitude and longitude, of each land application site.

   b. The approximate time period bulk biosolids will be applied to the site.

   c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk biosolids.

2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the biosolids disposal practice.

E. Record Keeping Requirements

The documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a biosolids material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative for a

APP Ex. 00283

period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.

2. A description of how the pathogen reduction requirements are met (including site restrictions for Class AB and Class B biosolids, if applicable).

3. A description of how the vector attraction reduction requirements are met.

4. A description of how the management practices listed above in Section II.C are being met.

5. The following certification statement:

   "I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC § 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC § 312.83(b) have been met for each site on which bulk biosolids are applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk biosolids shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:

1. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.

   b. The location, by street address, and specific latitude and longitude, of each site on which biosolids are applied.

   c. The number of acres in each site on which bulk biosolids are applied.

   d. The date and time biosolids are applied to each site.

   e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.

   f. The total amount of biosolids applied to each site in dry tons.

APP Ex. 00284

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.
3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
4. The frequency of monitoring listed in Section I.C. that applies to the permittee.
5. Toxicity Characteristic Leaching Procedure (TCLP) results.
6. PCB concentration in sludge or biosolids in mg/kg.
7. Identity of hauler(s) and TCEQ transporter number.
8. Date(s) of transport.
9. Texas Commission on Environmental Quality registration number, if applicable.
10. Amount of sludge or biosolids disposal dry weight (lbs/acre) at each disposal site.
11. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
12. Level of pathogen reduction achieved (Class A, Class AB or Class B).
13. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B biosolids, include information on how site restrictions were met.
14. Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.
15. Vector attraction reduction alternative used as listed in Section I.B.4.

APP Ex. 00285

16. Amount of sludge or biosolids transported in dry tons/year.

17. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge or biosolids treatment activities, shall be attached to the annual reporting form.

18. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

    a. The location, by street address, and specific latitude and longitude.

    b. The number of acres in each site on which bulk biosolids are applied.

    c. The date and time bulk biosolids are applied to each site.

    d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk biosolids applied to each site.

    e. The amount of biosolids (i.e., dry tons) applied to each site.

    The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

APP Ex. 00286

SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE OR BIOSOLIDS DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

A. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge or biosolids disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge or biosolids to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge or biosolids disposal practice.

D. Sewage sludge or biosolids shall be tested once during the term of this permit during Interim I and II phases, and annually during the Final phase. in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge or biosolids failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 4) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped, and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

E. Sewage sludge or biosolids shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

F. Record Keeping Requirements

The permittee shall develop the following information and shall retain the information for five years.

APP Ex. 00287

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.

1. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Toxicity Characteristic Leaching Procedure (TCLP) results.
3. Annual sludge or biosolids production in dry tons/year.
4. Amount of sludge or biosolids disposed in a municipal solid waste landfill in dry tons/year.
5. Amount of sludge or biosolids transported interstate in dry tons/year.
6. A certification that the sewage sludge or biosolids meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
7. Identity of hauler(s) and transporter registration number.
8. Owner of disposal site(s).
9. Location of disposal site(s).
10. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

APP Ex. 00288

SECTION IV. REQUIREMENTS APPLYING TO SLUDGE OR BIOSOLIDS TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING

These provisions apply to sludge or biosolids that is transported to another wastewater treatment facility or facility that further processes sludge or biosolids. These provisions are intended to allow transport of sludge or biosolids to facilities that have been authorized to accept sludge or biosolids. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge or biosolids, nor do they limit the ability of the receiving facility to request additional testing or documentation.

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.

2. Sludge or biosolids may only be transported using a registered transporter or using an approved pipeline.

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:

   a. the amount of sludge or biosolids transported;

   b. the date of transport;

   c. the name and TCEQ permit number of the receiving facility or facilities;

   d. the location of the receiving facility or facilities;

   e. the name and TCEQ permit number of the facility that generated the waste; and

   f. copy of the written agreement between the permittee and the receiving facility to accept sludge or biosolids.

2. For sludge or biosolids transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge or biosolids transported.

3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

APP Ex. 00289

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. the annual sludge or biosolids production;
3. the amount of sludge or biosolids transported;
4. the owner of each receiving facility;
5. the location of each receiving facility; and
6. the date(s) of disposal at each receiving facility.

OTHER REQUIREMENTS

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

2. This Category C facility during the Interim I and II phases, and category B facility during the Final phase must be operated by a chief operator or an operator holding a Class C license or higher during the Interim I and II phases, and Class B license or higher during the Final phase. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

3. The facility is not located in the Coastal Management Program boundary.

4. There is no mixing zone established for this discharge to an intermittent stream with perennial pools. Chronic toxic criteria apply at the point of discharge.

5. Prior to construction of the treatment facilities, the permittee shall submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC § 309.13(e)(3). The evidence of legal restrictions shall be submitted to the Executive Director in care of the TCEQ Wastewater Permitting Section (MC 148). The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). See Attachment A.

6. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.

7. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, one/month may be reduced to one/quarter in the Interim I and Interim II phases, and two/month may be reduced to one/month in the Final phase. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent

APP Ex. 00291

measurement schedule if necessary to protect human health or the environment.

8. Prior to construction of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Pages 2, 2a, and 2b of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

9. Within 90 days from the start-up of the facility, the permittee shall complete Attachment B with the analytical results for Outfall 001. The completed tables with the results of these analysis and laboratory reports shall be submitted to the Municipal Permits Team, Wastewater Permitting Section MC 148, TCEQ Water Quality Division. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements. Test methods utilized to complete the tables shall be according to the test procedures specified in the Definitions and Standard Permit Conditions section of this permit and sensitive enough to detect the parameters listed in Attachment A at the minimum analytical level (MAL).

10. Reporting requirements according to 30 TAC §§ 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five days prior to plant startup or anticipated discharge, whichever occurs first, and prior to completion of each additional phase on Notification of Completion Form 20007.

APP Ex. 00292

BIOMONITORING REQUIREMENTS

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for whole effluent toxicity (WET) testing.

1. Scope, Frequency, and Methodology

a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.

b. Within 90 days of the final 1.0 MGD phase, the permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this part of this permit and in accordance with "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," fourth edition (EPA-821-R-02-013) or its most recent update:

1) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*) (Method 1002.0). This test should be terminated when 60% of the surviving adults in the control produce three broods or at the end of eight days, whichever occurs first. This test shall be conducted once per quarter.

2) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*) (Method 1000.0). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These effluent dilution concentrations are 32%, 42%, 56%, 75%, and 100% effluent. The critical dilution, defined as 100% effluent, is the effluent concentration representative of the proportion of effluent in the receiving water during critical low flow or critical mixing conditions.

d. This permit may be amended to require a WET limit, a chemical-specific effluent limit, a best management practice, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

e. Testing Frequency Reduction

1) If none of the first four consecutive quarterly tests demonstrates

APP Ex. 00293

significant toxicity, the permittee may submit this information in writing and, upon approval, reduce the testing frequency to once per six months for the invertebrate test species and once per year for the vertebrate test species.

2) If one or more of the first four consecutive quarterly tests demonstrates significant toxicity, the permittee shall continue quarterly testing for that species until this permit is reissued. If a testing frequency reduction had been previously granted and a subsequent test demonstrates significant toxicity, the permittee shall resume a quarterly testing frequency for that species until this permit is reissued.

2. Required Toxicity Testing Conditions

a. Test Acceptance - The permittee shall repeat any toxicity test, including the control and all effluent dilutions, which fail to meet the following criteria:

1) a control mean survival of 80% or greater;

2) a control mean number of water flea neonates per surviving adult of 15 or greater;

3) a control mean dry weight of surviving fathead minnow larvae of 0.25 mg or greater;

4) a control coefficient of variation percent (CV%) of 40 or less in between replicates for the young of surviving females in the water flea test; and the growth and survival endpoints in the fathead minnow test;

5) a critical dilution CV% of 40 or less for the young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test;

6) a percent minimum significant difference of 47 or less for water flea reproduction; and

7) a percent minimum significant difference of 30 or less for fathead minnow growth.

b. Statistical Interpretation

1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be the Fisher's exact test as described in the manual referenced in in Part 1.b.

2) For the water flea reproduction test and the fathead minnow larval survival and growth tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent

APP Ex. 00294

dilution shall be in accordance with the manual referenced in Part 1.b..

3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is defined as a statistically significant difference between the survival, reproduction, or growth of the test organism in a specified effluent dilution when compared to the survival, reproduction, or growth of the test organism in the control (0% effluent).

6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3.

7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 3 will be used when making a determination of test acceptability.

8) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests must be the receiving water collected at a point upstream of the discharge point as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:

APP Ex. 00295

a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or

b) use the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days); and

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.

2) The permittee shall collect the composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged on an intermittent basis.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the

APP Ex. 00296

effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

5) The effluent samples shall not be dechlorinated after sample collection.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOP3B, report the NOEC for survival.

3) For the water flea, Parameter TXP3B, report the LOEC for survival.

4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."

5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.

6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.

7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for

APP Ex. 00297

survival is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.

9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.

10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."

11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.

12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth.

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. Significant lethality and significant effect were defined in Part 2.b. Significant sublethality is defined as a statistically significant difference in growth/reproduction at the critical dilution when compared to the growth/reproduction in the control.

a. The permittee shall conduct a total of 2 additional tests (retests) for any species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

If neither test demonstrates significant lethality and the permittee is testing under the reduced testing frequency provision of Part 1.e., the permittee shall return to a quarterly testing frequency for that species.

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.

APP Ex. 00298

d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall describe an approach for the reduction or elimination of lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA/600/6-91/005F) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a

APP Ex. 00299

specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE action plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation which identifies the pollutant(s) and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive months with at least monthly testing. At the end of the 12 months, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

APP Ex. 00300

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 28 months from the last test day of the retest that confirmed significant lethal effects at the critical dilution. The permittee may petition the Executive Director (in writing) for an extension of the 28-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall provide information pertaining to the specific control mechanism selected that will, when implemented, result in the reduction of effluent toxicity to no significant lethality at the critical dilution. The report shall also provide a specific corrective action schedule for implementing the selected control mechanism.

h. Based on the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

i. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

APP Ex. 00301

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

Dates and Times Composites Collected

Date Time Date Time

No. 1 FROM: _____ TO: _____

No. 2 FROM: _____ TO: _____

No. 3 FROM: _____ TO: _____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic Dilution water

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

REP	Percent effluent					
	0%	32%	42%	56%	75%	100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						
PMSD						

*Coefficient of Variation = standard deviation x 100/mean (calculation based on young of the surviving adults)
Designate males (M), and dead females (D), along with number of neonates (x) released prior to death.

APP Ex. 00302

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean number of young produced per adult significantly less than the number of young per adult in the control for the % effluent corresponding to significant nonlethal effects?

   CRITICAL DILUTION (100%): _____ YES _____ NO

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	0%	32%	42%	56%	75%	100%
24h						
48h						
End of Test						

2. Fisher's Exact Test:

   Is the mean survival at test end significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC\LOEC below:

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC reproduction = _____% effluent

   d.) LOEC reproduction = _____% effluent

APP Ex. 00303

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		Date Time		Date Time
Dates and Times Composites Collected	No. 1 FROM:	_____	TO:	_____
	No. 2 FROM:	_____	TO:	_____
	No. 3 FROM:	_____	TO:	_____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic dilution water

FATHEAD MINNOW GROWTH DATA

Effluent Concentration	Average Dry Weight in replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
32%							
42%							
56%							
75%							
100%							
PMSD							

* Coefficient of Variation = standard deviation x 100/mean

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean dry weight (growth) at 7 days significantly less than the control's dry weight (growth) for the % effluent corresponding to significant nonlethal effects?

   CRITICAL DILUTION (100%): _____ YES _____ NO

APP Ex. 00304

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
32%									
42%									
56%									
75%									
100%									

* Coefficient of Variation = standard deviation x 100/mean

2. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean survival at 7 days significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC\LOEC below:

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC growth = _____% effluent

   d.) LOEC growth = _____% effluent

APP Ex. 00305

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for whole effluent toxicity (WET) testing.

1. Scope, Frequency, and Methodology

a. The permittee shall test the effluent for lethality in accordance with the provisions in this section. Such testing will determine compliance with Texas Surface Water Quality Standard 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

b. Within 90 days of the final 1.0 MGD phase, the toxicity tests specified shall be conducted once per six months. The permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," fifth edition (EPA-821-R-02-012) or its most recent update:

1) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

2) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

A valid test result must be submitted for each reporting period. The permittee must report, and then repeat, an invalid test during the same reporting period. The repeat test shall include the control and the 100% effluent dilution and use the appropriate number of organisms and replicates, as specified above. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. Except as discussed in item 2.b., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

d. This permit may be amended to require a WET limit, a Best Management Practice (BMP), Chemical-Specific (CS) limits, or other appropriate actions to address toxicity. The permittee may be required to conduct a Toxicity Reduction Evaluation after multiple toxic events.

e. As the dilution series specified in the Chronic Biomonitoring Requirements includes a 100% effluent concentration, the results from those tests may fulfill the requirements of this Section; any tests performed in the proper time interval may be substituted. Compliance will be evaluated as specified in item a. The 50% survival in 100% effluent for a 24-hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted

APP Ex. 00306

to comply with the minimum testing frequency defined in item b.

2. Required Toxicity Testing Conditions

a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

b. Dilution Water - In accordance with item 1.c., the control and dilution water shall normally consist of standard, synthetic, moderately hard, reconstituted water. If the permittee utilizes the results of a chronic test to satisfy the requirements in item 1.e., the permittee may use the receiving water or dilution water that meets the requirements of item 2.a as the control and dilution water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

2) The permittee shall collect the composite sample such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the composite sample. The sample shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit.

1) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

APP Ex. 00307

2) Quarterly biomonitoring test results are due on or before April 20th, July 20th, and October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TIE3D, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

2) For the fathead minnow, Parameter TIE6C, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

2) For retest number 2, Parameter 22416, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

4. Persistent Mortality

The requirements of this part apply when a toxicity test demonstrates significant lethality, which is defined as a mean mortality of 50% or greater of organisms exposed to the 100% effluent concentration for 24 hours.

a. The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for 2 weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These effluent concentrations are 6%, 13%, 25%, 50% and 100% effluent. The first retest shall be conducted within 15 days of the laboratory determination of significant lethality. All test results shall be submitted within 20 days of test completion of the second retest. Test completion is defined as the 24th hour.

b. If one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

APP Ex. 00308

b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE Action Plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

APP Ex. 00309

d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly TRE activities reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

APP Ex. 00310

g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 18 months from the last test day of the retest that demonstrates significant lethality. The permittee may petition the Executive Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall specify the control mechanism that will, when implemented, reduce effluent toxicity as specified in Part 5.h. The report shall also specify a corrective action schedule for implementing the selected control mechanism. A copy of the TRE final report shall also be submitted to the U.S. EPA Region 6 office.

h. Within 3 years of the last day of the test confirming toxicity, the permittee shall comply with 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the test organism in 100% effluent at the end of 24-hours. The permittee may petition the Executive Director (in writing) for an extension of the 3-year limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE.

The permittee may be exempted from complying with 30 TAC § 307.6(e)(2)(B) upon proving that toxicity is caused by an excess, imbalance, or deficiency of dissolved salts. This exemption excludes instances where individually toxic components (e.g., metals) form a salt compound. Following the exemption, this permit may be amended to include an ion-adjustment protocol, alternate species testing, or single species testing.

i. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

j. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

APP Ex. 00311

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

APP Ex. 00312

TABLE 2 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

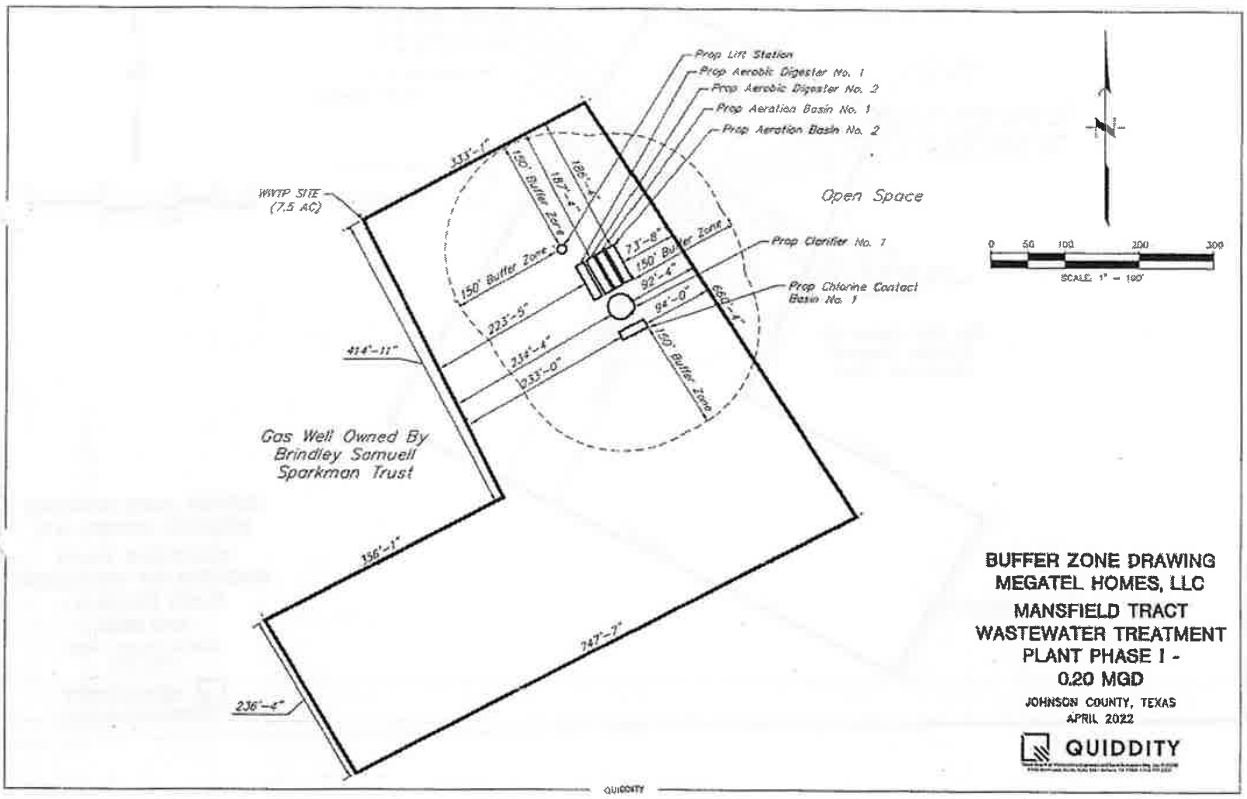
Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

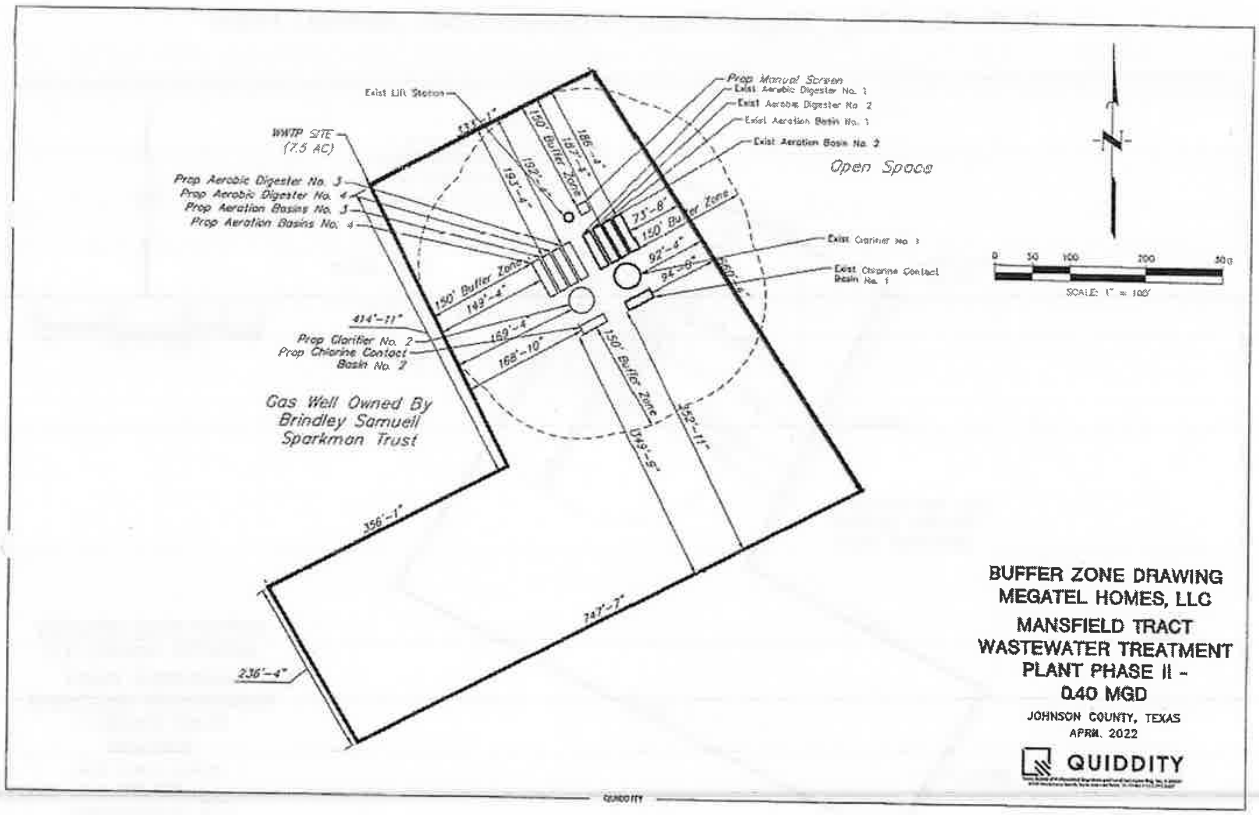
APP Ex. 00313

Attachment A

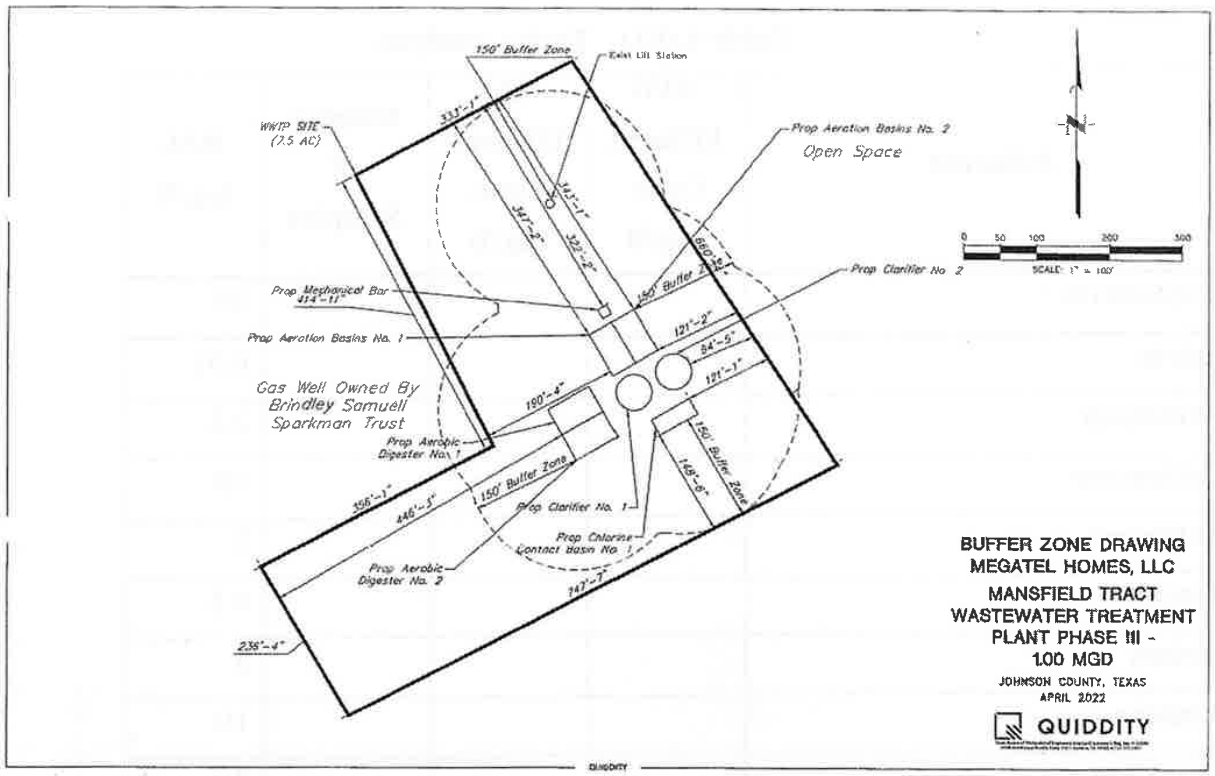
Buffer Zone Map_Megatel Home_WQ0016162001_Interim I Phase



Buffer Zone Map_Megatel Home_WQ0016162001_Interim II Phase



Buffer Zone Map_Megatel Home_WQ0016162001_Final Phase



Attachment B: Analytical Results for Outfall 001

Table 4.0(1) – Toxics Analysis

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrylonitrile				50
Aldrin				0.01
Aluminum				2.5
Anthracene				10
Antimony				5
Arsenic				0.5
Barium				3
Benzene				10
Benzidine				50
Benzo(a)anthracene				5
Benzo(a)pyrene				5
Bis(2-chloroethyl)ether				10
Bis(2-ethylhexyl)phthalate				10
Bromodichloromethane				10
Bromoform				10
Cadmium				1
Carbon Tetrachloride				2
Carbaryl				5
Chlordane*				0.2

APP Ex. 00317

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Chlorobenzene				10
Chlorodibromomethane				10
Chloroform				10
Chlorpyrifos				0.05
Chromium (Total)				3
Chromium (Tri) **(*1)**				N/A
Chromium (Hex)				3
Copper				2
Chrysene				5
p-Chloro-m-Cresol				10
4,6-Dinitro-o-Cresol				50
p-Cresol				10
Cyanide **(*2)**				10
4,4'- DDD				0.1
4,4'- DDE				0.1
4,4'- DDT				0.02
2,4-D				0.7
Demeton (O and S)				0.20
Diazinon				0.5/0.1
1,2-Dibromoethane				10
m-Dichlorobenzene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
o-Dichlorobenzene				10
p-Dichlorobenzene				10
3,3'-Dichlorobenzidine				5
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
Dichloromethane				20
1,2-Dichloropropane				10
1,3-Dichloropropene				10
Dicofol				1
Dieldrin				0.02
2,4-Dimethylphenol				10
Di-n-Butyl Phthalate				10
Diuron				0.09
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Ethylbenzene				10
Fluoride				500
Guthion				0.1
Heptachlor				0.01

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Heptachlor Epoxide				0.01
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclohexane (alpha)				0.05
Hexachlorocyclohexane (beta)				0.05
gamma-Hexachlorocyclohexane (Lindane)				0.05
Hexachlorocyclopentadiene				10
Hexachloroethane				20
Hexachlorophene				10
Lead				0.5
Malathion				0.1
Mercury				0.005
Methoxychlor				2
Methyl Ethyl Ketone				50
Mirex				0.02
Nickel				2
Nitrate-Nitrogen				100
Nitrobenzene				10
N-Nitrosodiethylamine				20
N-Nitroso-di-n-Butylamine				20

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Nonylphenol				333
Parathion (ethyl)				0.1
Pentachlorobenzene				20
Pentachlorophenol				5
Phenanthrene				10
Polychlorinated Biphenyls (PCB's) (*3)				0.2
Pyridine				20
Selenium				5
Silver				0.5
1,2,4,5-Tetrachlorobenzene				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Thallium				0.5
Toluene				10
Toxaphene				0.3
2,4,5-TP (Silvex)				0.3
Tributyltin (see instructions for explanation)				0.01
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10

APP Ex. 00321

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2,4,5-Trichlorophenol				50
TTHM (Total Trihalomethanes)				10
Vinyl Chloride				10
Zinc				5

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable.

(*3) The sum of seven PCB congeners 1242, 1254, 1221, 1232, 1248, 1260, and 1016

APP Ex. 00322

Table 4.0(2)A – Metals, Cyanide, Phenols

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Antimony				5
Arsenic				0.5
Beryllium				0.5
Cadmium				1
Chromium (Total)				3
Chromium (Hex)				3
Chromium (Tri) (*1)				N/A
Copper				2
Lead				0.5
Mercury				0.005
Nickel				2
Selenium				5
Silver				0.5
Thallium				0.5
Zinc				5
Cyanide (*2)				10
Phenols, Total				10

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable

Table 4.0(2)B – Volatile Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrolein				50
Acrylonitrile				50
Benzene				10
Bromoform				10
Carbon Tetrachloride				2
Chlorobenzene				10
Chlorodibromomethane				10
Chloroethane				50
2-Chloroethylvinyl Ether				10
Chloroform				10
Dichlorobromomethane [Bromodichloromethane]				10
1,1-Dichloroethane				10
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
1,2-Dichloropropane				10
1,3-Dichloropropylene [1,3-Dichloropropene]				10
1,2-Trans-Dichloroethylene				10
Ethylbenzene				10
Methyl Bromide				50
Methyl Chloride				50
Methylene Chloride				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Toluene				10
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
Vinyl Chloride				10

Table 4.0(2)C – Acid Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2-Chlorophenol				10
2,4-Dichlorophenol				10
2,4-Dimethylphenol				10
4,6-Dinitro-o-Cresol				50
2,4-Dinitrophenol				50
2-Nitrophenol				20
4-Nitrophenol				50
P-Chloro-m-Cresol				10
Pentalchlorophenol				5
Phenol				10
2,4,6-Trichlorophenol				10

Table 4.0(2)D – Base/Neutral Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acenaphthene				10
Acenaphthylene				10
Anthracene				10
Benzidine				50
Benzo(a)Anthracene				5
Benzo(a)Pyrene				5
3,4-Benzofluoranthene				10
Benzo(ghi)Perylene				20
Benzo(k)Fluoranthene				5
Bis(2-Chloroethoxy)Methane				10
Bis(2-Chloroethyl)Ether				10
Bis(2-Chloroisopropyl)Ether				10
Bis(2-Ethylhexyl)Phthalate				10
4-Bromophenyl Phenyl Ether				10
Butyl benzyl Phthalate				10
2-Chloronaphthalene				10
4-Chlorophenyl phenyl ether				10
Chrysene				5
Dibenzo(a,h)Anthracene				5
1,2-(o)Dichlorobenzene				10
1,3-(m)Dichlorobenzene				10
1,4-(p)Dichlorobenzene				10
3,3-Dichlorobenzidine				5
Diethyl Phthalate				10
Dimethyl Phthalate				10
Di-n-Butyl Phthalate				10
2,4-Dinitrotoluene				10
2,6-Dinitrotoluene				10
Di-n-Octyl Phthalate				10
1,2-Diphenylhydrazine (as Azo-benzene)				20
Fluoranthene				10
Fluorene				10
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclo-pentadiene				10
Hexachloroethane				20
Indeno(1,2,3-cd)pyrene				5

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Isophorone				10
Naphthalene				10
Nitrobenzene				10
N-Nitrosodimethylamine				50
N-Nitrosodi-n-Propylamine				20
N-Nitrosodiphenylamine				20
Phenanthrene				10
Pyrene				10
1,2,4-Trichlorobenzene				10

Table 4.0(2)E - Pesticides

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Aldrin				0.01
alpha-BHC (Hexachlorocyclohexane)				0.05
beta-BHC (Hexachlorocyclohexane)				0.05
gamma-BHC (Hexachlorocyclohexane)				0.05
delta-BHC (Hexachlorocyclohexane)				0.05
Chlordane				0.2
4,4-DDT				0.02
4,4-DDE				0.1
4,4,-DDD				0.1
Dieldrin				0.02
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Endrin Aldehyde				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
PCB-1242				0.2
PCB-1254				0.2
PCB-1221				0.2
PCB-1232				0.2
PCB-1248				0.2
PCB-1260				0.2
PCB-1016				0.2
Toxaphene				0.3

*** For PCBS, if all are non-detects, enter the highest non-detect preceded by a "<".**

TABLE 4.0(2)F - DIOXIN/FURAN COMPOUNDS

Compound	Toxic Equivalency Factors	Wastewater Concentration (ppq)	Wastewater Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Equivalents (ppt)	MAL (ppq)
2,3,7,8 TCDD	1					10
1,2,3,7,8 PeCDD	0.5					50
2,3,7,8 HxCDDs	0.1					50
1,2,3,4,6,7,8 HpCDD	0.01					50
2,3,7,8 TCDF	0.1					10
1,2,3,7,8 PeCDF	0.05					50
2,3,4,7,8 PeCDF	0.5					50
2,3,7,8 HxCDFs	0.1					50
2,3,4,7,8 HpCDFs	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					0.5
PCB 81	0.0003					0.5
PCB 126	0.1					0.5
PCB 169	0.03					0.5
Total						

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

To: Laurie Gharis, Chief Clerk **Date:** 10/6/2022

Thru: Firoj Vahora, Team Leader
Wastewater Permitting Section

From: Abigail Flores
Customer Information and Assistance Team
Water Quality Division

Subject:

Permit No. WQ0016162001 **(EPA ID No.)** TX0142891

CN No. 605490937 **RN No.** 111496998

Applicant: Megatel Homes, L.L.C.

Transmittal of an application for issuance of notice for a Texas Pollutant Discharge Elimination System (TPDES) Permit

Transmitted herewith for re-filing with the Texas Commission on Environmental Quality (TCEQ) is an application and draft permit for a TPDES permit. The application contains all the information deemed necessary by the Executive Director of the Commission. If you have any questions, please contact Mr. Firoj Vahora by telephone at (512) 239-4671.

APPLICATION TYPE:

- ☑ New
- ☐ Major Amendment
- ☐ Renewal
- ☐ Minor Amendment
- ☐ Minor Modification
- ☐ New TPDES Permit for which there is an active State Permit
- ☐ Staff Initiated Amendment

Type:

- ☑ Domestic
- ☐ Industrial

☒ **The application file contains the following documents needed by the Chief Clerk for further processing:**

- ☒ draft permit
- ☒ notice of application to be issued and mailed by Chief Clerk
- ☒ instructions for further processing of application by Chief Clerk

☒ **This application will have a bilingual notice to be published**

Notice Instructions with Comment Period:

☑ Send notice to applicant with instructions to publish in the newspaper.

(The facility is classified by EPA as a Major and notice was published giving opportunity to request hearing, but they must publish the interim short notice giving opportunity to request public meeting/public comments.) *Or (Notice has never been published so publishing in the newspaper giving opportunity to request hearing is needed.)*

☑ Comment period is 30 days from the date the notice was published in the newspaper.

☐ Send notice **not requiring** them to publish in the newspaper - only mailed notice.

(Facilities classified by EPA as a minor are not required to publish the interim short notice if the previous full notice had been published - only mailed notice is required).

☐ Comment period is 30 days from the date the notice is mailed.
☐ Comment period is 10 days from the date the notice is mailed (minor modification only)

☐ Publish notice in the Texas Register

(applies only to facilities classified by EPA as major with minor amendment application)

☐ Comment period is 30 days from the date the notice is published in the Texas Register.

☑ EPA was mailed draft on 10/10/2022; EPA has 45 days from date of receipt to file comments

Or

☐ EPA waived review of draft

☐ Hearing Requests were previously received;
If draft permit was subject to EPA's review, notify Industrial/Municipal Permit Team Leader that the item is ready to be set on **Commissioner's Agenda**; Permitting will verify that EPA's comment period has expired and no changes are necessary.

Or

☒ No Hearing Requests were previously received;
If draft permit was subject to EPA's review, notify Industrial/Municipal Permit Team Leader that the item is ready to be set on **Executive Director's Agenda** for final approval; Permitting will verify that EPA's comment period has expired and no changes are necessary.

☐ **Special processing required**

☐ **Since notice was previously mailed, include the attached "special letter" with the notice.**

☒ **Once permit is issued and final processing is complete:**
X After **final** action by the Executive Director/Commission (issued, denied, remanded to ED) the permit file needs to be returned to the Registration, Review and Reporting, Applications Team within five days after permit issuance.

APP – 7

TCEQ ED Notice of Application and Preliminary Decision Documentation, and Applicant's Verification of Second Notice

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

OCTOBER 13, 2022

MR JONATHAN NGUYEN
QUIDDITY ENGINEERING
3100 ALVIN DEVANE BLVD STE 150
AUSTIN, TX 78741-7409

RE: Applicant Name: MEGATEL HOMES LLC
Facility Location: JOHNSON COUNTY
Permit Number: WQ0016162001
Customer Reference Number: CN605490937
Regulated Entity Number: RN111496998
Type of Authorization: NEW

DEAR MR NGUYEN:

The executive director has completed the technical review of the above referenced application and has prepared a preliminary decision and draft permit.

You are now required to publish another notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Publisher's Affidavit
- Draft Permit
- Executive Director's Preliminary Decision
- Public Notice Verification Form

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

- You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter. **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**

- On or before the date you publish notice, you must place the following items in a public place in the county where the facility is or will be located: (a) a copy of your permit application, including any subsequent revisions; (b) the executive director's preliminary decision as contained in the technical summary and fact sheet; and (c) the draft permit, including any subsequent revisions. These items must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

- For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.

- Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all the requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

Enclosures (3)

Texas Commission on Environmental Quality
Instructions for Public Notice for a Water Quality Permit
Notice of Application and Preliminary Decision (NAPD)

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

1. REVIEW THE NOTICE FOR ACCURACY

   Read the enclosed notice carefully and notify the Wastewater Permitting Section at 512-239-4671 immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

2. PUBLISH THE NOTICE IN THE NEWSPAPER

   You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter.

   For renewal applications, you must publish at least once in the same newspaper that you published the Notice of Receipt of Application and Intent to Obtain Permit.

   For all other applications, you must publish at least once in a newspaper regularly published or circulated within each county where the facility and discharge point are located or proposed to be located.

   The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE

   You must publish notice in an alternative language IF: either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

   - students are enrolled in a program at that school;
   - students from that school attend a bilingual education program at another location; or
   - the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

   A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

APP Ex. 00335

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html. If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

4. PUT THE APPLICATION IN A PUBLIC PLACE

You must put a copy of the following documents in the public place identified in the enclosed notice:

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

5. PROVIDE PROOF OF PUBLICATION

For each newspaper in which you published, you must submit proof of publication. Proof of publication must include the following:

APP Ex. 00336

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies. Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION

You must submit a completed Public Notice Verification Form (enclosed), which certifies that the complete application and draft permit were placed at the public place identified in the enclosed notice.

7. SUBMIT PROOFS TO TCEQ

Scan and email the proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) within 30 days of publication to PROOFS@tceq.texas.gov;

Or Mail to:

TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Additional Information

If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239-4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at www.tceq.texas.gov/agency/decisions/cc/cc_db.html or www.tceq.texas.gov/agency/decisions/cc/eda.html. Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

Texas Commission on Environmental Quality

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

NEW

PERMIT NO. WQ0016162001

APPLICATION AND PRELIMINARY DECISION. Megatel Homes, L.L.C., 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201 has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day. TCEQ received this application on May 4, 2022.

The facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084. The treated effluent will be discharged to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch, and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.1238%2C32.516944&level=12

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment **within 30 days from the date of newspaper publication of this notice.**

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Megatel Homes, L.L.C. at the address stated above or by calling Mr. Jonathan Nguyen, Permit Specialist, Quiddity Engineering, at 512-685-5156.

Issuance Date: October 13, 2022

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: MEGATEL HOMES LLC
PERMIT NO.: WQ0016162001
CCO#: 128210
NOTICE OF APPLICATION AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS OTHER THAN RENEWALS

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the _____
(title of person representing newspaper)

of the _____; that this newspaper is
(name of newspaper)

regularly published or circulated in _____ County/Counties, Texas,
(same county as proposed facility)

and that the enclosed notice was published in said newspaper on the following date(s):

_____.
(date or dates, of publication in the newspaper)

_____
Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,

20_____, to certify which witness my hand and seal of office.

_____
(Seal) Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: MEGATEL HOMES LLC
PERMIT NO.: WQ0016162001
CCO#: 128210
NOTICE OF APPLICATION AND PRELIMINARY DECISION

ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared

_____, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the _____
(title of person representing newspaper)

of the _____; that this newspaper is
(name of newspaper)

generally circulated in _____ County, Texas,
(same county as proposed facility)

and is published primarily in _____ language;
(alternative language)

the enclosed notice was published in said newspaper on the following date(s):

_____.
(date or dates, of publication in the newspaper)

_____
Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,

20_____, to certify which witness my hand and seal of office.

_____
(Seal) Notary Public in and for the State of Texas

_____
Print or Type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Application and Preliminary Decision (NAPD)
Water Quality Permit

All applicants must complete this page.

Applicant Name: MEGATEL HOMES LLC

Site or Facility Name: MANSFIELD TRACT WWTF

Water Quality Permit Number: WQ0016162001

Regulated Entity Number: RN111496998 Customer Number: CN605490937

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: _____

Address of Public Place: _____

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

APP Ex. 00343

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Application and Preliminary Decision (NAPD)
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: MEGATEL HOMES LLC

Site or Facility Name: MANSFIELD TRACT WWTF

Water Quality Permit Number: WQ0016162001

Regulated Entity Number: RN111496998 Customer Number: CN605490937

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

☐ A newspaper or publication could not be found in any of the alternative languages in which notice is required.

☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: _____

Language: _____

Applicant or Applicant Representative Signature: _____

Title: _____ Date: _____

Laurie Gharis

From: Jonathan Nguyen <jnguyen@quiddity.com>
Sent: Monday, November 7, 2022 12:25 PM
To: PROOFS
Subject: Megatel Mansfield WQ0016162001 - NAPD Affidavits
Attachments: Megatel Mansfield WQ0016162001 NAPD Affidavit.pdf

Good afternoon,

Attached is the public notice verification form, newspaper tear sheet, and publishers' affidavit for the above referenced permit. Please let me know if you have any questions.

Thank you,

Jonathan Nguyen
Permitting Specialist

QUIDDITY

jnguyen@quiddity.com
512.685.5156
3100 Alvin Devane Boulevard, Suite 150, Austin, Texas, 78741, United States
www.quiddity.com

This e-mail and any attachments are intended only for the named recipient(s) and may contain information that is legally privileged, confidential, or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), you may not retain, copy or use this e-mail or any attachment for any purpose or disclose all or any part of the contents to any other person. Any such dissemination, distribution or copying of this e-mail or its attachments is strictly prohibited. Please immediately notify the sender and permanently delete this e-mail and any attachment from your computer and/or electronic devices. Any personal views or opinions expressed by the writer may not necessarily reflect the views or opinions of Quiddity Engineering, Inc.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: MEGATEL HOMES LLC
PERMIT NO.: WQ0016162001
CCO#: 128210
NOTICE OF APPLICATION AND PRELIMINARY DECISION

PUBLISHER'S AFFIDAVIT
FOR ALL APPLICATIONS FOR WATER QUALITY PERMITS
OTHER THAN RENEWALS

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned authority, on this day personally appeared

MAX TEZKOL, who being by me duly
(name of person representing newspaper)

sworn, deposes and says that (s)he is the LEGAL ACCOUNT
(title of person representing newspaper)

of the THE DALLAS MORNING NEWS; that this newspaper is
(name of newspaper)

regularly published or circulated in DALLAS County/Counties, Texas,
(same county as proposed facility)

and that the enclosed notice was published in said newspaper on the following date(s):

10/21/2022
(date or dates, of publication in the newspaper)

Newspaper Representative's Signature

Subscribed and sworn to before me this the 21st day of OCTOBER, 20 22, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

REBECCA ELIZABETH NEAL TEZKOL
Print or Type Name of Notary Public

My Commission Expires 05/19/2025

Rebecca Elizabeth Neal Tezkol
My Commission Expires
05/19/2025
ID No. 133110603

CamScanner

Marketplace

dallasnews.com

ADVERTISE TODAY 214.745.8123

homemarket

HOMECENTER FOR RENT
- Acreage, Farms and Ranches
- Commercial Real Estate
- Lake & Vacation Property
- Dallas Rentals
- Metroplex Rentals
- Out of Metroplex Rentals
- Miscellaneous Rentals

HOMECENTER FOR SALE
- Acreage, Farms and Ranches
- Commercial Real Estate
- Lake & Vacation Property
- Dallas Sales
- Metroplex Sales
- Out of Metroplex Sales
- Miscellaneous Sales

Acreage, Farms & Ranches

NOTICE
Residential rental locators are required to be licensed by the TX Real Estate Commission, Austin, 800-250-8732. Locators/real estate advertisers (see apartments) who work in general terms & all deals may not have the same features. The amount of rent quoted in an ad may be the starting rent for a basic unit which does not have all advertised features.

Dallas Rentals

North Dallas

FREE RENT! 469-256-6453

Metroplex Rentals

Garland

FREE RENT! Newly Remodeled, Fully Furnished North Dallas Area Condos & Townhomes for Rent! Starting at $1,000! Use Virtual Tours Available! Call for more information! Call us today at 888-210-4668 or visit us at basecamplivings.com

Out of Texas

FOR SALE
Beautiful Home in SE Oklahoma

Energy. Environment. Economy. Business.

Acreage - Miscellaneous

APPROACHABLE LAND. WE HAVE SOME OF THE BEST IN TEXAS. HILL COUNTRY, EDWARDS, MCCULLOCH, SCHLEICHER, COKE, VAL VERDE COUNTY, FREE RANGING EXOTICS. SOUTH TEXAS - KINNEY, DUVAL, LIVE OAK COUNTY - WHITETAIL, HOGS. TRANS PECOS, TERRELL, VAL VERDE - WHITETAIL, JAVELINA, QUAIL. 10 YEAR FIXED RATE FINANCING, 0% DOWN. ranchamericaland.com 888-674-9738

Want to Buy

CASH FOR YOUR HOUSE
Any Condition
Any price.
Call Jim 972-898-5740

BILLBUYSHOUSES.com
Trusted Texan Buying Houses "as is" Since 1991
Prompt Cash Offer
Bill Pays Closing Costs
Sell Quick Without Repairs
Bill Jackson
214.478.8979

Best Cash Offer For Your House!
Turn Your Unwanted House Into Cash
HOUSE HUNTERS of Dallas.com
20 Years Buying Homes in DFW Metroplex
$$ More Money For You $$
CALL NOW
214-906-2291
Eileen Petroski
Licensed Realtor
• No Repairs
• No Commissions
• No Closing Costs
Just Quick Cash! 7 Day Closings!
We Buy Houses In Any Condition Or Location

The Dallas Morning News
Download our app at dallasnews.com

PetPlex

PETS & LIVESTOCK
- Birds
- Cats
- Cattle
- Dogs
- Horses & Mules
- Other Animals
- Pets Found
- Pets Lost
- Services & Supplies

Dogs

NORTH DALLAS PUPS
214-471-7426

Make some
Sell your

legal

Bids & Proposals

NTTA

LEGAL NOTICE: INVITATION FOR BIDS

LEGAL NOTICE: INVITATION FOR BID 5

REQUEST FOR PROPOSAL | ARCHITECTURAL AND ENGINEERING SERVICES | SCHOOL MASTER PLAN REVIEW & REVISION PROJECT

TEXAS CHARTER SCHOOL, INC

Legal Notices

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER
NEW PERMIT NO. WQ0016163001

Sell the off your back

LEGAL NOTICE
Application has been made with the Texas Alcoholic Beverage Commission for a Mixed Beverage Permit by Tina's Continental, LLC dba Tina's Continental, to be located at 3309 Elm Street, Suite 115, Dallas, Dallas County, Texas. Owners, officers and managers of said limited liability company are Elias Pape and Sameer Patel.

Texas Department of Transportation

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Notice of Application and Preliminary Decision (NAPD)
Water Quality Permit

All applicants must complete this page.

Applicant Name: MEGATEL HOMES LLC

Site or Facility Name: MANSFIELD TRACT WWTF

Water Quality Permit Number: WQ0016162001

Regulated Entity Number: RN111496998 Customer Number: CN605490937

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1st day of publication until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: Mansfield Public Library

Address of Public Place: 104 South Wisteria Street, Mansfield, TX 76063

Applicant or Applicant Representative Signature: [signature]

Title: Permit Specialist Date: 11/7/2022

APP Ex. 00348

WQ STANDARD MAIL LIST

NAPD

APPLICANT:
MR JONATHAN NGUYEN
QUIDDITY ENGINEERING
3100 ALVIN DEVANE BLVD STE 150
AUSTIN, TX 78741-7409

Other Applicant Representatives:
MR ALEX PFEFFERKORN
QUIDDITY ENGINEERING
2805 DALLAS PKWY STE 600
PLANO, TX 75093-8724

PERMIT #: WQ0016162001
BASIN:
REGION: 4
COUNTY: JOHNSON

PERMITTEE: MEGATEL HOMES LLC

TO BE PUBLISHED BY: MR JONATHAN NGUYEN

DATE NOTICE MAILED: 10/13/2022

CCO #: 128210

NOTICE TECH INITIALS: GCARROLL

EVELYN ROSBOROUGH
USEPA REGION 6
1445 ROSS AVE STE 1200
MAIL CODE 6WQ
DALLAS TX 75202-2733
rosborough.evelyn@epa.gov
(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD
LONE STAR CHAPTER SIERRA CLUB
PO BOX 4998
AUSTIN TX 78765
cyrus.reed@sierraclub.org

MYRON J HESS
1705 MARGARET ST
AUSTIN TX 78704
myron@myronhess.com

AMANDA FULLER
NATIONAL WILDLIFE FEDERATION
505 E HUNTLAND DR STE 485
AUSTIN TX 78752
fullera@nwf.org

ANNE ROGERS
COASTAL FISHERIES DIVISION – FPP
TEXAS PARKS AND WILDLIFE
INTERAGENCY MAIL
wqnotice@tpwd.state.tx.us

SARA THORNTON
LLOYD GOSSELINK ROCHELLE & TOWNSEND
816 CONGRESS AVE STE 1900
AUSTIN TX 78701
sthornton@lglawfirm.com

RAILROAD COMMISSION OF TEXAS
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT
INTERAGENCY MAIL

DONNA MCCARVER
ARCHEOLOGY DIVISION
TEXAS HISTORICAL COMMISSION
INTERAGENCY MAIL
donna.mccarver@thc.texas.gov

NICHOLE SAUNDERS
ENVIRONMENTAL DEFENSE FUND
5400 MUSKET RDG
AUSTIN, TX 78759
nsaunders@edf.org

DAVID T VILLARREAL PH.D.
ENVIRONMENTAL QUALITY PROGRAM
TEXAS DEPARTMENT OF AGRICULTURE
INTERAGENCY MAIL

HEIDI BOJES PH.D.
TEXAS DEPARTMENT OF STATE HEALTH SERVICES
INTERAGENCY MAIL
heidi.bojes@dshs.state.tx.us
(Bojes gets IHW, MSW, and WQ notices.)

TONY WILLIAMS
GRANT PROGRAM AND SUPPORT DIVISION
COASTAL RESOURCES PROGRAM
TEXAS GENERAL LAND OFFICE
INTERAGENCY MAIL
federal.consistency@glo.texas.gov
(WILLIAMS only gets notices with CMP language.)

MICHAEL BOOTH
5701 W SLAUGHTER A130-404
AUSTIN TX 78749

APP Ex. 00349

Landowners 16162061

ADRIAN & MARIA FELICITAS GAMEZ
14421 LARK MEADOWS DR
VENUS TX 76084

ARC PROPERTIES LLC
12329 E FM 917
ALVARADO TX 76063

ARIEL NICOLETTE CAMPISI
4141 CR 617
ALVARADO TX 76009

BENNETT GARY
3232 MESQUITE DR
VENUS TX 76084

BLANCA LOPEZ
1412 LLOYD AVE
FORT WORTH TX 76105

BRIAN M FUGITT
4232 CR 617
ALVARADO TX 76009

BRINDLEY SAMUELL SPARKMAN TRUST
PO BOX 505
INDIANOLA WA 98342

CAREY & ANNA T NELSON
6012 N FM 157
VENUS TX 76084

CLARENCE EDWIN PHILLIPS
6717 N FM 157
VENUS TX 76084

CYNTHIA HAMMOND
2209 COUNTRY BROOK DR
WEATHERFORD TX 76087

DALTONS BEST MAID PRODUCTS INC
P O BOX 1809
FORT WORTH TX 76101

DAVID S HAMMOND
492 CORDES DR
VENUS TX 76084

DEBRA C ETVIR RAYMOND M MEEKS
2922 HOWELL DR
VENUS TX 76084

DENNIS & DALE & GALE & ROBBIN WEIDNER RICE
110 TERRAPIN TR
MANSFIELD TX 76063

DON L HAGAR
4113 CR 617
ALVARADO TX 76009

DOROTHY F PHILLIPS
PO BOX 42
MANSFIELD TX 76063

ENERVEST ENERGY INSTITUTIONAL
1001 FANNIN ST STE 800
HOUSTON TX 77002

ERNEST WAYNE PRATER
1601 LIVE OAK DRIVE
IRVING TX 75061

GARY LEE PANNELL
3181 MESQUITE DR
VENUS TX 76084

GERALD SEETON
PO BOX 357
MANSFIELD TX 76063

HEATH A OWENS
3274 MESQUITE DR
VENUS TX 76084

ISRAEL ZAMORA
3220 MESQUITE DR
VENUS TX 76084

JAMES C KNAPP
PO BOX 2243
MANSFIELD TX 76063

JAMES E PRATER
10236 CR 514
ALVARADO TX 76009

JANICE WAYMAN
4149 CR 617
ALVARADO TX 76009

JENNIFER JOHNSON
6016 FALCON CT
VENUS TX 76084

JESSIE ROBLES
805 PRAIRIE AVE
CLEBURNE TX 76033

JIMMY DAVIS
6144 N FM 157
VENUS TX 76084

JOHNSON COUNTY SPECIAL
PO BOX 509
CLEBURNE TX 76033

JOSEPH D BRUCE
3200 MESQUITE DR
VENUS TX 76084

1 of 2

10/2/22

1016/2001

JOYCE DOLLAR ROBERTSON
5909 N FM 157
VENUS TX 76084

KEITH PHILLIPS
7017 HOLLOW OAK TRL
MANSFIELD TX 76063

KYLE PHILLIPS
1105 INGLEWOOD DR
MANSFIELD TX 76063

LADD X 2 PARTNERS LLC
914 WALNUT FALLS
MANSFIELD TX 76063

LAURA NICHOLS
PO BOX 76
MANSFIELD TX 76063

LOPEZ DAWN L & DEBBIE LYNN DRUE
300 GREEN RIVER TR
FORT WORTH TX 76103

LUZ ADRIANA GAMEZ & NATANAEL RANGEL
14425 LARK MEADOWS DR
VENUS TX 76084

PASCUAL GUTIERREZ JR
7793 OAK DR
MANSFIELD TX 76063

RAMON CASTILLO
4133 CR 617
ALVARADO TX 76009

ROBERT H III COPPLE
4125 CR 617
ALVARADO TX 76009

ROBERTO COLUNGA I
6017 BLUEBIRD CT
VENUS TX 76084

RUDOLFO ETUX MARIA S FLORES
255 MORGAN RD
MANSFIELD TX 76063

SARAH M & WESLEY G IRETON
4301 CR 617
ALVARADO TX 76009

SELLS WILLIAM TROY ETUX BRENDA REVOCABLE
1048 NEWT PATTERSON RD
MANSFIELD TX 76063

SHIRLEY GLASS
6200 N FM 157
VENUS TX 76084

SUNBELT LAND INVESTMENTS 547 LTD
3015 NEW YORK AVE STE 201
GRAND PRAIRIE TX 75052

TOMMIE SMITH
5360 NEWT PATTERSON RD
MANSFIELD TX 76063

TONORE REAL ESTATE HOLDINGS LLC
PO BOX 677
MANSFIELD TX 76063

URBANO & MARIA ESQUIVEL
6016 BLUEBIRD CT
VENUS TX 76084

CHAD WALKER
3501 CR 617
VENUS TX 76084

4/0

THE HONORABLE BEVERLY POWELL
TEXAS SENATE
DISTRICT ROOM E1.712
TEXAS STATE CAPITOL
beverly.powell@senate.texas.gov;
ben.wright@senate.texas.gov

THE HONORABLE DEWAYNE BURNS
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT ROOM E1.322
TEXAS STATE CAPITOL
Dewayne.burns@house.texas.gov

11612 STATE 11/12/22

CITY OF MANSFIELD
HEALTH OFFICIAL
1305 E BROAD ST
MANSFIELD TX 76063-1804

CITY OF MANSFIELD
MAYOR
1305 E BROAD ST
MANSFIELD TX 76063-1804

City

CITY OF CROWLEY
201 E MAIN ST
CROWLEY TX 76036-2649

JOHNSON COUNTY HEALTH AUTHORIT
COUNTY COURTHOUSE
2 N MAIN ST
CLEBURNE TX 76033-5500

JOHNSON COUNTY JUDGE
COUNTY COURTHOUSE
2 N MAIN ST STE B6
CLEBURNE TX 76033-5502

NORTH CENTRAL TEXAS COUNCIL OF
DEPT OF ENVIRONMENTAL
PO BOX 5888
ARLINGTON TX 76005-5888

PUBLIC HEALTH REGION 2/3
TEXAS DEPARTMENT OF STATE HEAL
1301 S BOWEN RD STE 200
ARLINGTON TX 76013-2262

US ARMY CORPS OF ENGINEERS REG
CESWS-PER-R
PO BOX 17300
FORT WORTH TX 76102-0300

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
STE 140
2005 NE GREEN OAKS BLVD
ARLINGTON TX 76006-2601

GLENN C CLINGENPEEL
TRINITY RIVER AUTHORITY OF TEX
5300 S COLLINS ST
ARLINGTON TX 76018-1710

MR BRENTON DUNN REG MANAGER
TARRANT REGIONAL WATER DISTRIC
800 E NORTHSIDE DR
FORT WORTH TX 76102-1016

KATHY TURNER JONES MANAGER
PRAIRIELANDS GROUNDWATER CONSE
208 KIMBERLY DR
CLEBURNE TX 76031-8704

LAURALEE VALLON GENERAL CO
BRAZOS RIVER AUTHORITY
4600 COBBS DR
PO BOX 7555
WACO TX 76714-7555

County

MEAGAN FENDLEY UTILITIES
CITY OF ARLINGTON
MS 09-0110
PO BOX 90231
ARLINGTON TX 76004-3231

MONICA JACOBS
KELLY HART & HALLMAN LLP
STE 2000
303 COLORADO ST
AUSTIN TX 78701-4653

MATTHEW S JALBERT
TRINITY RIVER AUTHORITY OF TEXAS
PO BOX 240
ARLINGTON TX 76004-0240

JAN JANSZEN
832 COUNTY ROAD 2850
KOPPERL TX 76652-4825

ROSANA NAREZ
TEX MEX NOTICIAS
PO BOX 93331
SOUTHLAKE TX 76092-0113

JERI & ROGER NORRIS
PO BOX 486
NEMO TX 76070-0486

CINDY & STEVE R PASCARELLI
2005 FM 731
BURLESON TX 76028-6347

AILEEN SAARTY
RJN GROUP INC
STE 710
14755 PRESTON RD
DALLAS TX 75254-6815

KYTINNA SOTO OWNER
LA PRENSA COMUNIDAD
PO BOX 732
TOLAR TX 76476-0732

E ALLEN TAYLOR JR
TAYLOR OLSON ADKINS SRALLA & ELAM LLP
STE 200
6000 WESTERN PL
FORT WORTH TX 76107-4607

MS SARAH K WALLS
CANTEY HANGER LLP
STE 300
600 W 6TH ST
FORT WORTH TX 76102-3684

JOHN P WIER
9917 TANTARRA DR
BURLESON TX 76028-7855

IP Impact

16162

10/12/22

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

NOI INAPD
WQ0016162001

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE PITNEY BOWES
ZIP 78753
02 4W
$ 000.57⁰
0000360444 OCT 13 2022

LAURA NICHOLS
PO BOX 76
MANSFIELD TX 76

NIXIE 750 FE 1 0011/21/22
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 78711308787 *0810-00495-13-47

APP Ex. 00354

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE
ZIP 78753 $ 000.57⁰
02 4W
0000360444 OCT 13 2022

NAPD
WQ0016162001

TOMMIE SMITH
5360 NEWT PATTERSON RD
MANSFIELD TX 76063

TCEQ OCC
26OCT '22 10:12

NIXIE 750 FE 1 0010/21/22
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

IA K1: 9333100079 UTF
BC: 787113087 87 *0810-00483-13-47

Chief Clerk's Office, MC 105
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

OFFICIAL BUSINESS
STATE OF TEXAS
PENALTY FOR
PRIVATE USE

US POSTAGE
ZIP 78753 $ 000.57⁰
02 4W
0000360444 OCT 13 2022

UTF

NAPD
WQ0016162001

TCEQ OCC

JOHNSON COUNTY SPECIAL
PO BOX 509
CLEBURNE TX 76033

26OCT '22 10:12

NIXIE 750 FE 1 0010/10/22
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

9400921882290210 UTF
BC: 787113087 87 *0810-00527-13-47

APP Ex. 00355

APP – 8

TCEQ ED – Notice to U.S. EPA with various Application materials and the U.S. EPA Response

From: Valentine, Greg
To: Matthew Udenenwu
Cc: Firoj Vahora; Deba Dutta; Hayes, Mark
Subject: Megatel Homes, LLC.: EPA Response - TX0142891 (WQ0016162001)
Date: Thursday, November 17, 2022 10:21:53 AM

Mr. Udenenwu,

Thank you for the opportunity to review the draft permit for the Megatel Homes, LLC. (TX0142891) facility transmitted via the file transfer protocol (ftp) site and received on October 10, 2022. Based on our review of the above referenced draft permit, the TCEQ, in its role as the NPDES permitting authority for the State of Texas, may proceed with the issuance of the draft permit. If you have any questions or concerns, please call Greg Valentine at (214) 665-3111 or reply to this email.

Thanks,

Greg Valentine
Environmental Scientist
NPDES/Wetland Review Section
Permiting & Water Quality Branch
Water Division

U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202
Mail Code: 6WD-PN

Phone: (214) 665-3111
Fax: (214) 665-2191

This email may contain material that is confidential, privileged and/or attorney work product and is for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.



Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Ms. Evelyn Rosborough (6WQ-CA)
U.S. Environmental Protection Agency
Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

Re: Megatel Homes, L.L.C.
TPDES Draft Permit No. WQ0016162001, TX0142891
(CN605490937; RN111496998)

Dear Ms. Rosborough:

Enclosed is the draft proposed permit, Fact Sheet and Executive Director's Preliminary Decision, and application material for the draft TPDES Permit No. WQ0016162001 as required under the TCEQ/EPA Memorandum of Agreement. Please review and provide any written comments, objections (general or interim) or recommendations with respect to the draft permit within forty-five days from the receipt of this draft permit to me.

If you need additional information or have any questions, please call Mr. Deba Dutta, P.E. of my staff by telephone at (512) 239-4608, by e-mail at deba.dutta@tceq.texas.gov, by fax at (512) 239-4430 or if by correspondence, include MC 148 in the letterhead address following his name. Thank you for your cooperation in this matter.

Sincerely,

Firoj Vahora
Firoj Vahora, Team Leader
Municipal Permits Team
Wastewater Permitting Section
Water Quality Division

FV/DPD
Enclosures

ATTACHMENT 1

EPA - REGION 6
NPDES PERMIT CERTIFICATION CHECKLIST

In accordance with the MOA established between the State of Texas and the United States Environmental Protection Agency, Region 6, the Texas Commission on Environmental Quality submits the following draft Texas Pollutant Discharge Elimination System (TPDES) permit for Agency review.

Major ☒ **POTW** ☐ **Private Domestic** ☒ **Non-POTW** ☐

Permittee	Megatel Homes, L.L.C.		
SIC Code	4952		
Regul. Activity	Domestic Wastewater Permit		
EPA ID No.	TX0142891	**TPDES Permit No.**	WQ0016162001
Segment No.	0838	**Basin**	Trinity River Basin
Receiving Water	to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake		

Permit Action:	**New**	☒
	Renewal WITH changes	☐
	Renewal without changes (permit and WQS)	☐
	Major Amendment with renewal	☐
	Amendment/Modification WITHOUT renewal, proceed directly to Question 26 below	☐

	Answer the following	Yes	No	N/A
1.	Are there known or potential interstate water issues associated with this permit?	☐	☒	☐
2.	Is there known or potential third-party interest/environmental concern regarding this permit action?	☐	☒	☐
3.	Does this facility discharge to a 303(d) listed waterbody segment?	☐	☒	☐
	If **YES**, does the facility discharge any of the pollutant(s) of concern identified in the 303(d) listing?	☐	☐	☒
4.	Is this permit consistent with the approved WQMP?	☐	☒	☐
5.	Are discharges continuous?	☒	☐	☐
6.	Does the facility discharge or propose to discharge process wastewaters?	☐	☒	☐
7.	Are discharges **directly** to a classified waterbody segment?	☐	☒	☐
8.	Does the facility discharge to a water body segment which has a finalized TMDL? If **YES**, does the permit implement the TMDL consistent with the WLAs?	☐ ☐	☒ ☐	☐ ☒
9.	Does the technical summary/statement of basis document the rationale for the inclusion/omission of permit conditions for each 303(d) listed pollutant of concern or TMDL pollutant?	☐	☒	☐

ATTACHMENT 1
EPA – REGION 6
NPDES PERMIT CERTIFICATION CHECKLIST

		Yes	No	N/A
10.	Has a priority watershed of critical concern been identified by the U.S. Fish and Wildlife Service for this segment?	☐	☒	☐
11.	Is there a thermal component to the discharges from this facility?	☐	☒	☐
12.	Does this permit authorize ammonia discharges > 4.0 mg/l at the edge of the mixing zone?	☐	☒	☐
13.	Does this permit require testing for Whole Effluent Toxicity in accordance with the state's standard practices and implementation plan? If **YES**, were there any toxicity failures in the previous three years?	☒ ☐	☐ ☐	☐ ☒
14.	If this facility has completed and implemented a Toxicity Reduction Evaluation (TRE), has any subsequent toxicity been identified?	☐	☐	☒
15.	Does this permit propose to grant a variance request *(WQS, FDF, etc.)* or does it incorporate a proposed or final approval of a variance request?	☐	☒	☐
16.	If a POTW is ≥ 5 MGD, does it have an approved Pretreatment Program?	☐	☐	☒
17.	Since the last permit issuance, has the POTW had a new Pretreatment Program approved or a Pretreatment Program modification approved?	☐	☐	☒
18.	Does this permit contain authorization for wet weather-related peak-flow discharges?	☐	☒	☐
19.	Does this permit include a bypass of any treatment unit or authorize overflows in the system?	☐	☒	☐
20.	Does this permit include provisions for effluent trading?	☐	☒	☐
21.	Does this permit contain specific issues on which EPA and the state are not in agreement regarding the permitting approach?	☐	☒	☐
22.	Is this facility subject to a national effluent limitations guideline? Please specify:	☐	☒	☐
23.	Does this permit contain first-time implementation of a new federal guideline, policy, regulation, etc.? Please specify:	☐	☒	☐
24.	Is this a new facility or an expansion of an existing facility?	☒	☐	☐
25.	Does this permit incorporate any exceptions to the standards or regulations?	☐	☒	☐
26.	Is this a permit modification/amendment? Please specify:	☐	☒	☐

Name: Deba Dutta, P.E.

Date: 9/21/2022

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001, EPA I.D. No. TX0142891, to discharge to water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	Megatel Homes, L.L.C. 2101 Cedar Springs Road, Suite 700 Dallas, Texas 75201
Prepared By:	Deba Dutta, P.E. Municipal Permits Team Wastewater Permitting Section (MC 148) Water Quality Division (512) 239-4608
Date:	9/22/2022
Permit Action:	Renewal

1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **five years from the date of issuance.**

2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, at a daily average flow not to exceed 0.20 MGD in the Interim II phase, and an annual average flow not to exceed 1.0 MGD in the Final phase. The proposed wastewater treatment facility will serve a residential subdivision located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

A. FACILITY AND DISCHARGE LOCATION

The plant site will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084.

Outfall Location:

Outfall Number	Latitude	Longitude
001	32.516803 N	97.122361 W

The treated effluent will be discharged to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use.

4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Mansfield Tract Wastewater Treatment Facility will be a suspended growth single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase will include an onsite lift station, manual bar screens, two aeriation basin, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Interim II phase will include an onsite lift station, manual bar screens, flow splitting weirs, two aeriation basin, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Final phase will include an onsite lift station, mechanical bar screens, two aeriation basin, two secondary clarifiers, a chlorine contact chamber, a disinfection system, and two aerobic digesters. The facility has not been constructed.

The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

5. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

Self-reporting data is not available since the facility is not in operation.

7. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

A. INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	17	15	25
TSS	15	25	25	40
NH_3-N	3	5.0	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	N/A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample. There shall be no

APP Ex. 00362

discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Five/week
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli	One/month

B. INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	33	15	25
TSS	15	50	25	40
NH_3-N	3	10	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	N/A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Five/week
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week

APP Ex. 00363

E. coli	One/month

C. FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 1.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,778 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	83	15	25
TSS	15	125	25	40
NH_3-N	3	25	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN/100 ml	126	N/A	N/A	399

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
$CBOD_5$	Two/week
TSS	Two/week
NH_3-N	Two/week
DO	Two/week
E. coli	Two/month

D. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

APP Ex. 00364

E. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

(1) The draft permit includes chronic freshwater biomonitoring requirements as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical dilution) is defined as 100%. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

(a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:

(a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).

(b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

F. BUFFER ZONE REQUIREMENTS

The draft permit includes a requirement for the permittee to obtain legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC § 309.13(e)(3).

G. SUMMARY OF CHANGES FROM APPLICATION

None.

8. DRAFT PERMIT RATIONALE

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated in Title 40 of the CFR require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines.

Effluent limitations for maximum and minimum pH are in accordance with 40 CFR § 133.102(c) and 30 TAC § 309.1(b).

APP Ex. 00365

B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

(1) WATER QUALITY SUMMARY

The treated effluent is discharged to to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 0838 is not currently listed in the State's inventory of impaired and threatened waters (the 2020 C WA § 303(d) list).

The effluent limitations and conditions in the draft permit comply with EPA-approved portions of the 2018 Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10, effective March 1, 2018; 2014 TSWQS, effective March 6, 2014; 2010 TSWQS, effective July 22, 2010; and 2000 TSWQS, effective July 26, 2000. These limits also comply with the statewide lake rule for discharges within five miles upstream of public water supply reservoirs.

APP Ex. 00366

(2) CONVENTIONAL PARAMETERS

Effluent limitations for the conventional effluent parameters (i.e., Five-Day Biochemical Oxygen Demand or Five-Day Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

(3) COASTAL MANAGEMENT PLAN

The facility is not located in the Coastal Management Program boundary.

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

The Texas Surface Water Quality Standards (30 TAC Chapter 307) state that surface waters will not be toxic to man, or to terrestrial or aquatic life. The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards, June 2010" is designed to ensure compliance with 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.

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

There is no mixing zone for this discharge directly to an intermittent stream with perennial pools; acute and chronic freshwater criteria apply at the end of pipe. The following critical effluent percentages are being used:

APP Ex. 00367

Acute Effluent %: 100% Chronic Effluent %: 100%

Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded.

The LTA is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12).

Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and total suspended solids (TSS) according to the segment-specific values contained in the TCEQ guidance document "*Procedures to Implement the Texas Surface Water Quality Standards, June 2010.*" The segment values are 153 mg/l for hardness (as calcium carbonate), 21 mg/l chlorides, 7.9 standard units for pH, and 4.0 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation. See Attachment A of this Fact Sheet.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). The discharge point is to an intermittent stream with perennial pools or to an intermittent stream within 3 miles upstream of an intermittent stream with perennial pools. Human health screening using incidental freshwater fish tissue criteria (= 10 X freshwater fish tissue criteria) is applicable due to the perennial pools that support incidental freshwater fisheries. TCEQ uses the mass balance equation to estimate dilution in the intermittent stream with perennial pools during

APP Ex. 00368

average flow conditions. The estimated dilution for human health protection is calculated using the permitted flow of 1.0 MGD and the harmonic mean flow of 0.2 cfs for Mountain Creek. The following effluent percentage is being used:

Human Health Effluent %: 93.93%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent limitations for aquatic life protection. A 99th percentile confidence level in the long-term average calculation is used with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70% and 85% of the calculated daily average water quality-based effluent limitation. See Attachment A of this Fact Sheet.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 0838, which receives the discharge from this facility, is designated as a public water supply. The discharge point is located at a distance greater than three miles from the classified segment. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable due to the distance between the discharge point and the classified segment.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

TCEQ has determined that there may be pollutants present in the effluent that may have the potential to cause toxic conditions in the receiving stream. Whole effluent biomonitoring is the most direct measure of potential toxicity that incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

APP Ex. 00369

The existing permit includes chronic freshwater biomonitoring requirements. The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the Final phase.

(b) PERMIT ACTION

The test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body.

No analytical data is available because the facility is not in operation.

(6) WHOLE EFFLUENT TOXICITY CRITERIA (24-HOUR ACUTE)

(a) SCREENING

The existing permit includes 24-hour acute freshwater biomonitoring language.

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests for the life of the permit. The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the ??? phase.

9. WATER QUALITY VARIANCE REQUESTS

No variance requests have been received.

10. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice

sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Deba Dutta, P.E. at (512) 239-4608.

11. ADMINISTRATIVE RECORD

The following items were considered in developing the draft permit:

B. APPLICATION

Application received on May 4, 2022, and additional information received on June 2, 2022.

B. MEMORANDA

Interoffice Memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.

C. MISCELLANEOUS

Federal Clean Water Act § 402; Texas Water Code § 26.027; 30 TAC Chapters 30, 305, 309, 312, and 319; Commission policies; and U.S. Environmental Protection Agency guidelines.

Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10.

Procedures to Implement the Texas Surface Water Quality Standards (IP), Texas Commission on Environmental Quality, June 2010, as approved by the U.S. Environmental Protection Agency, and the IP, January 2003, for portions of the 2010 IP not approved by the U.S. Environmental Protection Agency.

Texas 2020 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, March 25, 2020; approved by the U.S. Environmental Protection Agency on May 12, 2020.

Texas Natural Resource Conservation Commission, Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

Attachment A: Calculated Water Quality Based Effluent Limitations

TEXTOX MENU #7 - INTERMITTENT STREAM WITH PERENNIAL POOLS

The water quality-based effluent limitations developed below are calculated using:

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health, Incidental Fishery
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Megatel Homes, L.L.C.
TPDES Permit No.:	WQ0016162001
Outfall No.:	001
Prepared by:	Deba P. Dutta, P.E.
Date:	9/21/2022

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	Reece Branch
Segment No.:	838
TSS (mg/L):	4
pH (Standard Units):	7.9
Hardness (mg/L as $CaCO_3$):	153
Chloride (mg/L):	21
Effluent Flow for Aquatic Life (MGD):	1
Critical Low Flow [7Q2] (cfs):	0
% Effluent for Chronic Aquatic Life:	100
% Effluent for Acute Aquatic Life:	100
Effluent Flow for Human Health (MGD):	1
Harmonic Mean Flow (cfs):	0.1
% Effluent for Human Health:	93.929

CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	173978.75	0.590		1.00	Assumed
Cadmium	6.60	-1.13	831136.22	0.231		1.00	Assumed
Chromium (total)	6.52	-0.93	912187.69	0.215		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	912187.69	0.215		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	375383.87	0.400		1.00	Assumed
Lead	6.45	-0.80	929719.64	0.212		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	222241.83	0.529		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	575278.59	0.303		1.00	Assumed

APP Ex. 00373

Zinc	6.10	-0.70	477043.53	0.344		1.00	Assumed	

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (µg/L)*	*FW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Aldrin	3.0	N/A	3.00	N/A	1.72	N/A	2.52	5.34
Aluminum	991	N/A	991	N/A	568	N/A	834	1765
Arsenic	340	150	577	254	330	196	287	609
Cadmium	13.0	0.331	56.1	1.43	32.2	1.10	1.61	3.42
Carbaryl	2.0	N/A	2.00	N/A	1.15	N/A	1.68	3.56
Chlordane	2.4	0.004	2.40	0.00400	1.38	0.00308	0.00452	0.00957
Chlorpyrifos	0.083	0.041	0.0830	0.0410	0.0476	0.0316	0.0464	0.0981
Chromium (+3)	807	105	3752	488	2150	376	552	1168
Chromium (+6)	15.7	10.6	15.7	10.6	9.00	8.16	11.9	25.3
Copper	21.2	13.6	53.0	34.1	30.4	26.2	38.5	81.5
Cyanide (free)	45.8	10.7	45.8	10.7	26.2	8.24	12.1	25.6
4,4'-DDT	1.1	0.001	1.10	0.00100	0.630	0.000770	0.00113	0.00239
Demeton	N/A	0.1	N/A	0.100	N/A	0.0770	0.113	0.239
Diazinon	0.17	0.17	0.170	0.170	0.0974	0.131	0.143	0.302
Dicofol	59.3	19.8	59.3	19.8	34.0	15.2	22.4	47.4
Dieldrin	0.24	0.002	0.240	0.00200	0.138	0.00154	0.00226	0.00478
Diuron	210	70	210	70.0	120	53.9	79.2	167
Endosulfan I (alpha)	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endosulfan II (beta)	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endosulfan sulfate	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endrin	0.086	0.002	0.0860	0.00200	0.0493	0.00154	0.00226	0.00478
Guthion	N/A	0.01	N/A	0.0100	N/A	0.00770	0.0113	0.0239
Heptachlor	0.52	0.004	0.520	0.00400	0.298	0.00308	0.00452	0.00957
Hexachlorocyclohexane (Lindane)	1.126	0.08	1.13	0.0800	0.645	0.0616	0.0905	0.191
Lead	102	3.99	483	18.8	277	14.5	21.2	45.0
Malathion	N/A	0.01	N/A	0.0100	N/A	0.00770	0.0113	0.0239
Mercury	2.4	1.3	2.40	1.30	1.38	1.00	1.47	3.11
Methoxychlor	N/A	0.03	N/A	0.0300	N/A	0.0231	0.0339	0.0718
Mirex	N/A	0.001	N/A	0.00100	N/A	0.000770	0.00113	0.00239
Nickel	671	74.5	1267	141	726	108	159	337
Nonylphenol	28	6.6	28.0	6.60	16.0	5.08	7.47	15.8
Parathion (ethyl)	0.065	0.013	0.0650	0.0130	0.0372	0.0100	0.0147	0.0311
Pentachlorophenol	21.6	16.5	21.6	16.5	12.3	12.7	18.1	38.4
Phenanthrene	30	30	30.0	30.0	17.2	23.1	25.2	53.4
Polychlorinated Biphenyls (PCBs)	2.0	0.014	2.00	0.0140	1.15	0.0108	0.0158	0.0335
Selenium	20	5	20.0	5.00	11.5	3.85	5.65	11.9
Silver	0.8	N/A	5.88	N/A	3.37	N/A	4.95	10.4
Toxaphene	0.78	0.0002	0.780	0.000200	0.447	0.000154	0.000226	0.000478
Tributyltin (TBT)	0.13	0.024	0.130	0.0240	0.0745	0.0185	0.0271	0.0574
2,4,5 Trichlorophenol	136	64	136	64.0	77.9	49.3	72.4	153
Zinc	168	169	489	493	280	379	411	870

APP Ex. 00374

HUMAN HEALTH (APPLIES FOR INCIDENTAL FRESHWATER FISH TISSUE)

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Incidental Fish Criterion (µg/L)*	*WLAh (µg/L)*	*LTAh (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrylonitrile	1150	1224	1139	1673	3541
Aldrin	1.147E-04	0.000122	0.000114	0.000166	0.000353
Anthracene	13170	14021	13040	19168	40553
Antimony	10710	11402	10604	15587	32978
Arsenic	N/A	N/A	N/A	N/A	N/A
Barium	N/A	N/A	N/A	N/A	N/A
Benzene	5810	6186	5753	8456	17890
Benzidine	1.07	1.14	1.06	1.55	3.29
Benzo(*a*)anthracene	0.25	0.266	0.248	0.363	0.769
Benzo(*a*)pyrene	0.025	0.0266	0.0248	0.0363	0.0769
Bis(chloromethyl)ether	2.745	2.92	2.72	3.99	8.45
Bis(2-chloroethyl)ether	428.3	456	424	623	1318
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	75.5	80.4	74.8	109	232
Bromodichloromethane [Dichlorobromomethane]	2750	2928	2723	4002	8467
Bromoform [Tribromomethane]	10600	11285	10495	15427	32639
Cadmium	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	460	490	455	669	1416
Chlordane	0.025	0.0266	0.0248	0.0363	0.0769
Chlorobenzene	27370	29139	27099	39835	84278
Chlorodibromomethane [Dibromochloromethane]	1830	1948	1812	2663	5635
Chloroform [Trichloromethane]	76970	81945	76209	112026	237008
Chromium (hexavalent)	5020	5344	4970	7306	15457
Chrysene	25.2	26.8	25.0	36.6	77.5
Cresols [Methylphenols]	93010	99021	92090	135372	286399
Cyanide (free)	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.02	0.0213	0.0198	0.0291	0.0615
4,4'-DDE	0.0013	0.00138	0.00129	0.00189	0.00400
4,4'-DDT	0.004	0.00426	0.00396	0.00582	0.0123
2,4'-D	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	4730	5036	4683	6884	14564
1,2-Dibromoethane [Ethylene Dibromide]	42.4	45.1	42.0	61.7	130
m-Dichlorobenzene [1,3-Dichlorobenzene]	5950	6335	5891	8659	18321
o-Dichlorobenzene [1,2-Dichlorobenzene]	32990	35122	32664	48015	101583
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	22.4	23.8	22.2	32.6	68.9
1,2-Dichloroethane	3640	3875	3604	5297	11208
1,1-Dichloroethylene [1,1-Dichloroethene]	551140	586761	545688	802161	1697089
Dichloromethane [Methylene Chloride]	133330	141947	132011	194056	410554
1,2-Dichloropropane	2590	2757	2564	3769	7975
1,3-Dichloropropene [1,3-Dichloropropylene]	1190	1267	1178	1731	3664
Dicofol [Kelthane]	3	3.19	2.97	4.36	9.23
Dieldrin	2.0E-04	0.000213	0.000198	0.000291	0.000615
2,4-Dimethylphenol	84360	89812	83525	122782	259764
Di-*n*-Butyl Phthalate	924	984	915	1344	2845
Dioxins/Furans [TCDD Equivalents]	7.97E-07	8.49E-07	7.89E-07	0.000001 2	0.000002 5
Endrin	0.2	0.213	0.198	0.291	0.615
Epichlorohydrin	20130	21431	19931	29298	61985

APP Ex. 00375

Ethylbenzene	18670	19877	18485	27173	57489
Ethylene Glycol	1.68E+08	1788581 76	1663381 04	2445170 12	5173115 02
Fluoride	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.001	0.00106	0.000990	0.00145	0.00307
Heptachlor Epoxide	0.0029	0.00309	0.00287	0.00422	0.00892
Hexachlorobenzene	0.0068	0.00724	0.00673	0.00989	0.0209
Hexachlorobutadiene	2.2	2.34	2.18	3.20	6.77
Hexachlorocyclohexane (*alpha*)	0.084	0.0894	0.0832	0.122	0.258
Hexachlorocyclohexane (*beta*)	2.6	2.77	2.57	3.78	8.00
Hexachlorocyclohexane (*gamma*) [Lindane]	3.41	3.63	3.38	4.96	10.5
Hexachlorocyclopentadiene	116	123	115	168	357
Hexachloroethane	23.3	24.8	23.1	33.9	71.7
Hexachlorophene	29	30.9	28.7	42.2	89.2
4,4'-Isopropylidenediphenol [Bisphenol A]	159820	170149	158239	232611	492123
Lead	38.3	192	179	263	556
Mercury	0.122	0.130	0.121	0.177	0.375
Methoxychlor	30	31.9	29.7	43.6	92.3
Methyl Ethyl Ketone	9.92E+06	1056114 9	9821869	1443814 7	3054601 2
Methyl *tert*-butyl ether [MTBE]	104820	111595	103783	152561	322765
Nickel	11400	22926	21321	31342	66308
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	18730	19941	18545	27260	57674
N-Nitrosodiethylamine	21	22.4	20.8	30.5	64.6
N-Nitroso-di-*n*-Butylamine	42	44.7	41.6	61.1	129
Pentachlorobenzene	3.55	3.78	3.51	5.16	10.9
Pentachlorophenol	2.9	3.09	2.87	4.22	8.92
Polychlorinated Biphenyls [PCBs]	6.40E-03	0.00681	0.00634	0.00931	0.0197
Pyridine	9470	10082	9376	13783	29160
Selenium	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.4	2.56	2.38	3.49	7.39
1,1,2,2-Tetrachloroethane	263.5	281	261	383	811
Tetrachloroethylene [Tetrachloroethylene]	2800	2981	2772	4075	8621
Thallium	2.3	2.45	2.28	3.34	7.08
Toluene	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.11	0.117	0.109	0.160	0.338
2,4,5-TP [Silvex]	3690	3928	3653	5370	11362
1,1,1-Trichloroethane	7843540	8350484	7765950	1141594 6	2415210 3
1,1,2-Trichloroethane	1660	1767	1644	2416	5111
Trichloroethylene [Trichloroethene]	719	765	712	1046	2213
2,4,5-Trichlorophenol	18670	19877	18485	27173	57489
TTHM [Sum of Total Trihalomethanes]	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	165	176	163	240	508

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS:

Aquatic Life *Parameter*	*70% of Daily Avg. (µg/L)*	*85% of Daily Avg. (µg/L)*
Aldrin	1.76	2.14
Aluminum	584	709
Arsenic	201	244
Cadmium	1.13	1.37
Carbaryl	1.17	1.43
Chlordane	0.00316	0.00384

APP Ex. 00376

Chlorpyrifos	0.0324	0.0394
Chromium (+3)	386	469
Chromium (+6)	8.39	10.1
Copper	26.9	32.7
Cyanide (free)	8.47	10.2
4,4'-DDT	0.000792	0.000962
Demeton	0.0792	0.0962
Diazinon	0.100	0.121
Dicofol	15.6	19.0
Dieldrin	0.00158	0.00192
Diuron	55.4	67.3
Endosulfan (alpha)	0.0443	0.0538
Endosulfan (beta)	0.0443	0.0538
Endosulfan sulfate	0.0443	0.0538
Endrin	0.00158	0.00192
Guthion	0.00792	0.00962
Heptachlor	0.00316	0.00384
Hexachlorocyclohexane (Lindane)	0.0633	0.0769
Lead	14.9	18.0
Malathion	0.00792	0.00962
Mercury	1.03	1.25
Methoxychlor	0.0237	0.0288
Mirex	0.000792	0.000962
Nickel	111	135
Nonylphenol	5.22	6.34
Parathion (ethyl)	0.0103	0.0125
Pentachlorophenol	12.7	15.4
Phenanthrene	17.6	21.4
Polychlorinated Biphenyls (PCBs)	0.0110	0.0134
Selenium	3.96	4.81
Silver	3.46	4.20
Toxaphene	0.000158	0.000192
Tributyltin (TBT)	0.0190	0.0230
2,4,5 Trichlorophenol	50.7	61.5
Zinc	288	349

Human Health ***Parameter***	***70% of Daily Avg. (µg/L)***	***85% of Daily Avg. (µg/L)***
Acrylonitrile	1171	1422
Aldrin	0.000116	0.000141
Anthracene	13417	16293
Antimony	10911	13249
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	5919	7187
Benzidine	1.09	1.32
Benzo(*a*)anthracene	0.254	0.309
Benzo(*a*)pyrene	0.0254	0.0309
Bis(chloromethyl)ether	2.79	3.39
Bis(2-chloroethyl)ether	436	529
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	76.9	93.4
Bromodichloromethane [Dichlorobromomethane]	2801	3402
Bromoform [Tribromomethane]	10799	13113
Cadmium	N/A	N/A

APP Ex. 00377

Carbon Tetrachloride	468	569
Chlordane	0.0254	0.0309
Chlorobenzene	27885	33860
Chlorodibromomethane [Dibromochloromethane]	1864	2263
Chloroform [Trichloromethane]	78418	95222
Chromium (hexavalent)	5114	6210
Chrysene	25.6	31.1
Cresols [Methylphenols]	94760	115066
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0203	0.0247
4,4'-DDE	0.00132	0.00160
4,4'-DDT	0.00407	0.00494
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	4819	5851
1,2-Dibromoethane [Ethylene Dibromide]	43.1	52.4
m-Dichlorobenzene [1,3-Dichlorobenzene]	6061	7360
o-Dichlorobenzene [1,2-Dichlorobenzene]	33610	40813
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	22.8	27.7
1,2-Dichloroethane	3708	4503
1,1-Dichloroethylene [1,1-Dichloroethene]	561512	681837
Dichloromethane [Methylene Chloride]	135839	164947
1,2-Dichloropropane	2638	3204
1,3-Dichloropropene [1,3-Dichloropropylene]	1212	1472
Dicofol [Kelthane]	3.05	3.71
Dieldrin	0.000203	0.000247
2,4-Dimethylphenol	85947	104365
Di-*n*-Butyl Phthalate	941	1143
Dioxins/Furans [TCDD Equivalents]	8.12E-07	9.86E-07
Endrin	0.203	0.247
Epichlorohydrin	20508	24903
Ethylbenzene	19021	23097
Ethylene Glycol	1711619 08	2078394 60
Fluoride	N/A	N/A
Heptachlor	0.00101	0.00123
Heptachlor Epoxide	0.00295	0.00358
Hexachlorobenzene	0.00692	0.00841
Hexachlorobutadiene	2.24	2.72
Hexachlorocyclohexane (*alpha*)	0.0855	0.103
Hexachlorocyclohexane (*beta*)	2.64	3.21
Hexachlorocyclohexane (*gamma*) [Lindane]	3.47	4.21
Hexachlorocyclopentadiene	118	143
Hexachloroethane	23.7	28.8
Hexachlorophene	29.5	35.8
4,4'-Isopropylidenediphenol [Bisphenol A]	162827	197719
Lead	184	223
Mercury	0.124	0.150
Methoxychlor	30.5	37.1
Methyl Ethyl Ketone	1010670 3	1227242 5
Methyl *tert*-butyl ether [MTBE]	106792	129676
Nickel	21939	26640
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	19082	23171
N-Nitrosodiethylamine	21.3	25.9
N-Nitroso-di-*n*-Butylamine	42.7	51.9

APP Ex. 00378

Pentachlorobenzene	3.61	4.39
Pentachlorophenol	2.95	3.58
Polychlorinated Biphenyls [PCBs]	0.00652	0.00791
Pyridine	9648	11715
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.44	2.96
1,1,2,2-Tetrachloroethane	268	325
Tetrachloroethylene [Tetrachloroethylene]	2852	3463
Thallium	2.34	2.84
Toluene	N/A	N/A
Toxaphene	0.112	0.136
2,4,5-TP [Silvex]	3759	4565
1,1,1-Trichloroethane	7991162	9703554
1,1,2-Trichloroethane	1691	2053
Trichloroethylene [Trichloroethene]	732	889
2,4,5-Trichlorophenol	19021	23097
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	168	204

APP – 9

TCEQ Chief Clerk and ED – Notice of Executive Director's Decision and Response to Comments

Ellie Guerra

From: Brenda Kouri
Sent: Monday, May 8, 2023 4:34 PM
To: PIC; OCCFDT
Cc: Celia Castro; Deba Dutta; Firoj Vahora; Todd Galiga
Subject: ELLIE WQ0016162001; Megatel Homes, LLC
Attachments: Transmittal Memo_Megatel.docx; RTC_Megatel Homes LLC.docx

Good Afternoon,

On behalf of Celia Castro, Environmental Law Division, the attached Response to Comments is provided for filing. Please contact Ms. Castro if you have any questions at 512-239-5692.

Brenda Kouri
Legal Secretary, General Law Division
Office of Legal Services
Texas Commission on Environmental Quality
(512) 239-0185, brenda.kouri@tceq.texas.gov
Please consider the environment before printing this e-mail

TCEQ INTRA-AGENCY TRANSMITTAL MEMO
Executive Director's Response to Comments (RTC)

DATE: May 8, 2023

TO: FINAL DOCUMENTS WORK LEAD
OFFICE OF THE CHIEF CLERK (OCC), MC-105

FROM: Celia Castro
ENVIRONMENTAL LAW DIVISION, MC-173

1. **Application Information:**
   Program Area (Air, Water or Waste): Water
   Applicant's Name: Megatel Homes, LLC
   Permit No.: WQ0016162001
   Docket/CID Item No. (if known): 128210

2. **Application Subject to SB 709 (received on or after 09/01/15):** **Yes** ☒ **No** ☐
3. **Were Comments Received in an Alternative Language:** **Yes** ☐ **No** ☒
4. **Alternative Language Required by 30 TAC § 39.426 or other:** **Yes** ☐ **No** ☒
   ☐ Spanish ☐ Other language(s) (please list):
5. **OCC Action Required (check all applicable boxes)**

FOR WASTE & WATER:

☒ Send RTC with the RTC transmittal letter which solicits hearing requests from commenters and requests for reconsideration to the mailing list in your files. *This occurs in all circumstances when comments have been received for 801 and 709 applications.*

OR

☐ Send RTC with the Motion to Overturn (MTO) transmittal letter which solicits MTOs to the mailing list in your files. *This occurs when all comments have been withdrawn for 801 or 709 applications, or when comments are received for applications that will not be set for Commissioners' Agenda.*

AND (if applicable)

☐ Include instructions for translating the RTC in the RTC or MTO transmittal letter or Agenda setting letter. The instructions should include information in both English and the alternative language about how to use available translation tools to translate the RTC. *This occurs when alternative language comments are received, but the RTC has not been translated.*

FOR AIR (NSR only):

☐ Send RTC with the RTC transmittal letter which solicits hearing requests from commenters and requests for reconsideration to the mailing list in your files. *This occurs only when there are pending contested case hearing requests (except no-increase renewals).*

OR

☐ Set for Commissioners' Agenda and send RTC with the Agenda setting letter. *This occurs when there are pending contested case hearing requests on a no-increase renewal and technical review is complete.*

OR

☐ Hold until a Commissioners' Agenda date is requested and send RTC with the Agenda Setting Letter. *This occurs when there are pending contested case hearing requests on a no-increase renewal and technical review is NOT complete. If this box is checked, ED staff must call the OCC Agenda Section Manager to arrange a specific agenda date.*

OR

☐ Place RTC in file. No further action required by OCC. *This occurs when the matter is uncontested, but comments were received. Air Permits Division will send the RTC with the MTO transmittal letter.*

AND (if applicable)

☐ Include instructions for translating the RTC in the RTC or MTO transmittal letter or Agenda setting letter. The instructions should include information in both English and the alternative language about how to use available translation tools to translate the RTC. *This occurs when alternative language comments are received, but the RTC has not been translated.*

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 12, 2023

TO: Persons on the attached mailing list.

RE: Megatel Homes, L.L.C
TPDES Permit No. WQ0016162001

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 is a copy of the Executive Director's Response to Public Comment. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central Office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

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

(2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

(4) If the request is made by a group or association, the request must identify:

(A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;

(B) the comments on the application submitted by the group that are the basis of the hearing request; and

(C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

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

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

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

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

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

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

LG/erg

Enclosure

MAILING LIST
for
Megatel Homes, L.L.C.
TPDES Permit No. WQ0016162001

FOR THE APPLICANT:

Zach Ipour, President
Megatel Homes, L.L.C.
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Jonathan Nguyen, Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Alex Pfefferkorn
Land Development Manager
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

INTERESTED PERSONS:

E. Allen Taylor Jr.
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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

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

Deba P. Dutta, P.E., Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

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
via electronic mail:

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. WQ0016162001

APPLICATION BY	§	BEFORE THE
MEGATEL HOMES, L.L.C.	§	TEXAS COMMISSION
FOR TPDES PERMIT NO.	§	ON
WQ0016162001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to public comment on Megatel Homes, L.L.C.'s (Applicant or Megatel) application for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001, and on the ED's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before this permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk received timely comments from E. Allen Taylor, Jr. on behalf of the City of Mansfield.

This Response addresses all timely filed public comments received, whether or not withdrawn. 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 our website at http://www.tceq.texas.gov.

Background

Description of Facility

Megatel Homes, L.L.C. has applied for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.40 MGD in the Interim II phase, and an annual average flow not to exceed 1.0 MGD in the Final phase. The plant site will be located approximately 1 mile southwest of the

intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas. The proposed wastewater treatment facility will serve a residential subdivision located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield (the City).

The facility will be a suspended growth single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase will include an onsite lift station, manual bar screens, two aeriation basin, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Interim II phase will include an onsite lift station, manual bar screens, flow splitting weirs, two aeriation basins, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Final phase will include an onsite lift station, mechanical bar screens, two aeriation basin, two secondary clarifiers, a chlorine contact chamber, a dechlorination system, and two aerobic digesters.

The effluent limitations in all three phases of the draft permit, based on a 30-day average, are 10 milligrams per liter (mg/l) five-day carbonaceous biochemical oxygen demand ($CBOD_5$), 15 mg/l total suspended solids (TSS), 3.0 mg/l ammonia nitrogen (NH_3-N), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 milliliters (ml), and 4.0 mg/l minimum dissolved oxygen (DO). In the Interim I and II phases, the effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample. In the Final phase of the draft permit, the effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab

APP Ex. 00388

sample. The Applicant shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process.

The treated effluent will be discharged to Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. The 2020 Clean Water Act § 303(d) list, the State's inventory of impaired and threatened waters, does not currently list Segment No. 0838.

In accordance with 30 TAC § 307.5 and the June 2010 TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (IPs), TCEQ staff performed an antidegradation review of the receiving waters. 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 Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Procedural Background

The TCEQ received the application for a new TPDES permit on May 4, 2022, and declared it administratively complete on June 8, 2022. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) on June 11, 2022, in the *Dallas Morning News*. The application was determined technically complete on

September 22, 2022. The Applicant published the Notice of Application and Preliminary Decision (NAPD) on October 21, 2022, in *Dallas Morning News*. The comment period for this application closed on November 21, 2022. 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), which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

Access to Rules, Laws and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- to access the Secretary of State website: https://www.sos.state.tx.us;
- for TCEQ rules in Title 30 of the Texas Administrative Code (TAC): https://www.sos.state.tx.us/tac/ (select "View the current Texas Administrative Code" on the right, then "Title 30 Environmental Quality");
- for Texas statutes: https://statutes.capitol.texas.gov/;
- to access the TCEQ website: www.tceq.texas.gov (for downloadable rules in Adobe PDF format, select "Rules" then "Download TCEQ Rules");
- for Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov; and
- for Federal environmental laws: http://www.epa.gov/lawsregs/.

Commission records for this facility are available for viewing and copying at the TCEQ's Office of the Chief Clerk until the TCEQ takes final action on the application. Some documents located at the Office of the Chief Clerk may be located on the Commissioners' Integrated Database at https://www14.tceq.texas.gov/epic/eCID/. The application for this facility has been available for viewing and copying at the Mansfield Public Library, 104 South Wisteria Street, Mansfield, Texas, since publication of the

NORI. The draft permit, the Statement of Basis/Technical Summary, and the ED's Preliminary Decision have been available since publication of the NAPD.

COMMENTS AND RESPONSES

COMMENT 1:

The City of Mansfield expressed concerns about regionalization and stated that the land area for which the permit is sought lies within the statutorily created extraterritorial jurisdiction of the City. In response to correspondence from Megatel Homes, L.L.C. on February 18, 2022, the City informed Megatel Homes, L.L.C on July 5, 2022, that the City was willing and had the capacity to provide wastewater service to Megatel Homes, L.L.C.

RESPONSE 1:

Texas Water Code (TWC) § 26.081 enumerates the state's regionalization policy 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, TWC § 26.0282 authorizes the 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.[1] Applicants requesting a new permit or certain major amendments are required to review a three-mile area

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

APP Ex. 00391

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. Applicants are required to contact those facilities to inquire if they currently have the capacity or are willing to expand to accept the volume of wastewater proposed. 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 versus the cost of the proposed facility or expansion. Finally, applicants are required to provide copies of all correspondence with the owners of existing plants within three miles of the proposed plant regarding regionalization with their system. Per the information provided in the application, there were no existing permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility.

However, in a series of letters and emails submitted to the ED, Megatel attempted to seek a definite answer as to the City's ability to provide water and wastewater services to them. Initially on February 18, 2022, the Applicant requested service from Johnson County MUD No. 1 (Johnson County) that was being created by the TCEQ. On March 1, 2022, a Megatel engineer specifically asked a City staff member about obtaining service, and the City's response was that the area in question "was very far from any water or sewer infrastructure and City utility service would require significant infrastructure...". Several months later, on July 5, 2022, the City responded to the Applicant's petition for services and showed some interest to meet with Megatel. On July 15, 2022, Johnson County requested that the City identify where and how the City had capacity and what the costs would be but received no response. On the same day, Megatel also asked the City for additional information regarding their available

capacity and ability to provide utility services as well as the cost basis and funding for the proposed facilities. Megatel also requested that the City provide a draft utility service contract for the City to provide water and wastewater services for the development tract.

On November 7, 2022, Megatel again asked if the City would be able to provide them services, any agreement, necessary fees, and a timeline for response. A reminder for the City's response was sent on November 11, 2022. The City responded on November 28, 2022, with some information regarding water supply, but not about wastewater. Megatel responded on December 6, 2022, with some water usage data, but again asked for confirmation of the City's ability to provide water and wastewater services. In addition, the City attempted to incorporate the project within their sewer CCN, but on February 16, 2023, Megatel requested to opt out and have their property excluded stating that, as landowners, they did not receive the required notice of the City's CCN application. Subsequently, arrangements were made to provide sewer service to the development tracts without the City.

The TCEQ's policy on regionalization does not require the agency to automatically deny a wastewater treatment plant application or to compel an Applicant to connect to the facility just because a plant or a collection system is located within three miles of a proposed facility. The ED has approved new or major amendments to increase flow in situations where the Applicant is able to provide an economic justification demonstrating that connecting to the existing facility will be expensive.

Because of the continued lack of responsive information from the City of Mansfield (over an extended length of time and after many attempts to elicit that information) as to their capacity to provide services to Megatel, the Applicant was not

able to adequately arrive at the total amount of expenditures needed and therefore, they were not able to pursue this route for wastewater services. Accordingly, the ED concludes that the Applicant's TPDES permit in this case is consistent with the Commission's regionalization policy.

COMMENT 2:

The City expressed concern that the discharge of treated water at the proposed location would negatively impact the environment by negatively impacting the stream segment and the surrounding area both at the discharge site and downstream.

RESPONSE 2:

TCEQ's Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards (TSWQS), which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The 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.

The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. The ED 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 effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the TSWQS and 30 TAC §§ 307.1 - 307.10. 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 treated effluent will be discharged to Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. The 2020 Clean Water Act § 303(d) list, the State's inventory of impaired and threatened waters, does not currently list Segment No. 0838.

In accordance with 30 Texas Administrative Code Section 307.5 and the June 2010 TCEQ's IPs, TCEQ staff performed an antidegradation review of the receiving waters. 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 Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. The 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 object to the issuance of the draft permit.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Erin E. Chancellor
Interim Executive Director

Guy Henry, Deputy Director
Environmental Law Division

Celia Castro

Celia Castro, Staff Attorney
Environmental Law Division
State Bar No. 03997350
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-5692 (phone)

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on May 8, 2023, the Executive Director's Response to Public Comment for Permit No. WQ0016162001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Celia Castro

Celia Castro, Staff Attorney
Environmental Law Division
State Bar No. 03997350

APP – 10

City of Mansfield - Second Comments and Request for Contested Case Hearing

Ellie Guerra

From:	PUBCOMMENT-OCC
Sent:	Friday, June 9, 2023 9:03 AM
To:	PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject:	FW: Public comment on Permit Number WQ0016162001
Attachments:	Req. for Contested Hearing.6.8.233.pdf

H
Marisa – please note there are some potential mail list adds in the first paragraph of the attached letter.

From: vanessa.ramirez@mansfieldtexas.gov <vanessa.ramirez@mansfieldtexas.gov>
Sent: Thursday, June 8, 2023 4:58 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016162001

REGULATED ENTY NAME MANSFIELD TRACT WWTF

RN NUMBER: RN111496998

PERMIT NUMBER: WQ0016162001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: MEGATEL HOMES LLC

CN NUMBER: CN605490937

NAME: Vanessa Ramirez

EMAIL: vanessa.ramirez@mansfieldtexas.gov

COMPANY: City of Mansfield

ADDRESS: 1200 E BROAD ST
MANSFIELD TX 76063-1805

PHONE: 8172764274

FAX:

COMMENTS: On behalf of the City of Mansfield, please accept the attached request for contested hearing - Attachments to follow since this exceeds the allotted file space.

Ellie Guerra

From:	PUBCOMMENT-OCC
Sent:	Friday, June 9, 2023 9:03 AM
To:	PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject:	FW: Public comment on Permit Number WQ0016162001
Attachments:	Exhibits(Cont. Hrg - Mansfield).pdf

H

From: vanessa.ramirez@mansfieldtexas.gov <vanessa.ramirez@mansfieldtexas.gov>
Sent: Thursday, June 8, 2023 5:02 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016162001

REGULATED ENTY NAME MANSFIELD TRACT WWTF

RN NUMBER: RN111496998

PERMIT NUMBER: WQ0016162001

DOCKET NUMBER:

COUNTY: JOHNSON

PRINCIPAL NAME: MEGATEL HOMES LLC

CN NUMBER: CN605490937

NAME: Vanessa Ramirez

EMAIL: vanessa.ramirez@mansfieldtexas.gov

COMPANY: City of Mansfield

ADDRESS: 1200 E BROAD ST
MANSFIELD TX 76063-1805

PHONE: 8172764274

FAX:

COMMENTS: Attachments for the City of Mansfield's Contested Hearing Request

MANSFIELD
TEXAS

June 8, 2023

Laurie Gharis, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105
P.O. Box 13087
Austin, TX 78711-3087

RE: Application by Megatel Homes, L.L.C., to the Texas Commission on Environmental Quality for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001 (the "Permit").

Dear Chief Clerk:

I am sending this correspondence on behalf of the City of Mansfield, Texas (the "City"). Please direct all future correspondence on this application to me, Vanessa Ramirez at 1200 E. Broad St., Mansfield, Texas 76063. My daytime phone number is (817) 276-4274. The law firm of Taylor Olson Adkins Sralla & Elam, LLP serves as general counsel and city attorney to the City and should be copied on any and all correspondence relating to this matter, with attorney in charge designated as Bradley Anderle, 6000 Western Place, Ste. 200, Fort Worth, Texas 76107.

Megatel Homes, L.L.C. is applying to the Texas Commission on Environmental Quality (the "TCEQ") for creation of a new Texas Pollutant Discharge Elimination System ("System") to serve property within Johnson County, Texas and wholly within the extraterritorial jurisdiction of the City of Mansfield, Texas. The City of Mansfield opposes the issuance of the TPDES Permit for the new System.

I/We (the City) request a contested case hearing.

The City is an "affected person" entitled to a contested hearing on the issues raised in this hearing request because the City has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application that are not common to the general public and is an affected person under 30 TEX. ADMIN. CODE § 55.256. Further, the City is a local government with authority under state law over issues contemplated by the application and may be considered affected persons under 30 TEX. ADMIN. CODE § 55.256(b).

The proposed System will be located and will serve property wholly within the extraterritorial jurisdiction of the City. The City has authority to protect the public health and safety within its extraterritorial jurisdiction and to regulate development within its extraterritorial jurisdiction. TEX. LOC. GOV'T. CODE §§ 42.001, 212.003, 212.044, 242.001(d). Various city

functions and services, including sanitary sewer services, fall squarely under the authority of the City within its extraterritorial jurisdiction. Further, as a regional water and sewer service provider, the City has an interest to ensure that new development in its extraterritorial jurisdiction regionalizes with existing systems to the greatest extent possible in order to protect the public health, safety, and welfare of persons residing in and adjacent to the city, as well as other cities and persons in the region. *See* Texas Water Code § 26.081(a). Thus, the City has authority under state law over the issued contemplated by this application, has interests not common to the general public, and is therefore an affected person. 30 TEX. ADMIN. CODE § 55.256(a) & (b).

The City continues its assertion that the creation of the new System is not in furtherance of the public interest as previously asserted because the City believes that the Executive Director's comments do not adequately address the issues. The City of Mansfield believes that it is consistent with the public interest to limit the number of wastewater treatment facilities and their attendant discharge activities to regional and sub-regional areas where they can be carefully managed and monitored by experienced governmental operators. The governmental entities have experience in managing these facilities and are familiar with the environmental conditions and constraints applicable to activities within their jurisdiction. The creation of additional private or semi-private wastewater treatment activities increases the need for inspection, testing and monitoring providing a burden without a concomitant public benefit. The City of Mansfield does not believe that a discharge permit for this facility should be authorized unless there is an evidentiary hearing held in which the applicant provides substantive competent evidence that it cannot acquire wastewater utility service under commercially reasonable terms from any existing entity.

In the Executive Director's Response to Public Comment ("Response"), it was concluded that the application shows that there are no existing permitted domestic wastewater treatment facilities or collection systems located within three (3) miles of the proposed facility. The City disputes this fact. The City owns and operates an existing sanitary sewer line that is roughly calculated by the City to be within 2.4 miles of the proposed location of the proposed facility. A map representing the location of the line in relation to the proposed facility is attached to this letter. Not only is there a currently existing collection system within three (3) miles of the proposed facility, but the City is currently well into the design of an additional sanitary sewer line that would bring access to the sanitary sewer service to within approximately one (1) mile of the proposed facility. It appears that Megatel did not provide any of this information to support its application. The lack of completeness of the application from an informational standpoint justifies a contested case hearing to ensure that full and complete information related to this application can be received and considered by TCEQ. To state the City's objections specifically: (1) the City disputes the fact that there are no wastewater collection systems located within three (3) miles of the proposed facility; and (2) the City would dispute the implied conclusion that any such facilities are not sufficient to serve the proposed development; and (3) the City would dispute the conclusion that the City providing sanitary sewer services to the development could not be done in a cost-effective manner.

In the Response, the Executive Director detailed communications provided to TCEQ by Megatel to support a conclusion that the City was not responsive to Megatel's request for sanitary sewer service from the City. This City disputes the fact that the City was not responsive, and the City disputes the conclusion that the City was not responsive to Megatel. The City further disputes

the fact that the communications submitted to TCEQ by Megatel accurately represent the communications between the City and Megatel.

In addition to and during the same timeframe that Megatel represents that the City was not responsive, the following communications occurred between Megatel and the City, which were not detailed in the Response.

- Megatel submitted a preliminary plat for the development to the City on September 2, 2022.
- The City submitted Engineering Department comments to Megatel on the preliminary plat application dated September 20, 2022, that stated the City's intention to provide sanitary sewer services to the development, identified the location that the sewer would eventually flow and the general anticipated route/plan for handling the sewer flow. These comments then invited a meeting between Megatel and the City to discuss specifics for the provision of sanitary sewer service to the development. A copy of these comments have been attached to this letter.
- The City and Megatel later had an in-person meeting on October 31, 2022, at City Hall to discuss the development, including the provision of sanitary sewer service to the development by the City. This meeting was not the meeting specifically anticipated by the Engineering Comments, but it was a conversation in furtherance of the City's support and participation in serving the development.
- Megatel later submitted a response to these City's comments on the preliminary plat application on December 22, 2022, through its engineer McAdams. Megatel's response to number 7 under Engineering Department indicates that the City and Megatel are evaluating sewer to serve this development. A copy of this response has been attached to this letter.
- The City provided further comments to Megatel on the preliminary plat application on January 13, 2023, which comments did not have to address the sanitary sewer service because the parties had both indicated they would be considering how to provide sanitary sewer service to the development. A copy of these comments have been attached to this letter.

Since the latest comments were provided, the City and Megatel have had numerous communications both in writing and in-person discussing details of the development, including the provision of sanitary sewer services by the City. One such communication was an in-person meeting on March 30, 2023, at City Hall between the City and Megatel that again included a conversation of the provision of sanitary sewer services by the City to the development. As a part of that meeting or directly after, the City received a Budget/Phasing Plan for the development. This Budget/Phasing Plan included costs for sanitary sewer improvements to serve the development, as well as a depiction of a possible route for the sanitary sewer improvements to connect to the City's existing sanitary sewer line. This Budget/Phasing Plan is attached to this letter.

The City would represent to TCEQ that, based upon negotiations and conversations between the City and Megatel, neither party questions whether the City will provide sanitary sewer service to the development and both parties intend for the City to provide sanitary sewer service to the development. All of the information presented in this letter appears to be new information that was not communicated to TCEQ by Megatel. The lack of completeness of the information

provided in support of this application justifies a contested case hearing to ensure that full and complete information related to this application can be received and considered by TCEQ, in particular in light of the fact that the Executive Director's decision seems to based specifically on facts that have been shown to be incomplete and inaccurate by this letter.

To state the City's objections specifically: (1) the City disputes the fact that the City has not been responsive to Megatel's request for service because the communications detailed above show otherwise; (2) the City disputes the conclusion that the City was not responsive to Megatel's request for service because the communications detailed above show otherwise; (3) the City disputes the fact that the communications submitted to TCEQ by Megatel accurately represent the communications between the City and Megatel because the communications detailed above show otherwise; (4) the City disputes the conclusion that Megatel was not able to pursue the route of receiving sanitary sewer services from the City because Megatel is actively pursuing this route, as is demonstrated by the communications detailed above; (5) the City disputes the conclusion that the issuance of the Permit is consistent with the TCEQ's regionalization policy because adding a new System is not necessary for adequate and cost-effective services to be provided to this development; (6) the City disputes the conclusion that the issuance of the Permit is consistent with TCEQ's regionalization policy because the information that supported the Executive Director's conclusion was demonstrably incomplete and inaccurate, as shown by the communications detailed above; and (7) the City disputes the conclusion that the issuance of the Permit is consistent with the TCEQ's regionalization policy for all of the reasons set forth in this letter and because the City is ready and willing to provide sanitary sewer service to the development in a cost-effective manner.

The City would also reassert its comment and request a contested case hearing for consideration of whether the discharge of treated water at the proposed location will not negatively impact the environment by negatively impacting the stream segment and the surrounding area both at the discharge site and downstream from that point. While the Executive Director's response concludes that the discharge will not negatively impact the environment, the City would assert that having no discharge is better for the environment than having the discharge, even if the discharge could arguably be tolerated by the environment. For this reason, the City disputes the conclusion that the discharge will not negatively impact the environment because a solution that maintains regionalization of sanitary sewer services in this area would prevent the discharge in this location and would be better for the environment.

The City would also reassert its previous comment and request a contested case hearing to acquire evidence showing that Megatel has the appropriate level of experience, managerial competence and financial resources to demonstrate that it can effectively construct and manage the proposed System. The City disputes the conclusion that Megatel is capable of such operation in the absence of evidence to establish the same.

Finally, as overarching objections to the Response: (1) the City disputes that there is a need for the issuance of the Permit or for the creation of the new System; and (2) the City disputes the conclusion that the issuance of the Permit is in the best interest of the public and that it is favorable in light of the State's interest in promoting the regionalization of services, including the waste collection, treatment, and disposal systems.

For these reasons, the City requests that TCEQ find that the City is an affected person, grant the City's request for a contested case hearing for all of the reasons set forth in this letter, and deny the application for creation of a new Texas Pollutant Discharge Elimination System.

Sincerely,

Vanessa Ramirez
Assistant City Manager

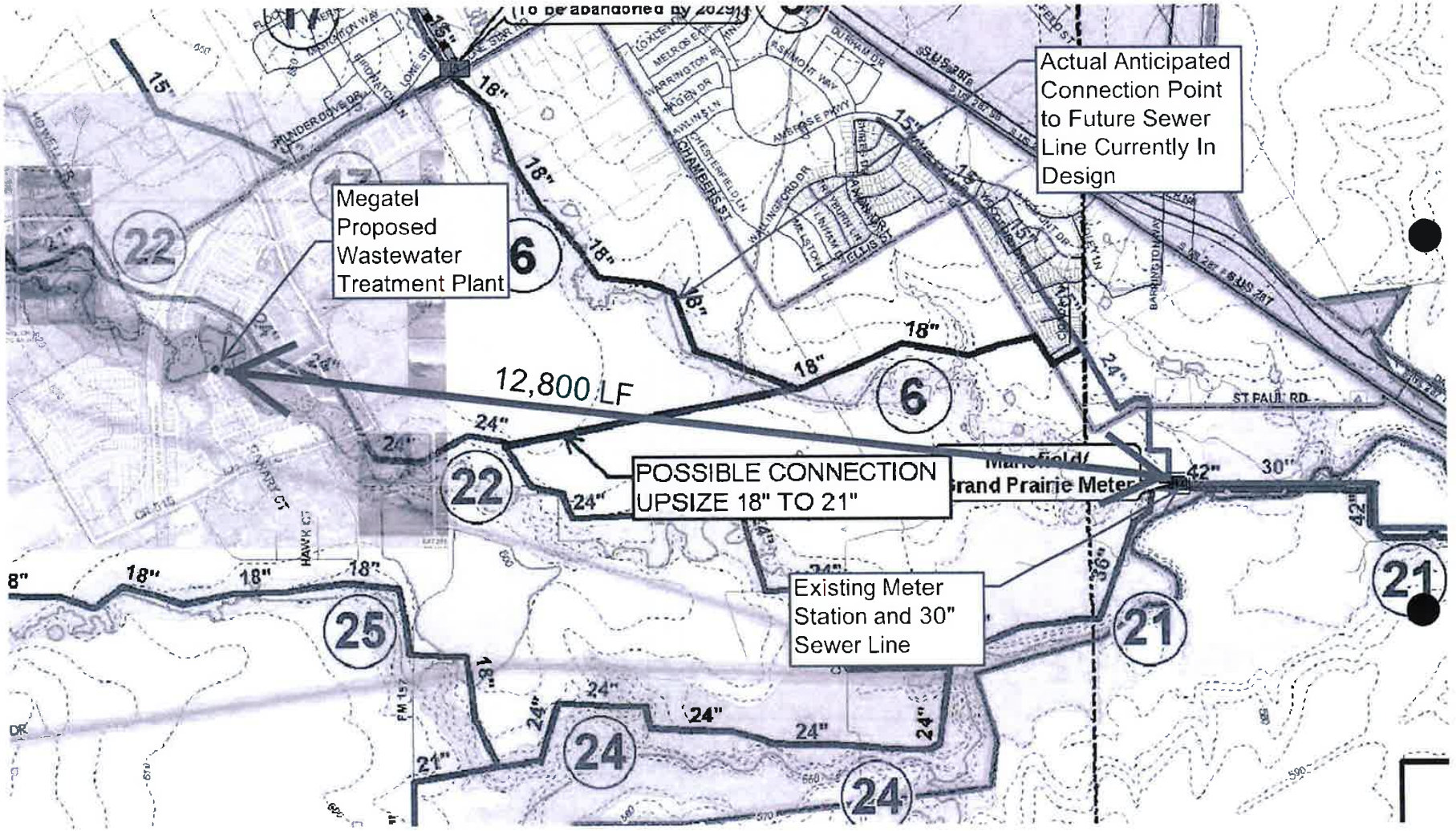
cc (via email): Joe Smolinski, City Manager (joe.smolinski@mansfieldtexas.gov)
Jeff Price, Executive Director of Public Works (jeff.price@mansfieldtexas.gov)
Bradley Anderle, City Attorney (banderle@toase.com)

Map Showing Location of

Existing Sanitary Sewer Line

in Relation to Proposed Facility

APP Ex. 00406


Actual Anticipated Connection Point to Future Sewer Line Currently In Design
Megatel Proposed Wastewater Treatment Plant
12,800 LF
POSSIBLE CONNECTION UPSIZE 18" TO 21"
Existing Meter Station and 30" Sewer Line
ST PAUL RD
22
6
25
24
21

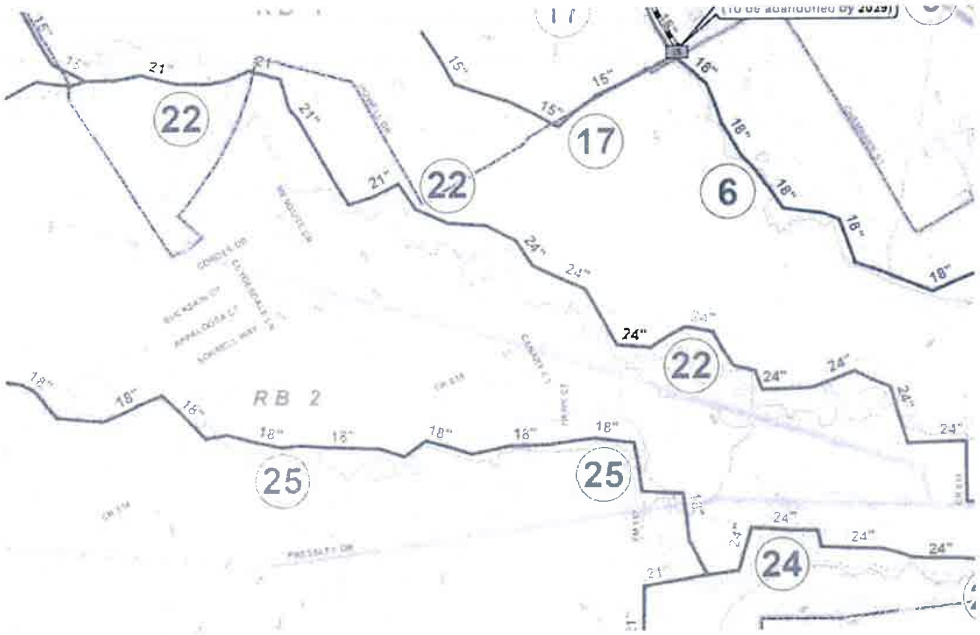
City's Engineering Department Comments

to Megatel's Preliminary Plat

September 20, 2022

Megatel Mansfield
Engineering Comments – Rev.
Mohammed Howlader
9/20/2022

1. Show 10' utility easement along street frontages.
2. Show and label all utility easements and drainage easements. All anticipated easements must be shown on the preliminary plat.
3. The preliminary drainage plan to support the preliminary plat must have enough detail to confirm drainage easements necessary to accommodate storm drain systems, detention facilities and post-construction water quality facilities.
4. Show how required postconstruction water quality will be addressed. Demonstrate and make sure that it is in a drainage easement.
5. Provide an overall utility plan including sizes.
6. An update to the city's Water Master Plan model will be necessary to confirm required water supply can be met. The water main along Lonestar Rd. will be located on the south side of the roadway and will connect to the city's 30" water line.
7. It is the City of Mansfield's intention for this project to obtain sanitary sewer service from the city. This gravity sewer basin will service to the Mountain Creek meter station through a portion of Project 22 as shown on the city's Wastewater Master Plan below. Please set up a meeting with the Engineering Department to coordinate and discuss details.



8. Label all existing streets.

9. Separate roadway alignment information (centerline radii, tangents, ROW widths, property lines) needs to be provided for all thoroughfare streets. The information needs to include the current roadways alignments and ROW.
10. TxDOT approval of the alignment and ROW width of FM 157 must be provided prior to this plat moving forward.
11. A ROW reserve for FM 157 must be provided for any need ROW width greater than 120 feet.
12. Streets, especially thoroughfare streets, must intersect at 90 degrees.
13. 10'x10' ROW corner clips must be provided at all local street/local street intersections. 15'x15' corner clips must be provided at all other intersections.
14. 70 foot ROW radius is required at the intersection of Street "HHH"/CR CR 617.
15. Dimension the ROW width of CR 617 between Street "EEE" and Street "DDD'. 90 feet of width needs to be provided.
16. Minimum centerline radius of a local street is 175 feet. The intersection of Street "RR"/"HHH" does not appear to meet this criteria.
17. Minimum roadway centerline offset is 125' There are several roadways that do not appear to meet this minimum (i.e. Street "DD"/Street "JJ")
18. The ROW needs to be dimensioned oon CR515 north of street "II" and between Street "Y" and "MMM"
19. On Sheet 10 the ROW for CR 515 needs to be clearly labeled and dimensioned. This road should intersect FM 157 at 90 degrees or as close a possible
20. A 70 foot ROW radius is required at the intersection of FM 157/CR 515.
21. Label Lone Star Road as "Future FM 157"
22. Street "Y" should be a collector roadway - 60' ROW from Lone Star Road to the west.
23. It appears the ROW eyebrow for Street "F" infringes into the future FM 157 ROW.
24. The ROW for Bedford Road (Street "III") should be 70 feet.
25. The ROW for Street "A" south of the roundabout needs to be included in this plat.
26. A concept design will need to be submitted for the roundabout to verify the proposed ROW.
27. All phases will require 2 points of access.
28. Based upon the resubmittal of the thoroughfare alignments, additional comments may follow.

Megatel's Response to

City's Comments to Preliminary Plat

December 22, 2022

MCADAMS

RESPONSE TO COMMENTS #1 > **MEH-2021310747**

December 22, 2022

City of Mansfield
Planning and Development Department
1200 E. Broad Street
Mansfield, Texas 76063

RE: 5401 North Lots 20 & 21, Phases 13-21
Case Number: SD 22-049
Response to 1st Preliminary Plat Plan Review Comments
MEH-2021310747

The following are the response comments for the above-mentioned project. Our response comments are in **bold**.

PLANNING DEPARTMENT
Jason Alexander

1. Provide the following label in the bottom right corner of the plat: **SD#22-049**
   McAdams Response: Label added to cover sheet C0.00

2. The City Attorney has advised staff on issues related to drill sites being platted as part of a subdivision. As an owner of real property interest, the gas well operator must be party to the plat if the plat includes a drill site and any surrounding land under their control by surface use agreement. This plat includes drill sites. Provide a Property Owner's Representation Form for the gas well operator(s) and add them as owners on the plat (in the opening of the legal description, add the company name and address, etc.).

   Alternatively, you may save and except the drill sites from the subdivision, provided that there is an access easement through an HOA lot to provide access to the sites. For this option, remove the area of the drill sites from the legal description and add a save and except description for each site. Be sure to adjust the acreage in the legal description, title block or wherever it appears to reflect the removal of the drill site areas.

   McAdams Response: Limits of gas company properties is being determined. McAdams is seeking confirmation that gas company shall be party to the plat and determining signatory information for plat. Applicable dedications, language and access shall be adjusted accordingly on subsequent submittal.

3. The following comments are related to the vicinity map:

   a. Label 2nd Avenue as FM 917. This street is no longer part of 2nd Avenue.
   McAdams Response: Street name changed to FM 917

   b. Label Main Street as S. Main Street (BUS 287).
   McAdams Response: Street name changed to S. Main Street (BUS 287)

c. Show the city limit line on the vicinity map.
McAdams Response: City limit line added to map

4. Revise the title block to match the City's standard format:

PRELIMINARY PLAT
Lot # (or #s), Block(s) #
Subdivision Name
#.## Acres out of the XXXX Survey, Abstract No. XXXX
Johnson County, Texas
Residential Lots
#Open Space Lots
Date of Preparation

McAdams Response: Title block revised to match City's standard

5. Section 2.02(G)(6): The following comments are related to property owner information on the plat:

a. This plat shows Megatel as the owner, but Property Owner Representation Forms were submitted for the record owners, Pressley, Cooley, NWBB Corp and Brindley Trust. Provide the name and address of these record owners on the plat.
McAdams Response: Cipriani Island Laguna Azure LLC is now the owner of the west half of the property, the east half is being finalized and owner will be updated accordingly.

b. Remove the telephone number from Megatel's information on the plat. Also, if Megatel is not the actual property owner, change the heading to Developer.
McAdams Response: Phone number removed and made solely the developer.

6. Section 2.02(G)(7) and (8): Provide the name of the record owner and the volume and page of the corresponding deed of record for all unplatted tracts within 200 feet, to include owners across any adjacent rights-of-way and all adjacent platted properties within 200 feet, shown in dashed lines, labeling the lot and block numbers, subdivision name, street names and plat record reference. Some of the information labels are truncated on the graphic (see example):



McAdams Response: Information provided as requested.

7. Section 2.02(G)(11): Show and label all existing and proposed easements on or adjacent to the subdivision as to type, size, and deed or plat record information.

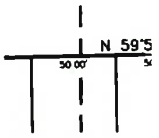
   a. Some of the existing easements do not have recording information.
   McAdams Response: Additional info provided as requested.

   b. Show and label the access easements from the drill sites to the street.
   McAdams Response: Additional info provided as requested.

8. Section 2.02(G)(12): The following comments are related to the legal description:

   a. Include the current owner's deed record reference, survey name and abstract number, county, state and gross acreage in the opening of the legal description. Megatel is shown as the owner on the plat and should be noted in the opening of the legal description along with its deed record reference.
   McAdams Response: Legal description and deed reference revised as requested.

   b. Where a line is split between two different sheets, show the bearing and distance for that line on both sheets to avoid truncating the label:



   McAdams Response: Dimensions have been revised to be readable and sheet limits extend past match lines so that dimensions are legible and not truncated.

   c. The distances for the following bearings do not match in the legal description and on the graphic:

Bearing	Legal Description (feet)	Graphic (feet)
N59°55'55"E	1446.40	1426.40
N60°03'37"E	1958.90	576.40
N30°02'18"W	85.23	84.71
N60°32'36"E	2683.39	2388.31
S60°19'34"W	947.63	563.49
S29°59'31"E	204.79	162.87
S29°59'31"E	1164.13	50.00
S65°35'50"W	No distance shown	1432.94
N30°06'06"W	502.92	503.23
S59°57'17"W	1444.27	1424.27
N30°33'18"W	405.52	405.42
N29°14'00"W	2455.49	1476.60
N60°05'57"E	2315.54	1279.48

McAdams Response: Layout has made significant adjustments to address City comments and bearings and distances have been revised.

d. After the first curve, the curve data for the next three curves do not match in the legal description and graphic.
McAdams Response: Legal description has been revised.

9. Section 2.02(G)(13): Lots and blocks must be labeled with numbers in consecutive order. The blocks are lettered, not numbered.

a. Label the lot and block numbers on key map:
McAdams Response: Lot and block numbers on all sheets but not legible in overall sheets on engineering plans

b. Where a lot is split between sheets, label the lot and block number on both sheets.
McAdams Response: Lot and block numbers on all sheets but not legible in overall sheets on engineering plans

c. Open space lots must be numbered in sequence with the residential lots on the same block. For example, there should not be a Lot 1X and Lot 1 on Block LL. It should be Lot 1X, 2, 3, etc. or Lots 1-31 and Lot 32X.
McAdams Response: Lots numbers have been revised as requested.

10. Section 2.02(G)(14): Show and label building lines along street frontages, not in a typical detail on Sheet 1.
McAdams Response: Building lines shown and labeled typical on every street

11. Section 2.02(G)(18): Show the location of existing and proposed rights-of-way, labeled and dimensioned.

a. Show the full and centerline dimensions of all streets on the graphic.
McAdams Response: Full and centerline dimensions shown

b. Show and label the existing proposed streets on the key map.
McAdams Response: Streets labeled on key maps

c. Where a street is split between sheets, label the street name on both sheets.
McAdams Response: Streets labeled on all sheets

12. Section 2.02(G)(19): Proposed Street names cannot have the same spelling or be pronounced similarly to the name of any other street located within the City or the City's extraterritorial jurisdiction, unless a proposed street is a continuation of an existing street. No street names were provided.
McAdams Response: McAdams shall work with Developer and provide possible street name list for City approval.

13. Section 2.03(C)(1): Show and label topographical information, including contour lines on a basis of two (2) vertical feet in terrain, based upon City of Mansfield datum. The topo lines on the graphic are too light to read.
    McAdams Response: Topo information has been modified to appear darker and more consistently labeled.

14. Section 2.03(C)(3): Show the sections or phases of the subdivision on the plat. Outline and label the phases lines on the graphic, not just the key map.
    McAdams Response: Phase lines shown on all sheets

15. Section 2.03(C)(4): Provide a Lot Summary Table on Sheet 1 that shows the following information:

    a. the total gross acreage of the subdivisions; and
    McAdams Response: Lot Summary Table provided as requested.

    b. the number of lots and common areas in the subdivisions.
    McAdams Response: Lot Summary Table provided as requested.

16. Section 10(B)(7): The maximum length of a cul-de-sac is 600 feet. Verify that the proposed cul-de-sacs do not exceed this limit.
    McAdams Response: Proposed cul-de-sacs less than 600' max. length.

17. Section 10(K): Block length cannot exceed 1,200 feet, except along major thoroughfares. Maximum block lengths along major streets are 1,600 feet. Some of the block lengths may exceed this requirement.
    McAdams Response: Additional streets have been added to reduce internal block lengths. Please advise if any additional revisions are requested by City regarding block length.

18. Section 10(M)(4): Radial residential lots must have a minimum width of 45 feet frontage on the street. Some of the radial lots do not meet this requirement.
    McAdams Response: Cipriani Laguna Azure's zoning attorney advised not to reply

19. Section 10(M)(6): Corner lots must be at least 10 feet wider than the minimum lot width. Some of the corner lots do not meet this requirement.
    McAdams Response: Cipriani Laguna Azure's zoning attorney advised not to reply

20. Section 10(M)(8): In general, lots on one side of a street must not be offset from the lots on the opposite side of the street. Some of the streets have offset lots.
    McAdams Response: Cipriani Laguna Azure's zoning attorney advised not to reply

21. For residential subdivisions that have lots which back or side to highway frontage road or an existing or proposed four-lane divided or larger thoroughfare: Provide a minimum 6' masonry wall along those streets in

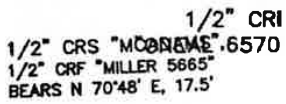
accordance with the provisions of Ordinance No. 1270. The developer is responsible for creating a mandatory homeowners association to maintain the wall and the parkway area between the wall and said street.

McAdams Response: Comment acknowledged.

22. For residential subdivisions that have lots which have lots that back or side to an adjacent 60' wide street or narrower: Provide a minimum 6' screening device along the streets in accordance with the provisions of Ordinance No. 1270.

McAdams Response: Comment acknowledged.

23. There are some overlapping labels on the plat. Revise the label locations to make them readable. See example:



McAdams Response: Labels have been revised for legibility.

24. Revise any type size that is less than 10-point, otherwise it is not legible when reproduced.

McAdams Response: Text has been revised to be no less than 10-point

25. Label the sheet numbers on both side of each match line to simplify review of the plat.

McAdams Response: Sheet numbers labeled on both sides

26. Where an open space lot is divided between one phase and a future phase, the portion of the lot in the future phase must be given a separate lot number.

McAdams Response: Phase lines included and open space lots acknowledged

27. Preliminary plats are not filed of record. Notes 2, 3 and 5 are not necessary on this plat.

McAdams Response: Notes have been revised

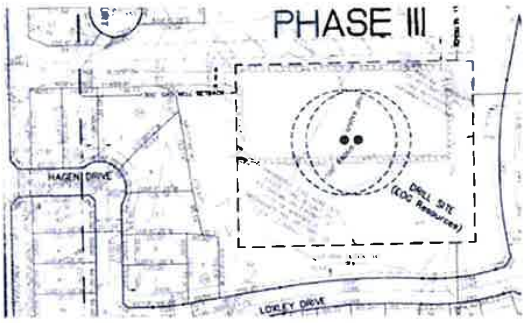
28. If there will be a homeowners' association, add a note to the plat stating the association's responsibilities. See example HOA note:

A mandatory homeowners association will be responsible for the maintenance of the private amenities; open space lots and common areas, including but not limited to screening devices, including the parkway between a screening device and the street; landscaping, and round-abouts and medians.

McAdams Response: Note 3 added as requested.

29. For residential developments adjacent to drill sites:

    a. In addition to the 300-foot notice on Sheet 1, show the boundary of the drill sites, corresponding to the surface agreement, on the plat and label them as "Drill Site". Include the gas well operator name and any deed or surface agreement recording information. See example:



McAdams Response: Gas operator and surface agreement recording information is being researched. A surface use easement has been provided encompassing the current fenced in pad sites with access easements from right-of-ways.

30. Additional review comments may be sent upon review of the resubmittal of the plat.
    McAdams Response: Acknowledged

GIS DEPARTMENT
Jeff Brown: 817. 276. 4237; jeff.brown@mansfieldtexas.gov

1. Provide 2 GPS coordinates on the plat at opposite ends of the subdivision.
   McAdams Response: Coordinates added to plans

2. The CAD file does NOT align properly with the City's GIS. Provide a DWG using NAD 83, grid coordinates.
   McAdams Response: CAD file adjusted to properly align with NAD 83 grid coordinates

PARKS DEPARTMENT
James Fish: 817.728. 3394; james.fish@mansfieldtexas.gov

1. The City of Mansfield adopted a Parkland Dedication and Development Fee Ordinance on November 8, 2021. This ordinance is two-fold. It establishes criteria for the dedication of land for future park sites. When platting is a part of the development process, a determination is made as to whether land is appropriate for dedication or if "cash-in-lieu of land" is preferred. Secondly, the ordinance establishes policies for collecting development fees to pay for future park improvements. The amount of the development fee is assessed at the time of

platting, based on the number of proposed dwelling units (any dwelling type, including single-family, townhomes and multi-family). These fees are due prior to filing of the plat.

McAdams Response: Note has been added stating fees due prior to filing of final plat.

2. Contact James Fish, Senior Park Planner, regarding these fees. He can be reached at james.fish@mansfieldtexas.gov or 817-728-3394.

McAdams Response: McAdams will contact regarding parkland fees.

ENGINEERING DEPARTMENT

Mohammed Howlader: 817. 276. 4295; mohammed.howlader@mansfieldtexas.gov

1. Show 10' utility easement along street frontages.

McAdams Response: 10' utility easements shown along street frontages.

2. Show and label all utility easements and drainage easements. All anticipated easements must be shown on the preliminary plat.

McAdams Response: Utility and drainage easements shown and labeled. Additional utility easements may be needed following determination regarding sanitary sewer connection to City system or on-site wastewater treatment system.

3. The preliminary drainage plan to support the preliminary plat must have enough detail to confirm drainage easements necessary to accommodate storm drain systems, detention facilities and post-construction water quality facilities.

McAdams Response: Overall Sub-basin areas outlines on overall proposed drainage area map with calculations and flows on each sub basin areas. Additional drainage calculations shall be provided with Final Plat and civil construction plan phases.

4. Show how required postconstruction water quality will be addressed. Demonstrate and make sure that it is in a drainage easement.

McAdams Response: Storm water quality control boxes added to each storm water outlet and placed within easements. Shown and labeled on storm sewer plans.

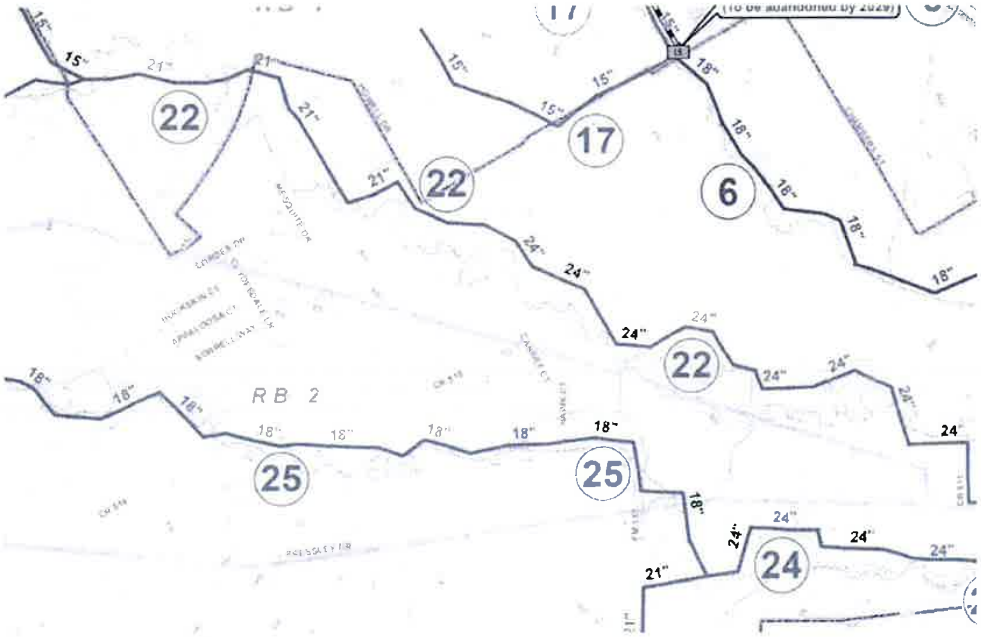
5. Provide an overall utility plan including sizes.

McAdams Response: Overall for storm sewer plan and overall for water and sewer provided. Each overall has been color coded to for best clarity since a large scale is required. All utility lines are labeled with sizes and general notes added for typical utility sizes not called out.

6. An update to the city's Water Master Plan model will be necessary to confirm required water supply can be met. The water main along Lonestar Rd. will be located on the south side of the roadway and will connect to the city's 30" water line.

   McAdams Response: Water to serve this development is being evaluated by the developer and the City.

7. It is the City of Mansfield's intention for this project to obtain sanitary sewer service from the city. This gravity sewer basin will service to the Mountain Creek meter station through a portion of Project 22 as shown on the city's Wastewater Master Plan below. Please set up a meeting with the Engineering Department to coordinate and discuss details.



   McAdams Response: Sewer to serve this development is being evaluated by the developer and the City.

8. Label all existing streets.

   McAdams Response: All existing streets labeled on all plans

9. Separate roadway alignment information (centerline radii, tangents, ROW widths, property lines) needs to be provided for all thoroughfare streets. The information needs to include the current roadways alignments and ROW.

   McAdams Response: Alignment info has been provided on plats.

10. TxDOT approval of the alignment and ROW width of FM 157 must be provided prior to this plat moving forward.
    McAdams Response: Acknowledged and TxDOT approval is being pursued.

11. A ROW reserve for FM 157 must be provided for any need ROW width greater than 120 feet.
    McAdams Response: Proposed FM157 currently shown at 80' ROW width.

12. Streets, especially thoroughfare streets, must intersect at 90 degrees.
    McAdams Response: Lone Star Rd and CR 617 intersections with Street HHH are not shown at 90 degree angles. McAdams shall set up meeting with staff to discuss intersection angles.

13. 10'x10' ROW corner clips must be provided at all local street/local street intersections. 15'x15' corner clips must be provided at all other intersections.
    McAdams Response: All corner clips provided at intersections.

14. 70-foot ROW radius is required at the intersection of Street "HHH"/CR CR 617.
    McAdams Response: 70' ROW Corner Clip was provided.

15. Dimension the ROW width of CR 617 between Street "EEE" and Street "DDD'. 90 feet of width needs to be provided.
    McAdams Response: ROW dimensioned on Plat and Street Access Plans

16. Minimum centerline radius of a local street is 175 feet. The intersection of Street "RR"/"HHH" does not appear to meet this criteria.
    McAdams Response: All centerline radius have been adjusted to meet minimum criteria.

17. Minimum roadway centerline offset is 125' There are several roadways that do not appear to meet this minimum (i.e. Street "DD"/Street "JJ")
    McAdams Response: Roadway centerline offsets have been adjusted to meet minimum distance.

18. The ROW needs to be dimensioned on CR515 north of street "II" and between Street "Y" and "MMM"
    McAdams Response: ROW dimensioned on Plat and Street Access Plans

19. On Sheet 10 the ROW for CR 515 needs to be clearly labeled and dimensioned. This road should intersect FM 157 at 90 degrees or as close as possible
    McAdams Response: ROW dimensioned on Plat and Street Access Plans.

20. A 70-foot ROW radius is required at the intersection of FM 157/CR 515.
    McAdams Response: 70' ROW Corner Clip was provided.

21. Label Lone Star Road as "Future FM 157"
    McAdams Response: Road name modified

22. Street "Y" should be a collector roadway - 60' ROW from Lone Star Road to the west.
    McAdams Response: ROW modified

23. It appears the ROW eyebrow for Street "F" infringes into the future FM 157 ROW.
    McAdams Response: All eyebrows have been adjusted to align with the 20' X lot off of the Right-of-ways.

24. The ROW for Bedford Road (Street "III") should be 70 feet.
    McAdams Response: ROW and street name modified

25. The ROW for Street "A" south of the roundabout needs to be included in this plat.
    McAdams Response: The overall ROW is included, but the 20' x-lot adjoining gets cut off at the property line.

26. A concept design will need to be submitted for the roundabout to verify the proposed ROW.
    McAdams Response: The proposed radius of the roundabout is shown as 100'. The roundabout shall be designed during the final plat and construction plan preparation and the proposed roundabout radius may be decreased in size.

27. All phases will require 2 points of access.
    McAdams Response: All phase lines have been adjusted to incorporate 2 points of access.

28. Based upon the resubmittal of the thoroughfare alignments, additional comments may follow.
    McAdams Response: Acknowledged

INFORMATIONAL, DEVELOPMENT & FEE RELATED COMMENTS

1. All driveways shall be approved by the City and/or TxDOT, where applicable.
   McAdams Response: Note added to Street Access Plans

2. All proposed utilities of the subdivision must be placed underground as required in Section 10(H) as amended by Ordinance 913.
   McAdams Response: Acknowledged

3. It is our understanding that the project may have a townhome component. If so, the regulations in Section 14, "Townhouse Subdivision", may apply.
   McAdams Response: Acknowledged

PLATS IN JOHNSON COUNTY/MANSFIELD ETJ

1. The following notes are required on the plats by Johnson County:

   a. Blocking the flow of water or constructing improvements in the drainage easements and filing or obstruction of the floodway is prohibited.
   McAdams Response: Note added as note 7.

   b. The existing creeks or drainage channels traversing along or across this addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to drainage courses along or across the lots.
   McAdams Response: Note added as note 8.

   c. Johnson County will not be responsible for the maintenance and operations of said drainage ways or for the control of erosion.
   McAdams Response: Note added as note 9.

   d. Johnson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.
   McAdams Response: Note added as note 10.

   e. On-site sewage facility performance cannot be guaranteed even though all provisions of the Rules of Johnson County, Texas for Private sewage Facilities are complied with.
   McAdams Response: Note added as note 11.

   f. Inspection and/or acceptance of a private sewage facility by the Public Works Department shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with County, State, Federal regulations. Private Sewage Facilities, although approved as meeting minimum standards, must be upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created, or if the facility when used does not comply with governmental regulations.
   McAdams Response: Note added as note 12.

   g. A properly designed and constructed private sewage facility system, in suitable soil, can malfunction if the amount of water it is required to dispose of is not controlled. It will be the responsibility of the lot owner to maintain and operation the private sewage facility in a satisfactory manner.
   McAdams Response: Note added as note 13.

2. Provide the following utility easement note: Any public utility, including Johnson County, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction or maintenance or efficacy of its respective systems in any of the easements shown on the plat; and any public utility, including Johnson County, shall have the right at all times of ingress and egress to and from said easements for the purpose of construction, reconstruction,

inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

McAdams Response: Note added as note 14.

Consideration of this response is greatly appreciated. If you should have any questions or require additional information, please do not hesitate to contact me at (469) 312-0426.

Sincerely,
MCADAMS
TBPE Firm 19762

Mr. Tracy A. LaPiene, P.E., CFM
Senior Technical Manager

TL/mm

City's Engineering Department Comments

to Megatel's Preliminary Plat

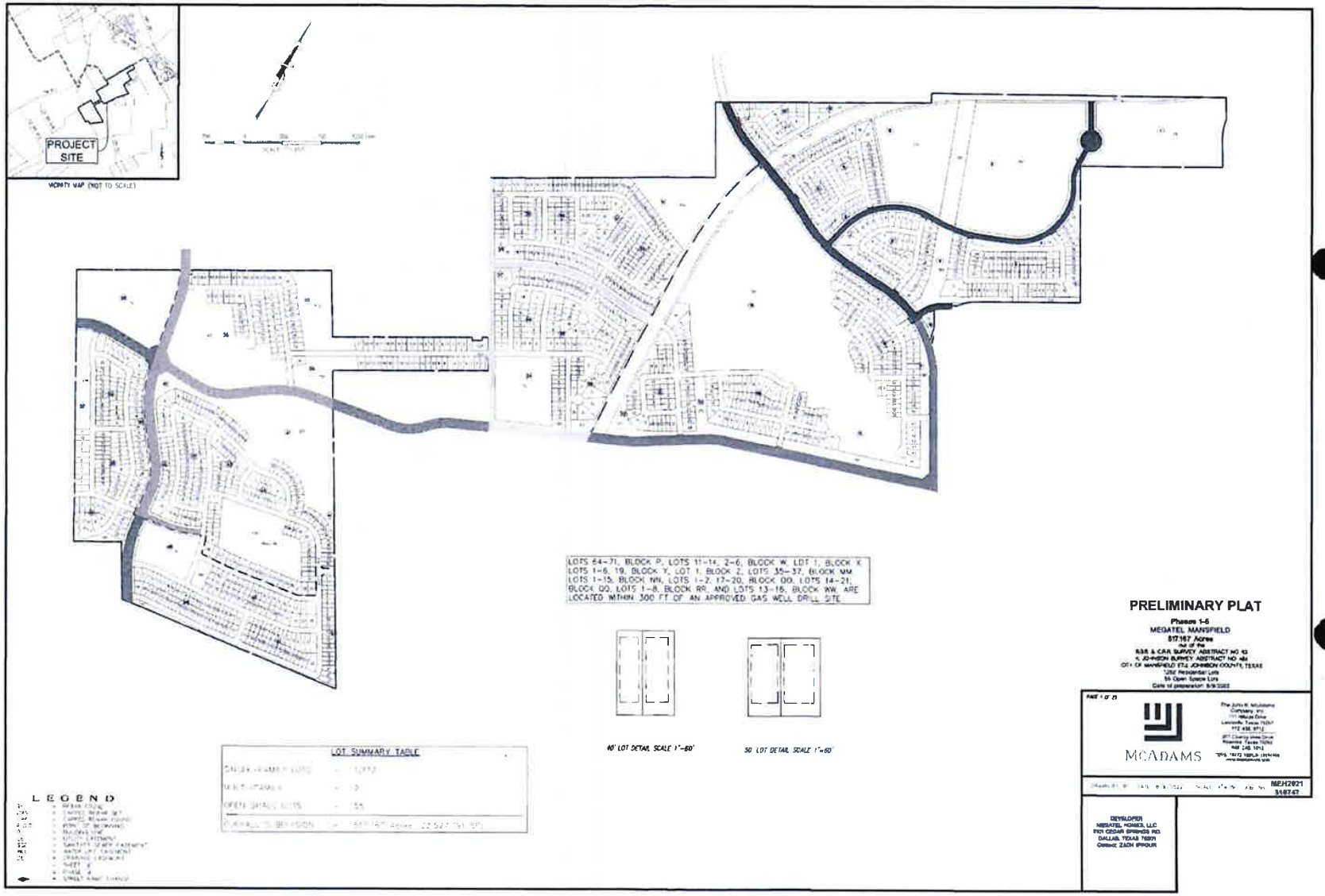
January 13, 2023

Megatel Mansfield
Engineering Comments –2
Mohammed Howlader
1/13/2023

1. Show and label TxDOT reserved ROW and from there label 10' utility easement.
2. Major drainageways must be analyzed and entire ultimate 100-Yr floodplain dedicated as drainage easement.
3. Separate roadway alignment information (centerline radii, tangents, ROW widths, property lines) needs to be provided for all thoroughfare streets. This information should be on separate sheets which contain an aerial as background information. From the review of the provided information, there are sections that do not meet minimum design requirements. These thoroughfare designs must meet City of Mansfield design criteria as presented in the Roadway Design Manual available on the City website.
4. The ROW width for CR 515 at the intersection of CR 515/Lone Star Road (Future 157) and the ROW width for CR 617 and Street "UU" should be as shown as in the attached Intersection ROW Width Exhibits.
5. TxDOT approval of the alignment and ROW width of FM 157 must be provided prior to this plat moving forward. The engineer has acknowledged this requirement and is pursuing TxDOT approval.
6. A ROW reserve for Future FM 157 (Lone Star Road) must be provided for any need ROW width greater than 120 feet. Is it the intent of this development for the X Lots to serve as the TxDOT reserve?
7. Streets, especially thoroughfare streets, must intersect at 90 degrees.
8. A 70 foot ROW radius is required at the intersection of Street "HHH"/CR CR 617. The resubmitted plat provided a 70'x70' ROW corner clip and not a radius.
9. The required ROW width for CR515 (Mesquite Drive) is 70 feet total (35 feet from centerline).
10. A 70 foot ROW radius is required at the intersection of FM 157/CR 515.
11. Label the extension of Street "NNN" as it connects with existing FM 157 across Keith Phillips property as " Future ROW".
12. Based upon the resubmittal of the thoroughfare alignments, additional comments may follow.

Megatel's Budget/Phasing Plan

APP Ex. 00427

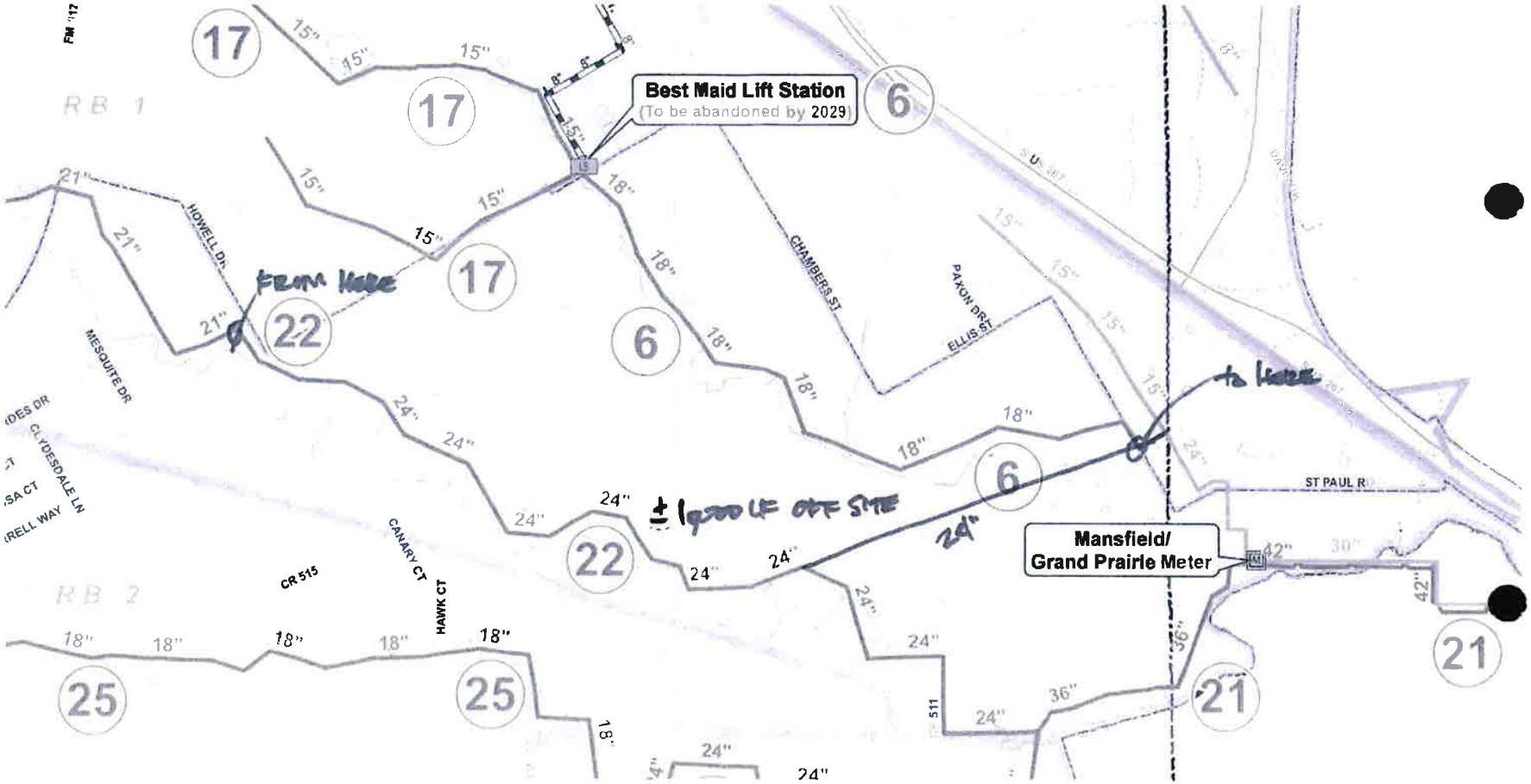

PROJECT SITE
VICINITY MAP (NOT TO SCALE)
LOTS 64-71, BLOCK P, LOTS 11-14, 2-6, BLOCK W, LOT 1, BLOCK X, LOTS 1-6, 19, BLOCK Y, LOT 1, BLOCK Z, LOTS 35-37, BLOCK MM, LOTS 1-15, BLOCK NN, LOTS 1-2, 17-20, BLOCK OO, LOTS 14-21, BLOCK QQ, LOTS 1-8, BLOCK RR, AND LOTS 13-16, BLOCK WW, ARE LOCATED WITHIN 300 FT OF AN APPROVED GAS WELL DRILL SITE
40' LOT DETAIL SCALE 1"=60'
50' LOT DETAIL SCALE 1"=60'
LOT SUMMARY TABLE
LEGEND
PRELIMINARY PLAT
Phases 1-6
MEGATEL MANSFIELD
517.167 Acres
MCADAMS
DEVELOPER
MEGATEL HOMES, LLC
2101 CEDAR SPRINGS RD
DALLAS, TEXAS 75201
Contact: ZAIN IFFTIKAR

MEGATEL MANSFIELD

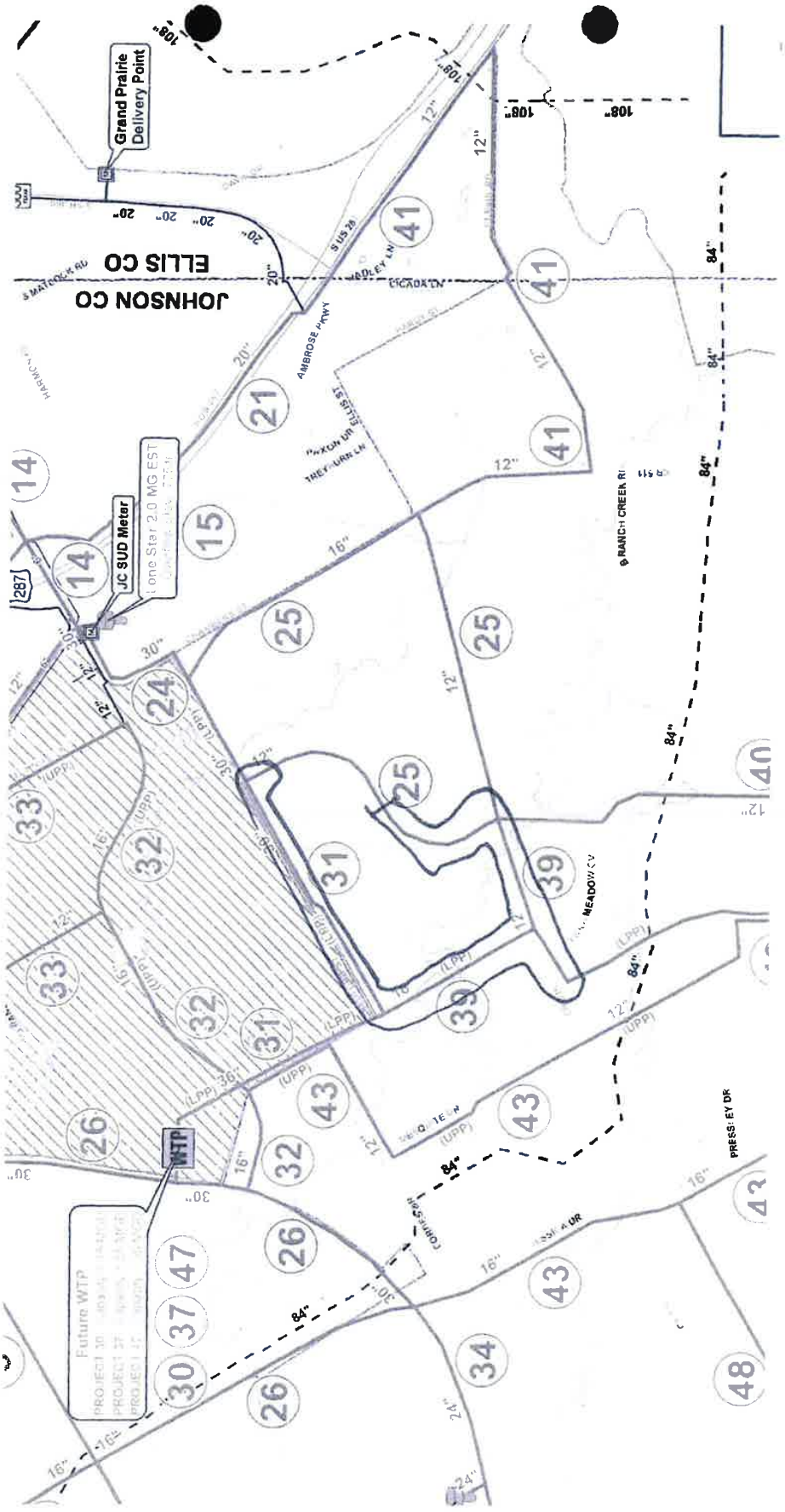
OVERALL BUDGET

2 1 / 2023

PHASE 1 IMPROVEMENTS	PHASE 1				OFFSITE UTILITY EXTENSIONS				PHASE 2				PHASE 3				PHASE 4				PHASE 5				FUTURE ROADWAY IMPROVEMENTS				TOTAL	PID DIRECT	PID NE	NON-PID
	TOTAL	PID DIRECT	PID NE	NON-PID	TOTAL	PID DIRECT	PID NE	NON-PID	TOTAL	PID DIRECT	PID NE	NON-PID	TOTAL	PID DIRECT	PID NE	NON-PID	TOTAL	PID DIRECT	PID NE	NON-PID	TOTAL	PID DIRECT	PID NE	NON-PID	TOTAL	PID DIRECT	PID NE	NON-PID				


Best Maid Lift Station
(To be abandoned by 2029)
Mansfield/
Grand Prairie Meter
FROM HERE
TO HERE
± 1,900 LF OFF SITE
24"
HOWELL DR
MESQUITE DR
CHAMBERS ST
PAYON DR
ELLIS ST
ST PAUL R
CANARY CT
HAWK CT
CR 515
17
22
6
25
21
15"
18"
21"
24"
30"
36"
42"

APP Ex. 00429


Grand Prairie Delivery Point
JOHNSON CO
ELLIS CO
JC SUD Meter
Lone Star 2.0 MG EST
WTP
Future WTP
AMBROSE PKWY
PRESSLEY DR
BRANCH CREEK RD
MEADOW CV
CORNESSAR
S US 28
LICADA LN
S MATLOCK RD
287

APP – 11

TCEQ Chief Clerk – TCEQ Commission
Agenda Letter and Briefing Deadlines

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

September 20, 2023

TO: Persons on the Attached Mailing List

RE: Docket No. 2023-0850-MWD
Megatel Homes, L.L.C. (Applicant)
Request(s) filed on TPDES Permit No. WQ0016162001

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **October 25, 2023**. The meeting will begin at 9:30 a.m. The agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at https://www.tceq.texas.gov/goto/agendas eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on **October 2, 2023**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on **October 16, 2023**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT
Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

(1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
(2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
(3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

(1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

(2) 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.

(3) expressly request a contested case hearing;

(4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and

(5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.

MAILING LIST
Megatel Homes, L.L.C.
TCEQ Docket No. 2023-0850-MWD; TPDES Permit No. WQ0016162001

FOR THE APPLICANT:

Zach Ipour, President
Megatel Homes, L.L.C.
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Jonathan Nguyen, Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Alex Pfefferkorn, Land Development Manager
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

REQUESTER(S):

Vanessa Ramirez
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063

E. Allen Taylor, Jr.
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

INTERESTED PERSON(S):

Bradley Anderle
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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

Deba Dutta, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711

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

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK
via eFilings:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711

APP – 12

TCEQ ED – Response to Hearing Request

Laurie Gharis

From:	Brenda.Kouri@tceq.texas.gov
Sent:	Monday, October 2, 2023 2:21 PM
To:	EFiling
Subject:	Filing on Permit Number/Docket Number 2023-0850-MWD
Attachments:	Megatel RTH.pdf

FILING CONFIRMATION NUMBER 977516732023275

REGULATED ENTY NAME MANSFIELD TRACT WWTF

RN NUMBER: RN111496998

PERMIT NUMBER: WQ0016162001

DOCKET NUMBER: 2023-0850-MWD

COUNTY: JOHNSON

PRINCIPAL NAME: MEGATEL HOMES LLC, CN605490937

FROM

FILED BY:

FILED FOR NAME: Bobby Salehi

E-MAIL: Brenda.Kouri@tceq.texas.gov

PHONE: 512-239-5930

DOCUMENT NAME: Megatel RTH.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

TCEQ DOCKET NO. 2023-0850-MWD

APPLICATION BY MEGATEL HOMES, LLC FOR NEW TPDES PERMIT NO. WQ0016162001	**§ § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Hearing Requests (Response) on the Application by Megatel Homes, LLC (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) permit Number WQ0016162001 and the ED's preliminary decision. The Office of the Chief Clerk received a hearing request from the City of Mansfield (Mansfield or City).

Attached for Commission consideration are the following:

Attachment A—Executive Director's Satellite Map.

I. EXECUTIVE SUMMARY

The Executive Director received one hearing request on this application, from the City of Mansfield. After evaluating the hearing request, the Executive Director determined that the City of Mansfield has demonstrated that they have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public. The proposed treatment facility is in the City's extraterritorial jurisdiction and therefore, the City has statutory authority over issues relevant to the application. The City's hearing request raised the following issues: whether the draft permit is protective of water quality in the receiving waters in accordance with the Texas Surface Water Quality Standards; and whether the draft permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282, Consideration of Need and Regional Treatment Options.

APP Ex. 00439

The Executive Director recommends referring the following issues to the State Office of Administrative Hearings:

Issue 1: Whether the draft permit is protective of water quality in the receiving waters in accordance with the Texas Surface Water Quality Standards. *(RTC Response No. 2)*

Issue 2: Whether the draft permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282, Consideration of Need and Regional Treatment Options. *(RTC Response No. 1)*

II. DESCRIPTION OF FACILITY

The Applicant applied for a new TPDES permit to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day. The proposed facility will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas.

The proposed facility will be a suspended growth single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units will include an onsite lift station, mechanical bar screens, two aeration basins, two secondary clarifiers, a chlorine contact chamber, a dechlorination system, and two aerobic digesters. The facility has not been constructed.

The effluent limitations in the draft permit, based on a 30-day average, are 10 mg/l five-day biochemical oxygen demand (BOD_5), 15 mg/l total suspended solids (TSS), 126 CFU or MPN of *E. coli* per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The treated effluent will be discharged to Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement to Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the

APP Ex. 00440

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 Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected.

III. PROCEDURAL HISTORY

The TCEQ received the application on May 4, 2022. The Application was declared administratively complete on June 8, 2022. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published in English on June 11, 2022, in the *Dallas Morning News*. The application was determined technically complete on September 22, 2022. The Applicant published the Notice of Application and Preliminary Decision (NAPD) in the *Dallas Morning News* on October 21, 2022. The period to request a contested case hearing ended on November 21, 2022.

This application was filed on or after September 1, 2015; therefore, it 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 Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

IV. The Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

Response to Requests

The ED, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request. 30 TAC § 55.209(d).

APP Ex. 00441

Responses to hearing requests must specifically address:

1) whether the requester is an affected person;

2) whether issues raised in the hearing request are disputed;

3) whether the dispute involves questions of fact or of law;

4) whether the issues were raised during the public comment period;

5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's RTC;

6) whether the issues are relevant and material to the decision on the application; and

7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e)

Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments, and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requester prior to the filing of the ED's RTC. 30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;

2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language

the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

3) request a contested case hearing;

4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and

5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d)

Requirement that Requestor be an Affected Person/ "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. 30 TAC § 55.203 sets out who may be considered an affected person.

a) For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.

b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.

c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

1) whether the interest claimed is one protected by the law under which the application will be considered;

APP Ex. 00443

2) distance restrictions or other limitations imposed by law on the affected interest;

3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

5) likely impact of the regulated activity on use of the impacted natural resource by the person;

6) whether the requestor timely submitted comments on the application which were not withdrawn; and

7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

d) In making affected person determinations, the Commission may also consider, to the extent consistent with case law:

1) the merits of the underlying application and supporting documentation in the Commission's administrative record, including whether the application meets the requirements for permit issuance;

2) the analysis and opinions of the executive director; and

3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC § 55.203

Referral to the State Office of Administrative Hearings (SOAH)

"When the Commission grants a request for a contested case hearing, the Commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The Commission may not refer an issue to SOAH for a contested case hearing unless the Commission determines that the issue:

1) involves a disputed question of fact or a mixed question of law and fact;

2) was raised during the public comment period by an affected person whose hearing request is granted; and

3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

V. Analysis of the Requests

The Executive Director has analyzed the hearing request to determine whether it complies with Commission rules, if the requestor qualifies as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Whether the Requestors Complied with 30 TAC §§ 55.201 (c) and (d)

The TCEQ received one timely hearing request, from Ms. Vanessa Ramirez, on behalf of the City of Mansfield that raised disputed issues during the public comment period that have not been withdrawn. The City's hearing request provided the necessary contact information and requested a contested case hearing. The proposed treatment facility is in the City's extraterritorial jurisdiction and therefore, the City has statutory authority over issues relevant to the application. The City explained its position that it has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public.

The Executive Director recommends the Commission find that the hearing request of the City of Mansfield substantially complies with 30 TAC §§ 55.201 (c) and (d).

B. Whether individual requestor meets affected person requirements The City of Mansfield

The Executive Director reviewed the factors found in 30 TAC § 55.203 for determining if a person is an affected person, and recommends the Commission find that the City of Mansfield is an affected person.

The City demonstrated that they are an affected person and have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application that is not common to members of the general public. 30

APP Ex. 00445

TAC § 55.203(b) provides that governmental authorities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons. According to the address identified by the Applicant in the permit application, the proposed treatment facility will be located in the extraterritorial jurisdiction of the City of Mansfield and therefore, the City has statutory authority over issues relevant to the application. All of the issues raised by the City in their hearing request were raised during the public comment period. Specifically, the City's hearing request raised the following issues: whether the draft permit is protective of water quality in the receiving waters in accordance with the Texas Surface Water Quality Standards; and whether the draft permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282, Consideration of Need and Regional Treatment Options.

The City of Mansfield raised issues that are relevant and material to the application and has identified a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application in a way that is not common to members of the general public.

Therefore, the Executive Director recommends that the Commission find that the City of Mansfield is an affected person and grant their hearing request.

C. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing

The Executive Director has analyzed issues in accordance with the regulatory criteria. The issues were raised by the City of Mansfield during the comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred. The issues raised for this application and the Executive Director's analysis and recommendations follow.

Issue 1: Whether the draft permit is protective of water quality in the receiving waters in accordance with the Texas Surface Water Quality Standards. *(RTC Response No. 2)*

The issue involves a disputed question of fact, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. If it can be shown the draft permit does not protect water quality in the

APP Ex. 00446

receiving waters, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

Issue 2: Whether the draft permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282, Consideration of Need and Regional Treatment Options. *(RTC Response No. 1)*

The issue involves a disputed question of fact and law, was raised during the comment period, was not withdrawn, and is relevant and material to the issuance of the draft permit. If it can be shown the draft permit does not comply with the regionalization policy of TWC § 26.0282, that information would be relevant and material to a decision on the application. The Executive Director recommends referring this issue to SOAH.

Issue 3: Whether the applicant has the appropriate level of experience and managerial competence to effectively construct and manage the treatment facility. *(RTC Response No. 1)*

The issue involves a question of fact, was raised during the comment period, and was not withdrawn; however, it is not relevant and material to a decision on the application. The applicant is a new applicant with an unclassified compliance history, and no demonstration has been made that the applicant is unqualified to construct and manage the facility. The Executive Director does not recommend referring this issue to SOAH.

Issue 4: Whether the applicant has the financial resources to effectively construct and manage the treatment facility. *(RTC Response No. 1)*

The issue involves a question of fact, was raised during the comment period, and was not withdrawn; however, it is not relevant and material to a decision on the application. The Executive Director does not recommend referring this issue to SOAH.

VI. Contested Case Hearing Duration

If there is a contested case hearing on this application, the Executive Director recommends the duration of the hearing be 180 days from the preliminary hearing to the presentation of a proposal for decision to the Commission.

APP Ex. 00447

VII. Conclusion

The Executive Director recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find that the City of Mansfield is an affected person and grant its hearing request.
2. If referred to SOAH, first refer the matter to Alternative Dispute Resolution for a reasonable period.
3. The Executive Director recommends referring the following relevant and material issues that were included in their hearing request and timely raised during the comment period to SOAH:

Issue 1: Whether the draft permit is protective of water quality in the receiving waters in accordance with the Texas Surface Water Quality Standards. *(RTC Response No. 2)*

Issue 2: Whether the draft permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282, Consideration of Need and Regional Treatment Options. *(RTC Response No. 1)*

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Interim Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division



Bobby Salehi, Staff Attorney
Environmental Law Division
State Bar No. 24103912
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-5930
Fax: (512) 239-0626

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

APP Ex. 00448

CERTIFICATE OF SERVICE

I certify that on October 2, 2023, the original of the "Executive Director's Response to Hearing Requests" for TPDES Permit WQ0016162001 for Megatel Homes, LLC was filed with the TCEQ's Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

Bobby Salehi, Staff Attorney
Environmental Law Division
State Bar No. 24103912

APP Ex. 00449

MAILING LIST
Megatel Homes, L.L.C.
TCEQ Docket No. 2023-0850-MWD; TPDES Permit No. WQ0016162001

FOR THE APPLICANT:

Zach Ipour, President
Megatel Homes, L.L.C.
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Jonathan Nguyen, Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

Alex Pfefferkorn, Land Development Manager
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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

Deba Dutta, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711

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

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK
via eFilings:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711

REQUESTER(S):

Vanessa Ramirez
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063

E. Allen Taylor, Jr.
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

INTERESTED PERSON(S):
Bradley Anderle
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

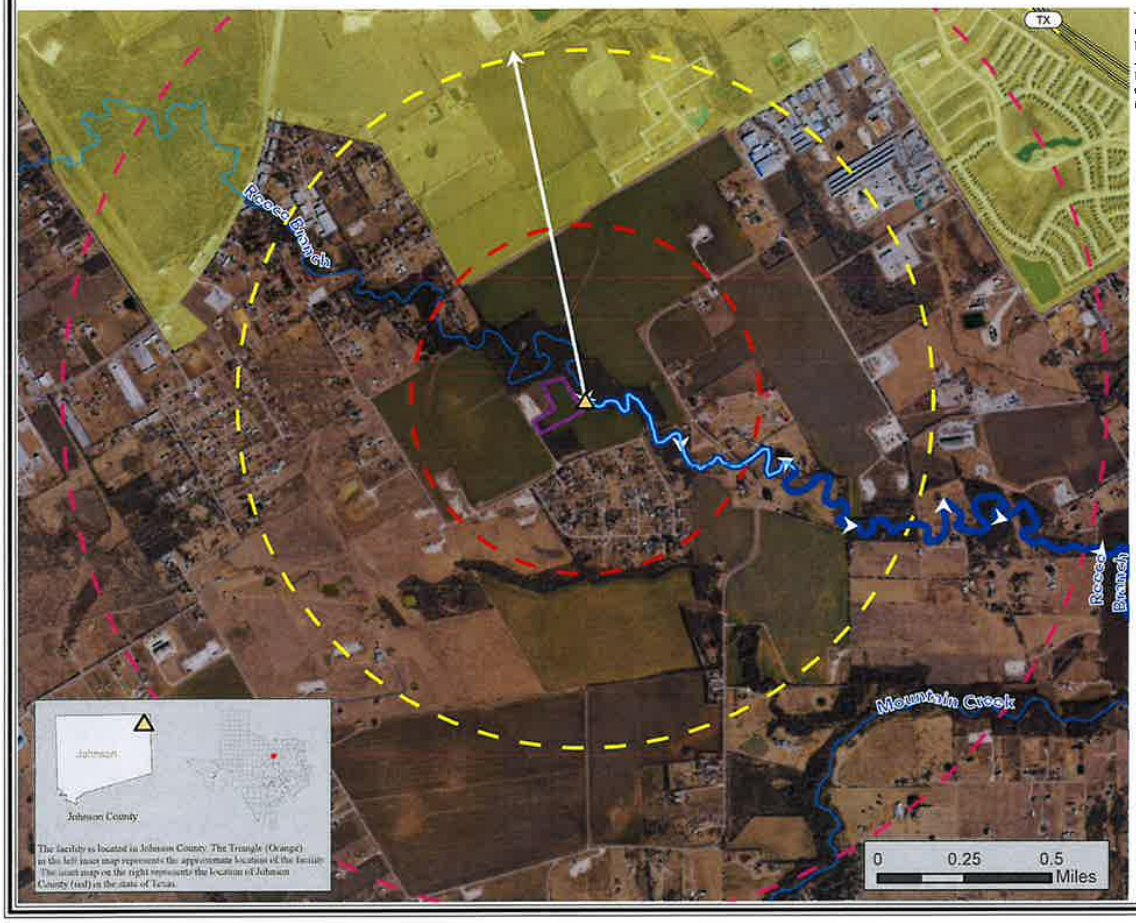
Attachment A

Megatel Homes, LLC

WQ0016162001

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda

Protecting Texas by Reducing and Preventing Pollution



Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 8/2/2023
GRP: 0601083
Cartographer: Ahanda

N

- Facility Outfall
- Facility Boundary
- City of Mansfield - City Limits
- 1-Mile Discharge Route
- Discharge Route
- 0.5-Mile Radius
- 1.0-Mile Radius
- 1.5-Mile Radius
- County Boundary

Requestor:
City of Mansfield

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

The facility is located in Johnson County. The Triangle (Orange) on the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Johnson County (red) in the state of Texas.

APP – 13

OPIC – Response to Hearing Request

Laurie Gharis

From:	melissa.schmidt@tceq.texas.gov
Sent:	Monday, October 2, 2023 1:54 PM
To:	EFiling
Subject:	Filing on Permit Number/Docket Number 2023-0850-mwd
Attachments:	Megatel Homes_RHR.pdf

FILING CONFIRMATION NUMBER 718500622023275

REGULATED ENTY NAME MANSFIELD TRACT WWTF

RN NUMBER: RN111496998

PERMIT NUMBER: WQ0016162001

DOCKET NUMBER: 2023-0850-MWD

COUNTY: JOHNSON

PRINCIPAL NAME: MEGATEL HOMES LLC, CN605490937

FROM

FILED BY:

FILED FOR NAME: Jessica Anderson

E-MAIL: melissa.schmidt@tceq.texas.gov

PHONE: 512-239-6823

DOCUMENT NAME: Megatel Homes_RHR.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



Garrett T. Arthur, Public Interest Counsel

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 2, 2023

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

RE: **MEGATEL HOMES, L.L.C. (Applicant)**
TCEQ DOCKET NO. 2023-0850-MWD

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Request for Hearing in the above-entitled matter.

Sincerely,

Jessica M. Anderson

Jessica M. Anderson, Attorney
Assistant Public Interest Counsel

cc: Mailing List

APP Ex. 00455

DOCKET NO. 2023-0850-MWD

APPLICATION BY MEGATEL HOMES, L.L.C. FOR NEW TPDES PERMIT NO. WQ0016162001	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

THE OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE TO REQUEST FOR HEARING

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) at the Texas Commission on Environmental Quality (TCEQ) files this Response to Request for Hearing on the application in the above-captioned matter and respectfully submits the following.

I. INTRODUCTION

A. Summary of Position

Before the Commission is an application by Megatel Homes, L.L.C. (Megatel or Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001. The Commission received a hearing request from the City of Mansfield (Mansfield). For the reasons stated herein, OPIC respectfully recommends the Commission find that the City of Mansfield is an affected person, and further recommends that the Commission grant its hearing request.

B. Description of Application and Facility

Megatel Homes applied for a new permit to authorize the discharge of treated domestic wastewater at an average daily flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed

APP Ex. 00456

0.40 MGD in the Interim II phase, and an annual average flow not to exceed 1.00 MGD in the Final phase.

The facility would be a suspended growth single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase would include an onsite lift station, manual bar screens, two aeration basins, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Interim II phase would add flow splitting weirs. Treatment units in the Final phase would add an additional secondary clarifier and a dechlorination system.

The plant site would be located approximately one mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County. The proposed wastewater treatment facility would serve a residential subdivision located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

The treated effluent would be discharged to Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use.

C. Procedural Background

Megatel Homes' application was received on May 4, 2022, and declared administratively complete on June 8, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit was published in the *Dallas Morning News* on June 11, 2022. The Executive Director (ED) completed the technical review on September 22, 2022. The Notice of Application and Preliminary Decision was published in the *Dallas Morning News* on October 21, 2022. The public comment period ended on November 21, 2022, and the ED filed the Response to Comments on May 8, 2023. The deadline for filing requests for contested case hearing and requests for reconsideration of the ED's decision was June 12, 2023.

II. APPLICABLE LAW

The Application was filed after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th Leg., R.S. (2015). Under 30 Texas Administrative Code (TAC) § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

> (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;

(2) identify the requestor's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

(3) request a contested case hearing;

(4) list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and

(5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

Under 30 TAC § 55.203(a), 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. An interest common to members of the general public does not qualify as a personal justiciable interest. Relevant factors to be considered in determining whether a person is affected include:

(1) whether the interest claimed is one protected by the law under which the application will be considered;

(2) distance restrictions or other limitations imposed by law on the affected interest;

(3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

(4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

(5) likely impact of the regulated activity on use of the impacted natural resource by the person;

(6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and

(7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203(c).

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

(1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;

(2) the analysis and opinions of the executive director; and

(3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission must grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and that are relevant and material to the Commission's decision on the application.

Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

III. ANALYSIS OF HEARING REQUEST

A. Whether the requestor is an affected person

The City of Mansfield made timely comments and a request for contested case hearing. The request indicates that Mansfield is a local government[1] with the authority to inspect the proposed facility for compliance with various state environmental statutes and TCEQ rules and orders issued thereunder.[2] In addition to these investigatory powers, Mansfield has the authority to file civil suit in the same manner as the TCEQ for injunctive relief, civil penalties, or both.[3] Furthermore, the one-mile radius of the proposed facility includes land that falls within the city limits of Mansfield.

The concerns raised in the request include whether the proposed facility will adversely affect human health and safety, animal life, or the environment; whether the proposed facility will adversely impact water quality; whether the proposed facility is in violation of TCEQ's regionalization policy; and whether the Applicant's technical capabilities raise any issues regarding Applicant's ability to comply with the draft permit.

Governmental entities, including local governments, with authority under state law over issues raised by the application, may be considered affected persons.[4] Furthermore, when determining whether local governments are

[1] Tex. Health & Safety Code §§ 361.003(17) and 382.003(8); and Tex. Water Code § 26.001(18).
[2] Tex. Health & Safety Code §§ 361.032; and Tex. Water Code § 26.173.
[3] Tex. Water Code § 7.351.
[4] 30 TAC § 55.203(b).

affected persons, factors related to their statutory authority over or interest in the issues relevant to the application should be considered.[5] Mansfield's concerns are protected by the law under which the application will be considered. Further, the City has demonstrated that it has authority under state law over the issues it has raised. Finally, there is substantial proximity between Mansfield's city limits and the proposed facility. Therefore, OPIC finds that Mansfield qualifies as an affected person.

B. Which issues raised in the hearing request are disputed

The affected requestor raised the following disputed issues:

1. Whether the proposed facility will adversely affect human health and safety, animal life, or the environment;

2. Whether the proposed facility will adversely impact water quality;

3. Whether the proposed facility is in violation of TCEQ's regionalization policy; and

4. Whether the Applicant's technical capabilities raise any issues regarding Applicant's ability to comply with the draft permit.

C. Whether the dispute involves questions of fact or of law

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. The issues raised here are issues of fact.

[5] 30 TAC § 55.203(c).

APP Ex. 00462

D. Whether the issues were raised during the public comment period

Issues 1-4 in Section III.B. were specifically raised by Mansfield during the public comment period.

E. Whether the hearing request is based on issues raised solely in a withdrawn public comment

No public comments were withdrawn in this matter. Therefore, the hearing request is not based on issues raised in withdrawn public comments.

F. Whether the issues are relevant and material to the decision on the application

The hearing request raises issues that are relevant and material to the Commission's decision under the requirements of 30 TAC §§ 55.201(d)(4)(B) and 55.211(c)(2)(A)(ii). To refer an issue to the State Office of Administrative Hearings (SOAH), the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny the permit. Relevant and material issues are those governed by the substantive law under which the permit is to be issued. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-51 (1986).

Water Quality, Human Health and Safety, and Animal Life

The requestor raised concerns about adverse effects to water quality and the consequential impacts on human health, animal life, and the environment. The Commission is responsible for the protection of water quality under Texas Water Code (TWC) Chapter 26 and 30 TAC Chapters 307 and 309. The Texas Surface Water Quality Standards (Standards) in Chapter 307 require that the proposed permit "maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life,

operation of existing industries, and ... economic development of the state...."[6] According to § 307.6(b)(4) of the Standards, "Water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three." Additionally, "[s]urface waters must not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life."[7] Finally, 30 TAC § 307.4(e) requires that nutrients from permitted discharges or other controllable sources shall not cause excessive growth of aquatic vegetation which impairs an existing, designated, presumed, or attainable use. As Chapter 307 designates criteria for the regulation of water quality, the protection of human health and safety, and the protection of animal life, Issues No. 1-2 are relevant and material to the Commission's decision regarding this application.

Regionalization

TCEQ's regionalization policy comes from Section 26.081 of the Texas Water Code, which implements "the state policy 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." TCEQ's wastewater permit application requires the applicant for a new permit to provide information concerning other wastewater treatment facilities

[6] 30 TAC § 307.1.
[7] 30 TAC § 307.4(d).

that exist near the applicant's proposed treatment facility site. The Applicant is required to state whether any portion of the Applicant's proposed service area is located in an incorporated city, whether its proposed service area is located within another utility's certificate of convenience and necessity area, and whether there is a facility, or any sewer collection lines located within the three-mile area surrounding the proposed facility site. Accordingly, Issue No. 3 is relevant and material to the Commission's decision on this Application.

Technical Capability

The requestor raised concerns regarding Applicant's level of experience, managerial competence, and financial resources as they apply to Applicant's ability to effectively construct and manage the proposed facility. Evidence of competency is required by 30 TAC § 330.59(f). Accordingly, Issue. No. 4 is relevant and material to the Commission's decision on this application.

G. Maximum expected duration for the contested case hearing

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier. 30 TAC § 50.115(d)(2). To assist the Commission in setting a date by which the judge is

expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing on this Application would be 180 days from the first date of the preliminary hearing until the proposal for decision is issued.

V. CONCLUSION

Having found that the City of Mansfield qualifies as an affected person in this matter, OPIC respectfully recommends the Commission grant its hearing request and refer Issue Nos. 1-4 specified in Section III.B. for a contested case hearing at SOAH with a maximum duration of 180 days.

Respectfully submitted,

Garrett T. Arthur
Public Interest Counsel

By: Jessica M. Anderson
Jessica M. Anderson
Assistant Public Interest Counsel
State Bar No. 24131226
P.O. Box 13087, MC 103
Austin, Texas 78711-3087
(512) 239-6823

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2023, the original of the Office of Public Interest Counsel's Response to Request for Hearing was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.

Jessica M. Anderson

Jessica M. Anderson

MAILING LIST
MEGATEL HOMES, L.L.C.
TCEQ DOCKET NO. 2023-0850-MWD

FOR THE APPLICANT
via electronic mail:

Zach Ipour, President
Megatel Homes, L.L.C.
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201
steve.maglisceau@megatelhomes.com

Jonathan Nguyen, Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Plano, Texas 75093
jnguyen@quiddity.com

Alex Pfefferkorn
Land Development Manager
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Plano, Texas 75093
apfefferkorn@jonescarter.com

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Bobby Salehi, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0600 Fax: 512/239-0606
bobby.salehi@tceq.texas.gov

Deba Dutta, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4608 Fax: 512/239-4430
deba.dutta@tceq.texas.gov

Ryan Vise, Director
Texas Commission on Environmental Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4000 Fax: 512/239-5678
pep@tceq.texas.gov

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas, Attorney
Texas Commission on Environmental Quality
Alternative Dispute Resolution MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0687 Fax: 512/239-4015
kyle.lucas@tceq.texas.gov

FOR THE CHIEF CLERK
via eFiling:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-3300 Fax: 512/239-3311
https://www14.tceq.texas.gov/epic/eFiling/

REQUESTER(S):

Vanessa Ramirez
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063

E. Allen Taylor, Jr.
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

APP – 14

Applicant - Response to Hearing Request

(Includes only partial attachments to affidavit in Bates Ipour 001 through Bates Ipour 031 due to a filing error)

TCEQ DOCKET NO. 2023-0850-MWD

APPLICATION BY MEGATEL HOMES, LLC FOR NEW TPDES PERMIT WQ0016162001	§ § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

APPLICANT MEGATEL HOMES, LLC'S RESPONSE TO HEARING REQUESTS

Megatel Homes, LLC ("***Megatel***") files this response to the Requests for Contested Case Hearing (the "***Hearing Requests***") submitted on Megatel's application for Texas Pollutant Discharge Elimination System ("***TPDES***") Permit No. WQ0016162001 ("***Application***"). In accordance with applicable legal standards, Megatel respectfully requests that the Commissioners of the Texas Commission on Environmental Quality ("***TCEQ***") deny the only two Hearing Requests, each of which was submitted by the City of Mansfield, Texas ("***City***").

I. FACTUAL AND PROCEDURAL BACKGROUND.[1]

As explained in **Exhibit 1** attached hereto, which is the affidavit of Mr. Zach Ipour, Co-President of Megatel, along with Cipriani Island Laguna Azure, LLC which is an affiliated entity, Megatel has acquired 517 acres south to southwest of the City for purposes of development as a residential community which will included mixed-uses ("***Cipriani Development***").[2] The entire 517 acres included in the Cipriani Development is *currently* included within the extraterritorial jurisdiction ("***ETJ***") of the of the City, although as explained below, a petition has been filed to

[1] The background relating to historic procedural steps is largely duplicative of the information in the TCEQ Commissioners' Integrated Database and in the ED's Response to Public Comment ("***RTC***").

[2] Mr. Ipour's affidavit contains factual details relating to development of the entire 517 acres in the Cipriani Development, which includes the application for TCEQ wastewater Permit No. WQ0016162001 in this docket, as well as a petition to create Johnson County Municipal Utility District Nos. 1 and 2 in TCEQ Docket No. 2023-0845-DIS and in TCEQ Docket No. 2023-0847-DIS respectively. Each of these three dockets have been posted for consideration on the TCEQ Commissioners' Agenda for October 25, 2023 and are being briefed separately, although Mr. Ipour's affidavit is included with each separate brief. Although the three dockets are being briefed separately, many of the arguments in each of the briefs are virtually identical since many of the underlying facts and law are virtually identical.

remove the 517 acres from the City's ETJ. None of the property within the 517 acres included in the Cipriani Development has ever or is currently receiving *sewer service*, and none of the 517 acres is currently included in any sewer certificate of convenience and necessity ("***CCN***") issued by the Public Utility Commission of Texas ("***PUC***").

As part of the Cipriani Development project, Megatel submitted the Application for new TPDES Permit No. WQ0016162001, which was received by TCEQ on May 4, 2022, to authorize the discharge of treated domestic wastewater at a volume not to exceed a daily average flow of 0.20 million gallons per day ("***MGD***") in the Interim I phase, a daily average flow not to exceed 0.40 MGD in the Interim II phase, and an annual average flow not to exceed 1.0 MGD in the Final phase. TCEQ Executive Director ("***ED***") staff completed the administrative review on June 8, 2022. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit was published on June 11, 2022. The Notice of Application and Preliminary Decision of the ED was mailed on October 13, 2022 and published on October 21, 1022. The comment period ended on November 21, 2022, and the only comments received before the deadline were in a single, two-page letter from the City. The ED's Response to Public Comment ("***RTC***") and ED's Final Decision Letter was mailed on May 12, 2023, and the deadline for the Hearing Requests was June 12, 2023. The only Hearing Requests received were included with the City's on August 31, 2022 comment letter and in a separate but substantially similar letter received by TCEQ on June 8, 2023.

The Application was administratively complete on or after September 1, 2015. Therefore, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and Senate Bill 709, 84th Legislature, 2015.

II. APPLICABLE LAW FOR HEARING REQUESTS[3]

The City's Hearing Requests can only be granted if several specific administrative, procedural and substantive requirements are met.

First, the City's Hearing Requests must be in writing, must be timely filed no later than 30 days after mailing of the ED's decision and RTC, may not be based on an issue raised in a public comment that was withdrawn, and must be based on the requestor's own timely comments.[4]

Second, the City's Hearing Requests must substantially comply with the following specific requirements:

> (1) Give the name, address, daytime telephone number, and, where possible, fax number of the City;
> (2) Identify the City's purported personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the City's location and distance relative to the proposed wastewater treatment facility and how and why the City believes the City will be adversely affected by the wastewater treatment facility in a manner not common to members of the general public;
> (3) Request a contested case hearing; and
> (4) For applications filed :
> ...
> (B) On or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the City during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the City should, to the extent possible, specify any of the executive director's responses to the requestor's comments that the City disputes, the factual basis of the dispute, and list any disputed issues of law; and
> (5) Provide any other information specified in the public notice of application.[5]

---

[3] Hearing Requests and Commission decisions regarding Hearing Requests for the Application in this case are governed primarily by statutory provisions in TEX. GOV'T CODE § 2003.047 and TEX. WATER CODE §§ 5.115 and 5.556 which are implemented by various provisions in 30 TEX. ADMIN. CODE, CHAPTER 50, SUBCHAPTER F and CHAPTER 55, SUBCHAPTER F. In the interest of efficiency and since TCEQ's rules comprehensively encompass all relevant statutory provisions, and because various provisions of such TCEQ's rules overlap and are duplicative but consistent, every citation herein does not include every applicable TCEQ rule is not cited in every circumstance.

[4] *See* 30 TEX. ADMIN. CODE § 55.201(c).

[5] *Id.* § 55.201(d).

APP Ex. 00472

Third, the Commissioners may not grant the City's Hearing Requests unless the Commissioners first determine the City is an "affected person".[6] An "affected person" is:

> [O]ne who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest."[7]

The City may be an affected person as a local government if the City has authority under state law over issues raised by the Application.[8] In determining whether the City is an affected person, the Commissioners must consider the following factors:

(1) Whether the City's interest claimed is one protected by the law under which the Application will be considered;
(2) Distance restrictions or other limitations imposed by law on the affected interest;
(3) Whether a reasonable relationship exists between the interest claimed and the activity regulated;
(4) Likely impact of the wastewater treatment plant on the health and safety of the City, and on the use of property of the City;
(5) Likely impact of the regulated activity on use of the impacted natural resource by the City;
(6) Whether the City timely submitted comments on the Application that were not withdrawn; and
(7) The City's statutory authority over or interest in the issues relevant to the Application.[9]

In addition, the Commissioners may consider the following additional factors in determining whether the City is an affected person:

(1) The merits of the underlying Application and supporting documentation in the commission's administrative record, including whether the Application meets the requirements for permit issuance;
(2) The analysis and opinions of the ED; and

---

[6] *Id.* §§ 55.201(b), 55.211(c)(2). (The Commission, the ED or an applicant may also request a contested case hearing).
[7] *Id.* § 55.203(a). Although the City cites in its June 8, 2023 to provisions in 30 TEX. ADMIN. CODE, CHAPTER 55, SUBCHAPTER G which are not applicable to the Application in this case, the mis-cited definition of affected person is essentially the same as the correct definition.
[8] *Id.* § 55.203(b).
[9] *Id.* § 55.203(c). Although the City cites in its June 8, 2023 letter to provisions in 30 TEX. ADMIN. CODE, CHAPTER 55, SUBCHAPTER G which are not applicable to the Application in this case, the mis-cited reference to whether a governmental entity has authority over issues in an application is essentially the same as the correct rule.

APP Ex. 00473

(3) Any other expert reports, affidavits, opinions, or data submitted by the ED, the Megatel, or the City.[10]

The burden to show that the City is an affected person lies entirely with the City.[11] Based on the foregoing, then, the City must carry the burden to demonstrate that the City has "*statutory authority over* or *interest in* the issues relevant to the Application"[12] or that the City has another *personal justiciable interest* that is *not common to members of the general public*.[13] The City must present evidence and demonstrate facts to meet its burden. However, the City cannot meet is burden if its alleged personal justiciable interests are "couched in terms of *potentialities* or events that "*may*" happen" are "*mere speculation, and as such, it falls short of establishing a justiciable interest and standing*."[14]

> [To] have such an interest, the complainant must show that a concrete, particularized, actual or imminent injury faces him due to the decision; a *hypothetical or speculative injury is not enough*."[15]

Further, the Texas Third Court of Appeals has determined that it is reasonable to conclude that hearing requesters are not affected persons if the proposed "*activity will have minimal effect on their health, safety use of property, and use of natural resources*."[16] As explained below, the City has not met its burden.

---

[10] *Id.* § 55.203(d).
[11] *See Tex. Comm'n on Envt'l Quality v. City of Aledo,* 2015 Tex.App. LEXIS 6940 at *12 (Tex. App.—Austin July 8, 2015, no pet.) (explaining that if no showing is made on any one or more of the factors in 30 TEX. ADMIN. CODE § 55.203, "there is nothing in the statutes or rules placing the burden on the Commission or [Administrative Law Judge] draw out from the person such information.").
[12] *See* 30 TEX. ADMIN. CODE § 55.203(a) and (c)(7) (emphasis added).
[13] *Id.* § 55.203(a) (emphasis added).
[14] *Texas Disposal Systems Landfill, Inc. v. Texas Comm'n on Envtl. Quality*, 259 S.W.3d 361, 363-64 (Tex.App.—Amarillo 2008, no pet.) (emphasis added).
[15] *Id.* at 363 (emphasis added).
[16] *See Tex. Comm'n on Envtl. Quality v. Sierra Club*, 455 S.W.3d 228, 240 (Tex. App. – Austin 2014) (emphasis added).

Fourth, *only if* the Commissioners determine the City is an affected person can issues be referred to the State Office of Administrative Hearings ("***SOAH***") for a contested case hearing. The only issues that can be referred are issues which involve a disputed question of fact or a mixed question of law or fact raised by the City during the public comment that was not withdrawn, and only if the issue is relevant and material to the decision on the application.[17] Thus, since only the City's August 30, 2022 letter was received before the November 21, 2022 comment period deadline, even if the City were an affected person (which they are not), only the issues raised in the August 30, 2022 letter – but not in the City's June 8, 2023 letter - could be referred to SOAH.

III. RESPONSE TO THE CITY'S HEARING REQUESTS

Both of the City's letters which are the Hearing Requests make essentially the very same claims regarding why the City thinks it is an affected person.

A. The City's Hearing Requests Should be Denied Based on the City's Inability to Demonstrate that the City is an Affected Person

The City's Hearing Requests only discernibly offer two finite, possible bases to establish whether the City is an affected person: (i) current inclusion of the Cipriani Development inside the City's ETJ where the City *currently* has statutory authority to impose development requirements, and (ii) the City's *desire* to provide sewer service to the Cipriani Development. For the reasons explained below, the City has not met and cannot meet its burden to demonstrate that either of their two claimed interests is sufficient. Although the City's Hearing Requests also raise a few other vague or generalized issues, raising the other issues does nothing to establish whether or not the City is an affected person.

---

[17] *See* 30 TEX. ADMIN. CODE §§ 50.115(c) and (f)-(g), 55.211(c)(2)(A)(ii). Although 30 TEX. ADMIN. CODE §55.211(d) allows the Commissioners to refer an application to SOAH if the Commissioners determine it would be in the public interest to do so, the administrative record does not indicate that there is such a public interest regarding the Application in this case.

APP Ex. 00475

1. The Petition to Remove the Cipriani Development from the City's ETJ Nullifies the ETJ as a Basis to Support the City's Hearing Requests

Megatel readily acknowledges that the Commission has typically determined in other matters that a municipality's ETJ can be a key factor regarding whether a municipality is an affected person with respect to a TCEQ water quality permit application, given a municipality's statutory authority regarding regulation of a subdivision in an ETJ.[18] However, as explained in Mr. Ipour's affidavit, in this case, a petition has been filed to initiate the legal process to remove the entire 517 acres in the Cipriani Development from the City's ETJ ("***ETJ Petition***"). This option was not available prior to September 1, 2023, when Tex. Local Govt. Code, Chapter 42, Subchapter D (Release of Area by Petition of Landowner or Resident from Extraterritorial Jurisdiction) became effective.[19] Approval of the ETJ Petition to remove the Cipriani Development from the City's ETJ is statutorily not discretionary. The 517 acres within the Cipriani Development will be released by operation of law if the property is not released by the City within 45 days of when the ETJ Petition was received (September 22, 2023), or at the first meeting of the City's governing body that occurs 30 days after the ETJ Petition was received.[20] Thus, within a matter of weeks, the City's ETJ will inevitably no longer include the 517 acres of the Cipriani Development. On that inevitable date, the City will no longer have statutory authority over the Cipriani Development per Tex. Local Govt. Code Chapter 212.

The only other passing references the City offers to support any purported statutory authority in its ETJ over the Cipriani Development is to Tex. Local Govt. Code §§42.001 and 42.042. However, the entirely of Tex. Local Govt. Code, Chapter 42 only applies to a

---

[18] *See generally* TEX. LOCAL GOVT. CODE, CHAPTER 42 and CHAPTER 212.
[19] *See* Acts 2023, 88th Leg., R.S. ch. 106 (S.B. 2038), § 1, eff. September 1, 2023.
[20] *See* TEX. LOCAL GOVT. CODE §42.105(d).

municipality's ETJ. Once the Cipriani Development is removed from the City's ETJ, Tex. Local Govt. Code, Chapter 42 will inevitably not apply. Therefore, removal of the Cipriani Development from the City's ETJ will completely nullify the City's claim to be an affected person based on statutory authority within the City's ETJ.

If the Commission is inclined to determine that the City's *current* statutory authority regarding the Cipriani Development is sufficient to establish that the City is an affected person, Megatel requests a continuance of the Commission's consideration of the Hearing Requests until the removal of the Cipriani Development from the City's ETJ is finalized. If the City's Hearing Requests are granted by the Commission based on the City's current statutory authority within its ETJ, Megatel reserves the right to ask for reconsideration or rehearing and/or to challenge whether the City remains as an affected person, after the date that the Cipriani Development is no longer included within the City's ETJ.

2. The City has no Legal Right or Obligation to Provide Wastewater Service to the Cipriani Development

Although the City's Hearing Requests do not clearly express the reasons why the City believes it is an affected person, the City seems to suggest that it is an affected person because it has some sort of legal right or obligation to provide sewer service to the Cipriani Development. As explained below, no such right or obligation exists.

a. The City has no Sewer CCN Covering the Cipriani Development

Although the City claims in its August 30, 2022 letter that it "routinely provides public water and public wastewater service to development within the City and within significant portions of its [ETJ]", not a square inch of the Cipriani Development lies within the City's sewer CCN, nor does the City claim that it does. In fact, as explained in Mr. Ipour's affidavit, there is no sewer

APP Ex. 00477

CCN covering any of the Cipriani Development. Further, although the City is seeking in PUC Docket No. 52918 to include the 517 acres within the City's sewer CCN No. 20847, a request for the Cipriani Development to opt-out of the City's CCN has been filed to avoid including the 517 acres in the City's sewer CCN. Pursuant to the PUC's rules at 16 Tex. Admin Code §24.227(i), certain landowners such as the landowners of the Cipriani Development have a right to remove their property from a proposed CCN, as the rule provides that a landowner:

> . . . may elect to exclude some or all of the landowner's property from the requested [CCN] area by providing written notice to the commission . . . [t]he landowner's election is effective without a further hearing or other process by the commission. If a landowner makes an election under this subsection, the requested area must be modified to remove the electing landowner's property.

Even if the opt-out request is not granted and the Cipriani Development is included within the City's sewer CCN, the landowners of the Cipriani Development have ther right to release their property from the City's sewer CCN via a streamlined expedited release process pursuant to 16 Tex. Admin Code §24.245(h).

Thus, in the absence of a sewer CCN, neither Megatel nor any of its affiliates which own the 517 acres within the Cipriani are legally obligated to allow the City to provide retail sewer service to the Cipriani Development. Moreover, the City has no statutory right or obligation to do so under Chapter 13 of the Texas Water Code or PUC's rules in 16 Tex. Admin. Code, Chapter 24 which govern CCNs.

b. Statutory Provisions Relating to Political Subdivision Creation inside the City's ETJ do not Confer any Authority to Provide Sewer Service to the Cipriani Development

Tex. Local Govt. Code, §§ 42.001 or 42.042 which are each included only once as passing cryptic references in the City's Hearing Requests do not provide the City with any legal right or obligation to provide sewer service to the Cipriani Development, even if the 517 acres in the

APP Ex. 00478

Cipriani Development were to remain within the City's ETJ (which it will not). Tex. Local Govt. Code, §42.042 addresses whether a municipality may agree to a proposed political subdivision which would be created inside the municipality's ETJ, including whether a municipality *may* provide water or sewer service on *mutually agreeable terms*. However, nothing in Tex. Local Govt. Code, Chapter 42 provides any statutory rights for a municipality to provide sewer service either inside or outside the municipalities ETJ.

In addition, Tex. Water Code, Chapter 54, Subchapter B relating to a municipality's authority over the creation of a political subdivision in its ETJ is entirely consistent with the provisions in Tex. Local Govt. Code, Chapter 42 cited herein. Specifically Tex. Water Code §54.016(d) provides that a municipality is only provided with a right to provide sewer service based on a "*mutually agreeable contract* providing for the water or sanitary sewer service . . . " (emphasis added). In this case, there is no mutually agreeable contract, despite discussions with the City. As explained in Mr. Ipour's affidavit, Megatel readily acknowledges there have been healthy discussions with the City regarding whether the City could provide wastewater service to the Cipriani Development, some of which are described in the City's June 8, 2023 letter. However, there is no *mutually agreeable contract or agreement*. Thus, the City has no legal right or obligation to provide either retail or wholesale sewer service to the Cipriani Development flowing from either Tex. Water Code, Chapter 54, Subchapter B or Tex. Local Govt. Code, Chapter 42.

c. The City's Claim to be a Regional Wastewater Provider has no bearing in their Hearing Request

The City curiously suggests in its June 8, 2023 letter that "as a regional water and sewer service provider, the City has an interest to ensure that new development in its [ETJ] regionalizes with existing systems to the greatest extent possible . . . " and simply cites to Tex. Water Code

§26.081(a) without any further explanation. Despite the City's claim that it is somehow a regional wastewater provider, TCEQ has not designated the City as such in TCEQ's rules in 30 Tex. Admin. Code, Chapter 351. Although TCEQ does not have other express rules relating to regionalization pursuant to Tex. Water Code §26.081, TCEQ has provided guidance regarding its regionalization policy prominently on its website.[21] However, even if the City were a regional wastewater provider, nothing in the TCEQ's published regionalization policies suggest a regional provider has a monopoly right to provide wastewater service. Thus, without a right to force wastewater service on the Cipriani Development, the City cannot establish a personal justiciable interest in the Application.

3. The City has no Other Personable Justiciable Interest in the Application

Domestic Administrative Report 1.1 submitted as part of the Application, Section 1 (Affected Landowner Information), requires identification of the property of all landowners surrounding the Cipriani Development and along the discharge route for one full stream mile downstream of the points of discharge. The City is not listed as one of the 63 landowners, and none of the landowners listed commented or asked for a contested case hearing on the Application. The City has provided no apparent reason why the City would conceivably have a personal justiciable interest in the discharge of treated effluent which would be different than an interest common to members of the general public.

B. Only Three Narrow Issues Have Been Timely Raised and are Eligible for Referral to SOAH if the City were an Affected Person

---

[21] *See* https://www.tceq.texas.gov/permitting/wastewater/tceq-regionalization-for-wastewater, last visited on September 28, 2023.

APP Ex. 00480

The Commission may only refer to SOAH relevant and material disputed issues of fact or mixed questions of law which were raised by the City if the City is an affected person (which the City is not), and only if the issue was raised by the City during the comment period.[22] As noted only issues raised in comments received by TCEQ in the City's two-page letter dated August 30, 2022 prior to the end of the comment period on November 21, 2022 could be referred to SOAH. Thus, if the Commissioners determine that the City is an affected person, the only perceptible issues raised in the City's August 30, 2022 letter are limited to: (i) whether the Application comports with the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems as established by Tex. Water Code §26.081, (ii) whether the discharge of treated effluent would protect the downstream stream segments and the surrounding area, as required by and in compliance with the Texas Water Quality Standards;[23] and (iii) whether the Applicant will have the appropriate experience and managerial, and technical expertise required to construct and operate the wastewater treatment facilities.

IV. CONCLUSION AND PRAYER

For the foregoing reasons, Megatel respectfully requests that the Commission deny the City's Hearing Requests, adopt the ED's RTC, approve the Application, and issue TPDES Permit No. WQ0016162001.

If the Commission is inclined to determine that the City's current but temporary statutory authority over the Cipriani Development based in its location in the City's current ETJ is sufficient to establish that the City is an affected person, Megatel requests a continuance of the Commission's

---

[22] *See* 30 TEX. ADMIN. CODE §§ 50.115(c) and (f)-(g), 55.211(c)(2)(A)(ii).

[23] Although the City's August 30, 2023 letter implies that a referrable issue is whether the discharge would have "negative" impacts, referral of whether there might be "negative" impacts would not be based on the well-established TCEQ standards which are designed to be protective, but which do not preclude any level of even a de minimis "negative" impact.

consideration of the Hearing Requests until the removal of the Cipriani Development from the ETJ is finalized.

Alternatively, in the event the Commission determines that the City is an affected person, Megatel respectfully requests that only the following issues be referred to SOAH:

a. Whether the Application comports with the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems as established by Tex. Water Code §26.081.

b. Whether the discharge of treated effluent would protect the downstream stream segments and the surrounding area, as required by and in compliance with the Texas Water Quality Standards.

c. Whether the Applicant will have the appropriate experience and managerial, and technical expertise required to construct and operate the wastewater treatment facilities.

Megatel further respectfully requests that if the Application is referred to SOAH, that the Commissioners direct SOAH to issue a proposal for decision by the 180th day after the first day of the preliminary hearing.[24]

[24] *See* 30 TEX. ADMIN. CODE §50.115(d)(2).

APP Ex. 00482

Respectfully Submitted,



Derek L. Seal
State Bar No. 00797404
McGinnis Lochridge
1111 w. 6TH St., Ste. 400
Austin, Texas 78703
Tel. 512.495.6000
Facsimile. 512.505.6375
dseal@mcginnislaw.com
COUNSEL FOR MEGATEL HOMES, LLC

APP Ex. 00483

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Megatel Homes, LLC's foregoing Response to Hearing Requests has been forwarded via electronic mail or U.S. Mail to the persons on the mailing list attached hereto, on October 2, 2023. Such mailing list is substantially the same mailing list utilized by the Chief Clerk of the Texas Commission on Environmental Quality in the September 20, 2023 letter in this docket.

By: _____
Derek Seal

APP Ex. 00484

MAILING LIST
Megatel Homes, LLC
TCEQ Docket No. 2023-0850-MWD; TPDES Permit No. WQ0016162001

REQUESTER(S):
Vanessa Ramirez
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063
vanessa.ramirez@mansfieldtexas.gov

E. Allen Taylor, Jr.
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
ataylor@toase.com

Bradley Anderle
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
banderle@toase.com

FOR THE EXECUTIVE DIRECTOR

Bobby Salehi, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711
Bobby.Salehi@tceq.texas.gov

Deba Dutta, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711
Deba.Dutta@tceq.texas.gov

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

FOR PUBLIC INTEREST COUNSEL

Garrett T. Arthur, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711
garrett.arthur@tceq.texas.gov

FOR ALTERNATIVE DISPUTE RESOLUTION

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711
Kyle.Lucas@tceq.texas.gov

FOR THE CHIEF CLERK
via eFilings:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711

EXHIBIT 1
Affidvit of Zach Ipour

TCEQ DOCKET NO. 2023-0850-MWD (TPDES PERMIT WQ0016162001)
TCEQ DOCKET NO. 2023-0845-DIS (JOHNSON COUNTY MUD NO. 1)
TCEQ DOCKET NO. 2023-0847-DIS (JOHNSON COUNTY MUD NO. 2)

APPLICATION BY MEGATEL HOMES, LLC FOR NEW TPDES PERMIT WQ0016162001	§	
APPLICATION BY SAMUEL SPARKMAN BRINDLEY TRUST FOR THE CREATION OF JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 IN JOHNSON COUNTY, TEXAS	§	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**
APPLICATION BY CIPRIANI ISLAND LAGUNA AZURE, LLC FOR THE CREATION OF JOHNSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2 IN JOHNSON COUNTY, TEXAS	§	

AFFIDAVIT OF ZACH IPOUR

On this day, appeared before me Mr. Zach Ipour, and stated:

"My name is Zach Ipour. I am more than twenty-one (21) years of age and capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct.

1. I am a Co-President of Cipriani Island Laguna Azure, LLC ("***Cipriani***"), which acquired approximately 172.969 acres of property located generally south to southwest of the City of Mansfield, Texas ("***City***") in Johnson County, Texas. The property was acquired on October 17, 2022 from Sherman Kenneth "S.K." Pressley and Loretta E. Pressley as to a 160.168 acre parcel, from James Keith Pressley and Jackie Lynn Pressley as to a 6.414 acre parcel, and from David W. Cooley and Kathy Cooley as to a 6.387 acre parcel.

APP Ex. 00487

2. Cipriani, acquired an additional approximately 9.996 acres of property adjacent to the 172.969 acres on December 2, 2022 from NWBB Corp.

3. I am also Co-President of Megatel Homes, LLC ("***Megatel***"), which along with Cipriani, on December 20, 2022 acquired an additional approximately 334.201 acres of property adjacent to the 9.996 on the opposite side of the 172.969 acres. The 334.201 acres was acquired from the Samuell Sparkman Brindley Trust.

4. The 182.965 contiguous acres purchased by Cipriani (the 9.996 acres and the 172.969 acres combined) and 334.201 contiguous acres purchased jointly by Cipriani and Megatel total approximately 517 acres and will be developed as the "***Cipriani Development***" which is depicted by a large scale map attached hereto as **Ipour Attachment "A"** and by a small scale map attached hereto as **Ipour Attachment "B"**. Our plans are to develop the Cipriani Development as a residential community which will include mixed-uses.

5. The 517 acres included in the Cipriani Development is currently located entirely within the City's extraterritorial jurisdiction ("***ETJ***") and is located entirely within Johnson County, Texas.

6. For approximately one decade, I have been personally and professionally involved in the development of dozens of residential projects in Texas similar to the Cipriani Development from the point of land acquisition to final development. Based on my decade of experience with these types of residential projects in Texas, I have become well versed in the types of state and local authorizations which are needed in order for a project to succeed.

7. In order to develop the 517 acres included in the Cipriani Development, it is necessary to obtain authorizations to provide for water utility service and wastewater utility

service, along with other approvals from state and local governmental entities. Some of the authorizations and approvals can take several years to obtain, thus in my experience it is necessary to proceed with projects such as the Cipriani Development as efficiently and as expeditiously as possible by dynamically pursuing various parallel and simultaneous efforts, such as simultaneously facilitating the creation of a political subdivision such as a utility district, engage consultants to prepare engineering plans, obtain various governmental approvals, and then subsequently enter into various agreements with the political subdivision and other entities in order to further the orderly development. As the development process unfolds, it may also become necessary for a developer to modify or adjust development plans, based on a variety of business-related factors such as changes in interest rates, terms in agreements and authorizations from local governmental entities, and/or changing economic conditions and changes in the housing or financial markets.

8. For the Cipriani Development, some of the parallel and simultaneous efforts relating to providing for water and wastewater service involve two petitions and one application filed with the Texas Commission on Environmental Quality ("***TCEQ***").

a. The Samuell Sparkman Brindley Trust filed a petition with TCEQ to create Johnson County Municipal District No. 1. ("***Johnson County MUD No. 1***") for 333.23 of the 517 acres of the Cipriani Development. This is the same parcel of property identified above as the 334.201 acres which was acquired by Cipriani and Megatel from the Samuell Sparkman Brindley Trust in December 2022. In my experience, there are often minor, negligible discrepancies in the exact amount of acreages based on different surveys prepared for deeds and for other mapping which explains the minor differences in acreages.

The notice which includes mapping for the territory which would be included in the territory of Johnson County MUD No. 1 is attached hereto as **Ipour Attachment "C"**. The petition was filed by the Samuell Sparkman Brindley Trust prior to when Cipriani acquired the property in order to keep the efforts for development proceeding. For development projects such as the Cipriani Development, it is common for a landowner to initiate a district creation process prior to conveying the property to a developer.

b. A petition was filed with TCEQ to create Johnson County Municipal District No. 2. ("***Johnson County MUD No. 2***") for 184.30 of the 517 acres of the Cipriani Development. This is the same parcel of property identified above as the 9.996 acres and the 172.969 acres acquired by Cipriani. As noted above, in my experience, there are often minor, negligible discrepancies in the exact amount of acreages based on different surveys, which explains the minor differences in acreages. The notice which includes mapping for the territory which would be included in the territory of Johnson County MUD No. 2 is attached hereto as **Ipour Attachment "D"**.

c. Megatel filed an application with TCEQ for TCEQ Wastewater Permit No. WQ0016162001 in order to provide wastewater treatment capacity for the Cipriani Development.

9. None of the property within the 517 acres included in the Cipriani Development has ever or is currently receiving *sewer service*, and none of the 517 acres is currently included in any sewer certificate of convenience and necessity ("***CCN***") issued by the Public Utility Commission of Texas ("***PUC***"). However, the City is seeking in PUC Docket No. 52918 to include the 517 acres within the City's sewer CCN No. 20847. At my direction, Cipriani and

Megatel filed a "*Request to Opt-Out of Sewer CCN No. 20487*" to avoid including the 517 acres in the City's sewer CCN in PUC Docket No. 52918. The Administrative Law Judge in PUC Docket No. 52918 has requested a status report form the City by October 13, 2023.

10. As part of the process involving the creation of Johnson County MUD Nos. 1 and 2, we have had multiple discussions and multiple meetings with the City regarding the City's ability to provide water and/or wastewater service to the Cipriani Development, including healthy discussions in the context of the application for TCEQ Wastewater Permit No. WQ0016162001. However, there is currently no mutual agreement acceptable to all parties regarding water and/or wastewater service from the City.

11. Although none of the property within the 517 acres included in the Cipriani Development is receiving *water service*, the entirety of the 517 acres is included in Johnson County Special Utility District's ("***Johnson County SUD's***") water CCN No. 10081 issued by the PUC. However, the City is seeking in PUC Docket No. 52918 to include the 517 acres dually within Johson County SUD's water CCN No. 10081 and the City's water CCN No. 11228. As noted above, the Administrative Law Judge in PUC Docket No. 52918 has requested a status report from the City by October 13, 2023.

12. On March 11, 2022, Megatel submitted a Non-Standard Service Application form to Johnson County SUD for water service for the Cipriani Development for 1,251 single family lots and for 1,292 multi-family units, which is attached hereto as **Ipour Attachment "E"**. On August 4, 2022, Johnson County SUD provided a hydraulic analysis attached hereto as **Ipour Attachment "F"** based on the request, but stated that Johnson County SUD could not provide water service unless the City approved Johnson County SUD doing so, per contractual obligations

between the City and Johnson County SUD. On July 10, 2023 Cipriani submitted a revised request to Johson County SUD for water utility service for 1,272 proposed lots and 2,000 multifamily units for the Cipriani Development, which is attached hereto as **Ipour Attachment "G"**. This revised request is an example of modification of development plans as development unfolds.

13. The Texas Legislature recently enacted legislation to allow owners of property to remove their property from a city's ETJ under certain circumstances. At my direction, the documents attached hereto as **Ipour Attachment "H"** were received by the City on September 22, 2023 to remove the entire 517 acres in the Cipriani Development from the City's ETJ.

14. In order to proceed with the Cipriani Development, I have directed that counsel and the engineering firms retained by Cipriani and Megatel proceed to seek approval of the petitions to create Johnson County MUD Nos. 1 and 2 and the application for TCEQ Wastewater Permit No. WQ0016162001. This affidavit is intended to provide the factual background to support those efforts.

FURTHER AFFIANT SAYETH NOT."

Zach Ipour
Co-President
Megatel Homes, LLC

STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me, the undersigned authority, this 2nd day of October, 2023, by Zach Ipour, Co-President of Megatel Homes, LLC, on behalf of said entity.

Notary Public in and for the State of Texas

TISHA TRIBBLE
Notary Public, State of Texas
Comm. Expires 04-23-2026
Notary ID 131540082

Zach Ipour
Co-President
Cipriani Island Laguna Azure, LLC

STATE OF TEXAS §
COUNTY OF DALLAS §

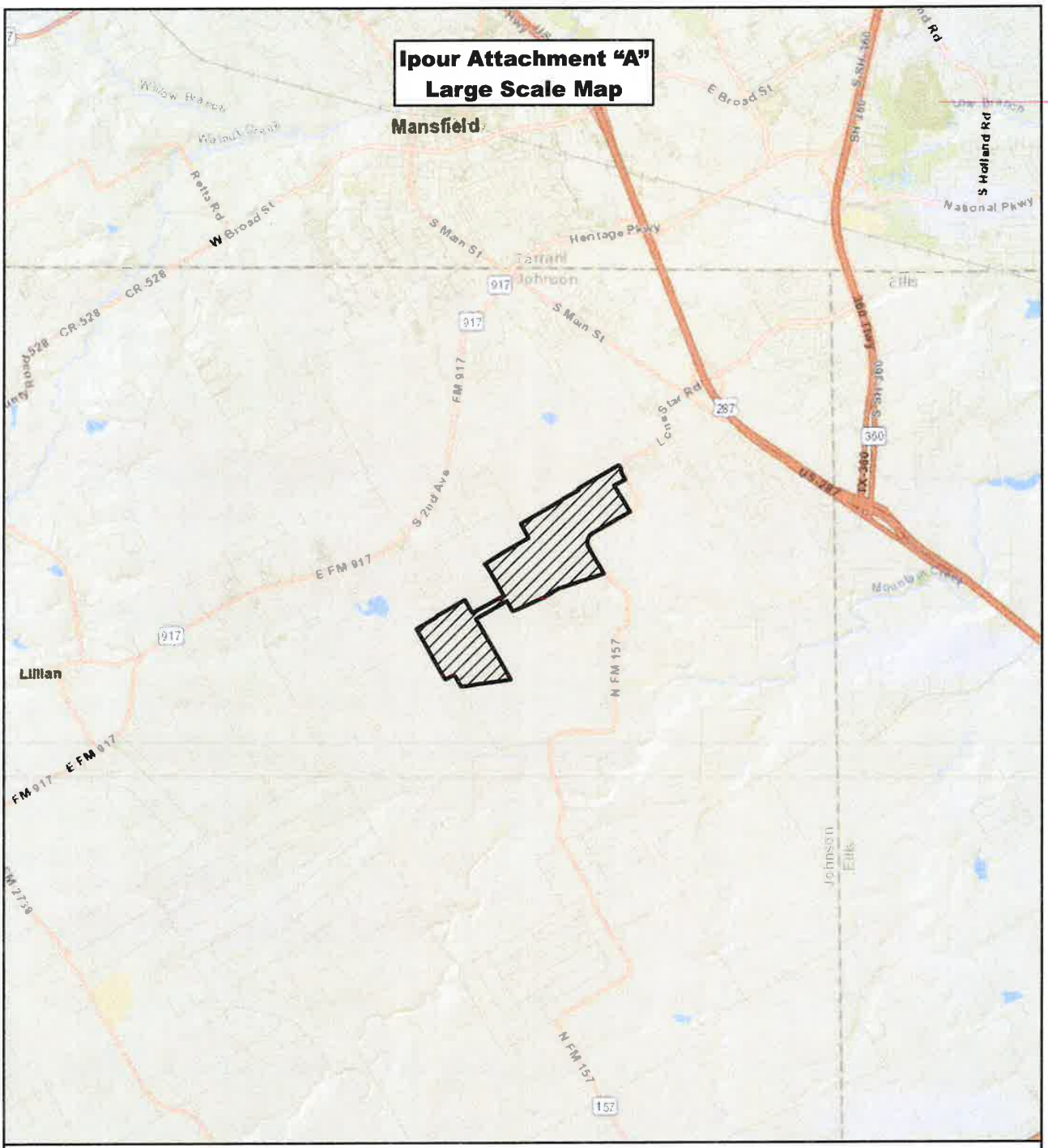
This instrument was acknowledged before me, the undersigned authority, this 2nd day of October, 2023, by Zach Ipour, Co-President of Cipriani Island Laguna Azure, LLC, on behalf of said entity.

TISHA TRIBBLE
Notary Public, State of Texas
Comm. Expires 04-23-2026
Notary ID 131540082

Notary Public in and for the State of Texas

ATTACHMENT A

Large Scale Map of Cipriani Development



Tract of Land

MAP SCALE: 1 " = 5,280 '

0 0.5 1 2 Miles

9/25/2023

Tract of land is located in Mansfield, TX, on Bedford St, west of US 287, north and east of FM 157, and east of FM 917.

Johnson County, TX

MAP LEGEND

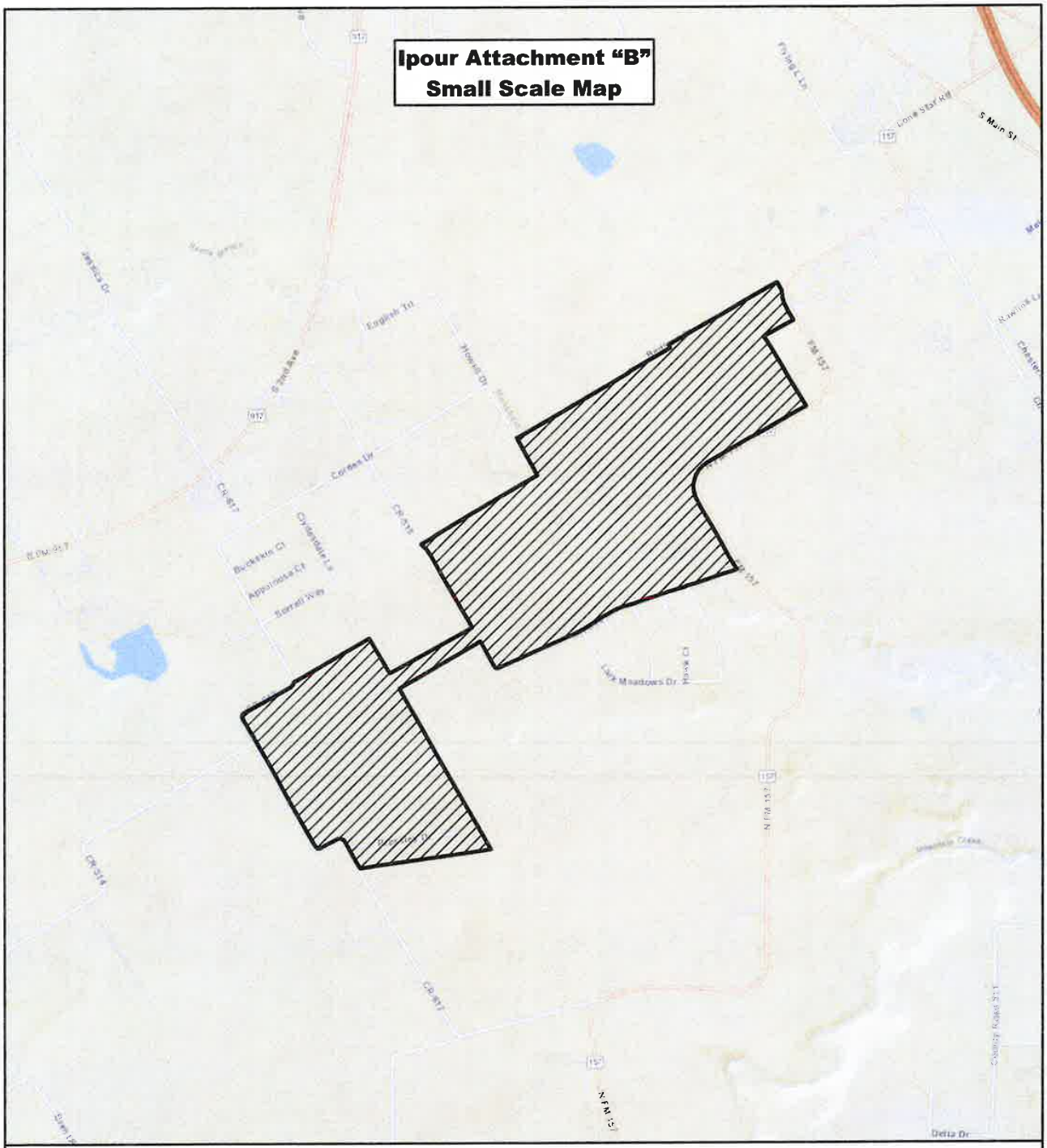
Tract of Land

Ipour - 002

ATTACHMENT B

Small Scale Map of Cipriani Development

Ipour Attachment "B"
Small Scale Map



Tract of Land

N
W E
S

MAP SCALE: 1 " = 2,000 '

0 1,000 2,000 4,000 Feet

9/25/2023

Tract of land is located in Mansfield, TX, on Bedford St, west of US 287, north and east of FM 157, and east of FM 917.

Johnson County, TX

MAP LEGEND

Tract of Land

Ipour - 004

ATTACHMENT C

Notice for Johnson County MUD No. 1
(with mapping)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF DISTRICT PETITION
TCEQ Internal Control No. D-07202022-033

PETITION. Samuell Sparkman Brindley Trust (Petitioner) filed a petition for creation Johnson County Municipal Utility District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 333.232 acres located within Johnson County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Mansfield, Texas (City), and no portion of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas.

In accordance with Local Government Code Section 42.042 and Texas Water Code Section 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code Section 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code Section 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A" which is attached to this document.

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately $67,335,000 ($57,735,000 utilities plus $9,600,000 roads).

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

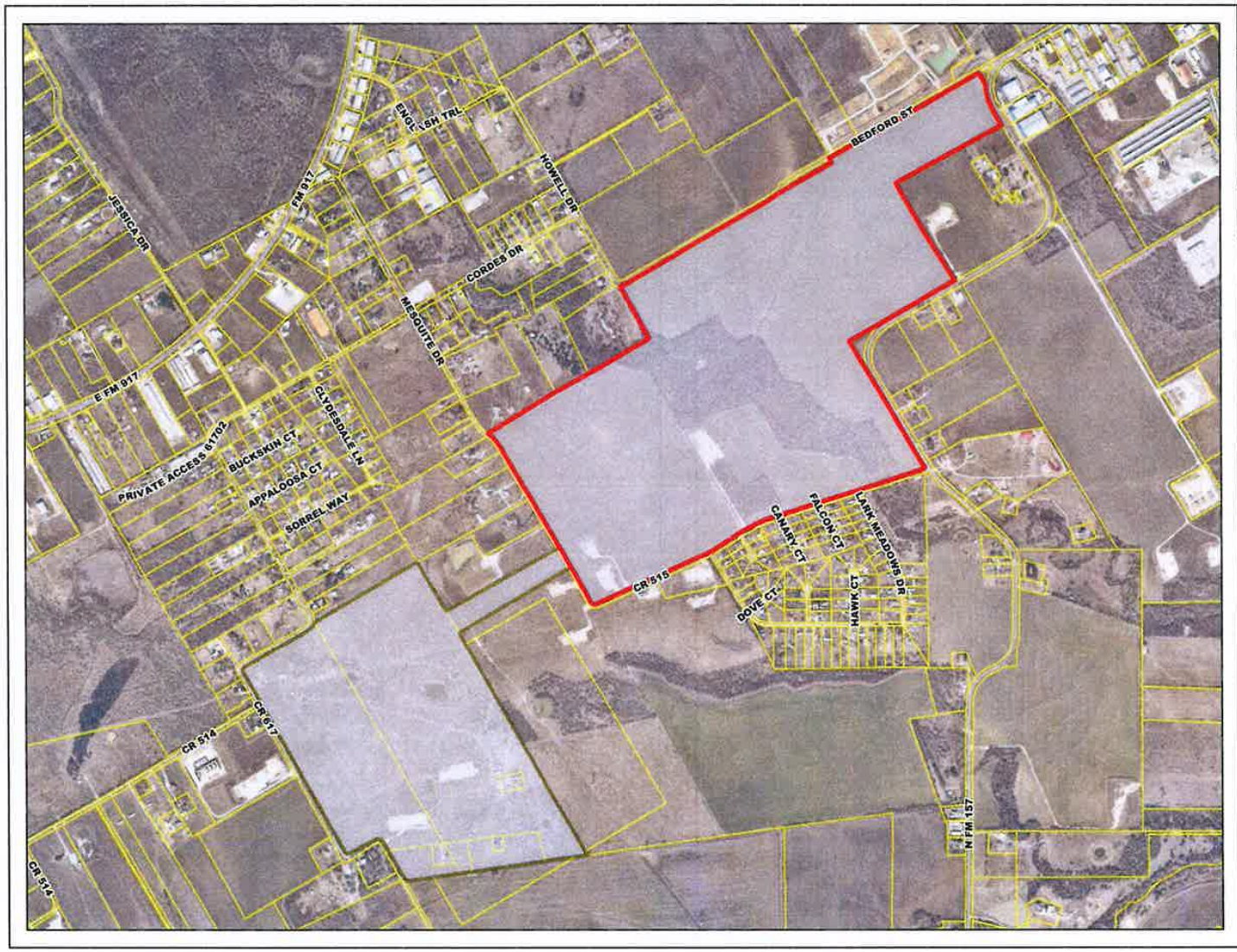
To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

INFORMATION. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. General information regarding TCEQ can be found at our web site http://www.tceq.texas.gov/.

Issued: December 28, 2022

APP Ex. 00501





VICINITY MAP

Scale: 1 inch equals 5 miles

LEGEND

- JCMUD 1
- Development Boundary
- Parcels

EXHIBIT A
VICINITY MAP

JCMUD 1
333.23 ACRES
JOHNSON COUNTY

1 inch = 1,000 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quiddity Engineering concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

QUIDDITY
ENGINEERING

Path: C:\gis_data\projects\dfw\mxgate\Johnson\jcmud1_vic_map.mxd Project Number: XXXXX-XXXX-XX Date: 6/7/2022 User Name: MJS

Ipour - 008

ATTACHMENT D

Notice for Johnson County MUD No. 2
(with mapping)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF DISTRICT PETITION
TCEQ Internal Control No. D-10132022-026

PETITION. Cipriani Island Laguna Azure, LLC (Petitioner) filed a revised petition (petition) for creation of Johnson County Municipal Utility District No. 2 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land in the proposed District; (2) there are two lienholders, First Guaranty Bank and MCI Preferred Income Fund IV, LLC, on the property to be included in the proposed District; (3) the proposed District will contain approximately 184.30 acres located within Johnson County, Texas; and (4) all of the land within the proposed district is located wholly within the extraterritorial jurisdiction of the City of Mansfield (City).

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A," which is attached to this document.

The petition further states that the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately $30,980,000 (including $26,100,000 for water, wastewater, and drainage plus $4,880,000 for roads).

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

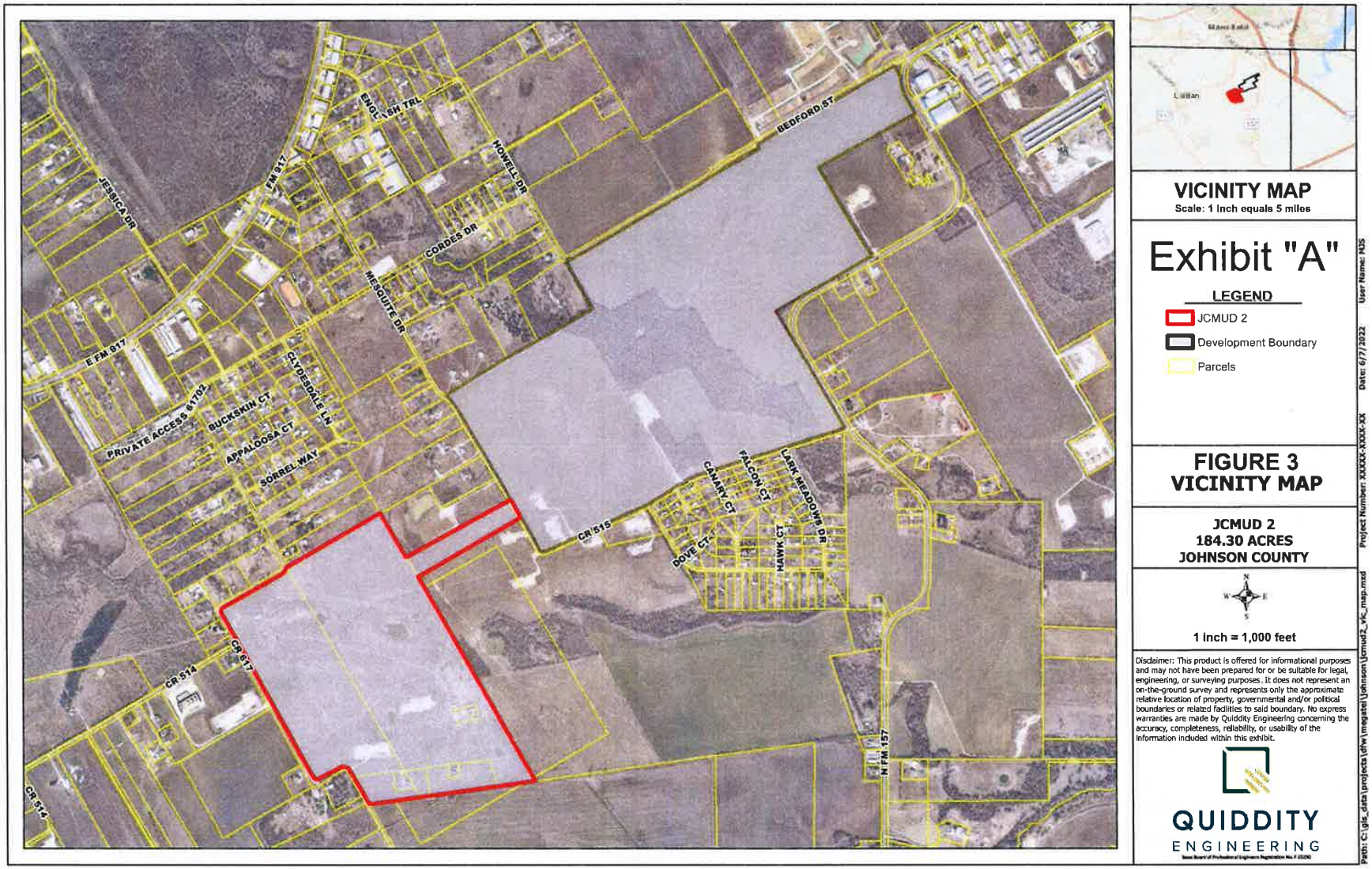
The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

INFORMATION. Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ can be found at our web site http://www.tceq.texas.gov/.

Issued: March 23, 2023

Ipour - 011

APP Ex. 00505


ENGLISH TRL
FM 917
HOWELL DR
BEDFORD ST
JESSICA DR
CORDES DR
MESQUITE DR
E FM 917
CLYDESDALE LN
PRIVATE ACCESS 61702
BUCKSKIN CT
APPALOOSA CT
SORREL WAY
CR 515
CANARY CT
FALCON CT
LARK MEADOWS DR
DOVE CT
HAWK CT
CR 517
CR 514
CR 514
N FM 157
VICINITY MAP
Scale: 1 inch equals 5 miles
Exhibit "A"
LEGEND
JCMUD 2
Development Boundary
Parcels
FIGURE 3
VICINITY MAP
JCMUD 2
184.30 ACRES
JOHNSON COUNTY
1 inch = 1,000 feet
Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quiddity Engineering concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.
QUIDDITY
ENGINEERING
Path: C:\gis_data\projects\dfw Imagate\Johnson\Jcmud2_vic_map.mxd
Project Number: XXXXX-XXXX-XX
Date: 6/7/2022
User Name: MDS

ATTACHMENT E

March 11, 2022 Non-Standard Service Application Form to JCSUD

JOHNSON COUNTY
SPECIAL UTILITY DISTRICT

NON-STANDARD
SERVICE APPLICATION
PACKET



P.O. Box 1390 • 740 FM 3048
Joshua, TX 76058
Phone: 817-760-5200 • Fax: 817-760-5238

2019

Ipour - 014

Johnson County Special Utility District
Non-Standard Service Application

Date of Application: 3/11/2022

)osed Development: Megatel Homes - Mansfield Development

on Completing Application: Alex S. Pfefferkorn, PE, CFM

eloper(s)/Applicant: Steve Maglisceau o.b.o. Megatel Homes, LLC

ess: 2101 Cedar Springs Rd., Suite 700, Dallas, Texas 75201

2-339-0159 Mobile No: 214-396-4233

naglisceau@megatelhomes.com & apfefferkorn@jonescarter.com

e legal description of property as listed in deed records, filed plat, or other acceptable instrument. Please
ach acreage, vicinity, physical location, approved plat, etc.: multiple tracts; see attached concept plan
) Parcel ID Nos. 126.0083.08040, 126.0083.00178, 126.0464.08010, 126.0083.08020

)f Service Application Type:

ision/Development ☒	Apartment (Multi-Family Units) ☒	Mobile Home Park ☐
ercial/Industrial Park ☐	Larger Meter (>3/4" meter) ☐	RV Park ☐
ne/Fire Suppression ☒	Other Lagoon Amenity ☒	

d Criteria (Please provide/attach all water demand criteria for each meter or meter equivalent, or any engineering eted for the proposed service):

mber of proposed lots: 1,251 SF & 1,292 MF units Range of standard lot size(s): 40x120' & 50x120'

l phases planned for this development?	☐ Yes (No. of Phases_____)	☒ No
y located within a City Limits?	☐ Yes _____	☒ No
y located within an ETJ of a City?	☒ Yes Mansfield	☐ No

hereof, as the authorized representative of the stated applicant, I hereby acknowledge receipt of the ***JCSUD d Service Application Packet***, in effect at the time issued, on such date as indicated.

erkorn, PE, CFM

Name

)pment Manager

3/11/2022

Date Signed

)elow this line-OFFICE USE ONLY

on Returned: _____

ted with Application: ☐ Yes ☐ No

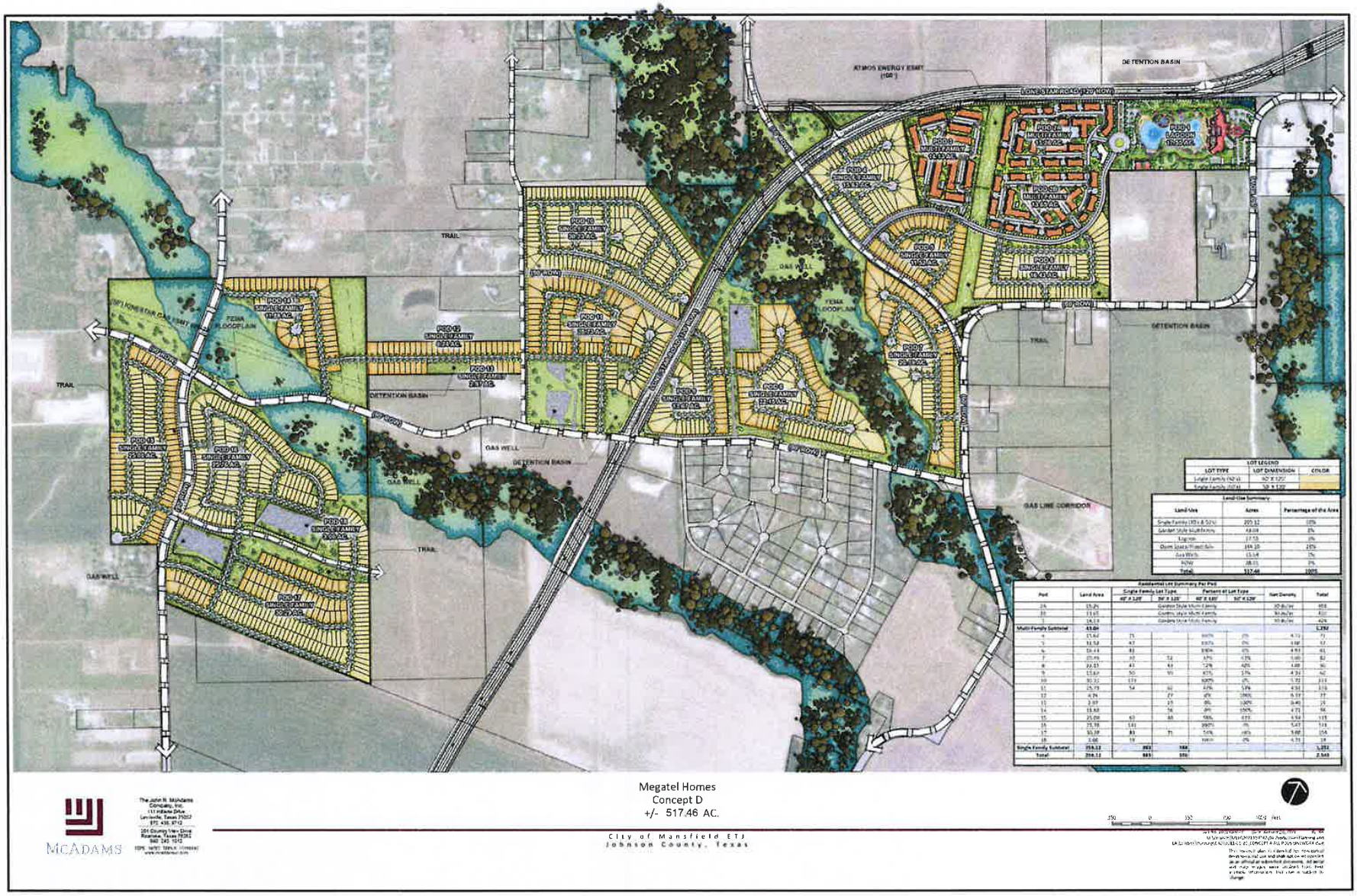
Service Request Type: ☐ Hydraulic Analysis ☐ Meter ☐ Other _____

ct No.: _____ Map Page: _____

lysis Fee: _____ Date Paid: _____

Ipour - 015

APP Ex. 00509



Megatel Homes
Concept D
+/- 517.46 AC.

City of Mansfield ETJ
Johnson County, Texas

McADAMS

A Message to Developer Applicants:

Over the years, Johnson County has grown to serve expanding residential, commercial, and industrial interests. As any area grows, residential and small commercial interests quickly move into the outlying areas seeking a small community atmosphere and better quality of life. This movement to the "non-urban" areas has created a need for the services of a water utility like Johnson County Special Utility District. The District proudly serves south of the Ft. Worth-Dallas metroplex with a population over 40,000 in the rural/ suburban area with excellent service which surpasses all regulatory requirements. JCSUD welcomes growth at any level and looks forward to remaining a stable force in meeting future growth and development needs.

While JCSUD supports growth and development of the rural community, it must also serve the interests of its customers. JCSUD's mission is to provide the very best water utility service at the lowest possible cost to the consumer. Planned growth and development can serve to meet the needs of both the community and the goals of the utility. In an effort to meet these needs, the District is well versed with proper planning and performing hydro-analysis' to simulate growth within its water system. The continuum of planning ahead to expand service facilities and supply capacity meets the projected growth in the coming years.

Balancing its efforts to meet development needs and regulatory requirements, JCSUD has also implemented new development policies to insure fair and equitable development practices. The Non-standard Service Application packet incorporates engineering, policy, and financial planning principles essential to the task of managing growth and development.

The Board's philosophy on serving the interests of growth and development is two-fold:

1. The District and its ratepayers have already provided the "foundation" for system-wide growth through sound planning, design, and financial practices. This insures that the system's infrastructure meets current and future demands for service.

2. Site-specific growth and development is expected to pay its own way in the expansion of the system's infrastructure to meet growth needs. This "growth pays for growth" policy is recognized and accepted by regulatory authority, cities, and industry professionals as the fairest means by which utilities can meet planned development objectives. It truly represents a "cost-based" formula whereby costs are directly related to their origin.

This philosophy is promulgated through the District's policies and procedures.

As you contemplate your planned venture, we look forward to assisting you in meeting your development goals. Our staff and support-group of industry professionals are ready and able to provide you with the information necessary for the successful evaluation of your water and/or wastewater utility needs. Please review the Non-Standard Service Application packet of information and complete and return the application form along with a preliminary or final plat so that we may begin the process of helping you make your project a success.

Johnson County Special Utility District

Preliminary Instructions

Non-Standard Service is a term which simply means that your request for service is not a standard request. Your service offers the potential for significant additional demands on the Johnson County Special Utility District's water and/or wastewater facilities.
All water/wastewater utilities struggle with meeting regulations for maintaining adequate service capacity. As your proposed project is evaluated, the District concerns itself with its ability to provide the necessary capacity to meet your needs while continuing to provide adequate service to its existing customers. For this reason, the potential impacts on system capacity must be carefully evaluated, priced according to the need to maintain adequate capacity, and constructed to meet local, state, and federal regulations.

The following information is designed to assist you in understanding the policies and procedures associated with meeting the terms and conditions for non-standard service with the District. As well, the application process is designed to assist the District in evaluating your needs. Through careful evaluation, you can be assured that your interests will be adequately served while protecting the District's physical and financial integrity. Through this process, everyone wins.

This application process can be simple or complex, depending on the nature of your service needs. Therefore, it is important to remember that the District is available to assist you in understanding this information. We encourage you to schedule a session with the staff to work through the details of this process. Helping you through this process will save time and money. Please take advantage of this opportunity.

The Non-Standard Service Application Form is provided in this packet. You may copy, complete and return it to the District. The staff can assist you in proper completion of the form, if necessary. The District will date stamp the Application Form upon receipt and return a copy to you for your records if needed. You will also need to provide a copy of the layout or map of your location, development, or facility to be served along with the application form. The District staff will also advise you of the specific requirements regarding the plat. Once you have completed the Application Form and submitted an acceptable plat, the staff will walk you through the rest of the process. Depending on the complexity of your service request, this process may be modified to specifically serve the demands of your project. Be assured that the District will apply the most streamlined process possible while maintaining consistency in policy application.

One final note: Providing water and wastewater services to the public costs money. In many cases, water/wastewater facilities are the single most costly component of projects such as yours. While such projects as yours can prove to be beneficial to the District, the District is not in a position to venture into speculative projects by extending its services for non-standard service applicants. If you are willing to pay your fair share of costs to provide service to your project, the District will do everything in its power to make water/wastewater services cost effective. To this end, we offer our best wishes and support.

NOTICE OF COMPLIANCE FOR LINE EXTENSION POLICY OF JOHNSON COUNTY SPECIAL UTILITY DISTRICT

Pursuant to Chapter 13.2502 of the Texas Water Code, Johnson County Special Utility District (JCSUD) hereby gives notice that any person who subdivides land by dividing any lot, tract or parcel within its service area, described as Certificate of Convenience and Necessity No. 10081, into two or more lots or sites for the purpose of sale or development including re-subdivision of a previously filed and recorded plat, or requests more than two water or sewer service connections on a single contiguous tract of land must comply with Section F of the JCSUD service policy as it addresses the issue of service line extensions.

JCSUD is not required to extend retail water or sewer utility service to an applicant in a subdivision where the developer of the subdivision has failed to comply with the provisions of the service policy.

Applicable requirements concerning service line extensions according to the JCSUD service policy include:

- Evaluation of subdivision impact on water system
- Evaluate design for proposed line extension
- Assess reasonable fees for investigation, engineering, inspection, etc.

Anyone interested in water service provided by JCSUD is encouraged to inquire about details at the office located at 2849 Hwy 171 South, Cleburne, TX. A copy of the service policy or service area map may be obtained at the office. Also, both are filed of record at the Texas Commission on Environmental Quality, c/o Utility Rates and Services Section, Water Utilities Division, PO Box 13087, Austin, TX 78711 for your review.

Ipour - 019

JCSUD SERVICE POLICY
SECTION F
NON-STANDARD SERVICE REQUIREMENTS

SECTION F.

DEVELOPER, SUBDIVISION AND NON-STANDARD SERVICE REQUIREMENTS

1. ***District's Limitations.*** All Applicants shall recognize that the District must comply with local, state, and federal rules and regulations as promulgated from time to time, and with covenants of current indebtedness.

2. ***Purpose.*** It is the purpose of this Section to define the process for which the specific terms and conditions for service to subdivisions and other kinds of Non-Standard Service are determined, including the Non-Standard Service Applicant's and the District's respective costs. The Applicant must be the same person or entity that is authorized to enter into a contract with the District setting forth terms and conditions pursuant to which Non-Standard Service will be furnished to a property or subdivision.

3. ***Application of Rules.*** This Section is applicable to subdivisions, additions to subdivisions, developments, or whenever additional service facilities are required for a single tract of property. Examples of non-standard services for a single tract of property include, but are not limited to, road bores and extensions to the distribution system. For the purposes of this Service Policy, Applications subject to this Section shall be defined as Non-Standard. The Board of Directors allows the General Manager or his designee to interpret on an individual basis whether or not the Applicant's service request shall be subject to all or part of the conditions of this Section.

   This Section sets forth the general terms and conditions pursuant to which the District will process Non-Standard Service Requests. The specific terms and conditions pursuant to which the District will provide non-standard service in response to any request will depend upon the nature of such request and may be set forth in a legally enforceable, contractual agreement to be entered into by the District and the service Applicant. The agreement may not contain any terms or conditions that conflict with this Section.

4. ***Non-Standard Service Application.*** The Applicant shall meet the following requirements prior to the initiation of a Non-Standard Service Contract by the District:
   a. The Applicant shall provide the District a completed Service Application and Agreement giving special attention to the item**(s)** on SPECIAL SERVICE NEEDS OF THE APPLICANT.
   b. A preliminary or final plat acknowledged by the District must accompany the Application showing the Applicant's requested service area. The plat must ultimately be approved by all governmental authorities exercising jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such governmental authorities shall be submitted with the plat. Applicants for single taps involving extension or upsizing of facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.
   c. A Non-Standard Service Investigation Fee shall be paid to the District in accordance with the requirements of Section G for purposes of covering initial administrative, legal, and engineering costs. The District shall refund any balance that remains after it has completed its service investigation, and has completed all legal and engineering services associated with processing a request. In the event such a fee is not sufficient to pay all

expenses incurred by the District, the Applicant shall pay to the District all remaining expenses that have been, or will be incurred by the District and District shall have no obligation to complete processing of the request until all remaining expenses have been paid.

d. If after the service investigation has been completed, the District determines that the Applicant's service request is for property located, in whole or in part, outside the area described in the District's defined service area, service may be extended provided that:
   1) The service location is not in an area receiving similar service from another retail utility;
   2) The service location is not within another retail utility's Certificate of Convenience and Necessity; and
   3) Where applicable the District's defined service area shall be amended to include the entirety of Applicant's property for which service is requested. Applicant is subject to pay all costs incurred by District for annexation or for amending its CCN, including but not limited to engineering and professional fees. The District may extend service prior to completing the amendment to its CCN, but will do so only upon Applicant's legally enforceable agreement to fully support such amendment (including but not limited to payment of all professional fees, including legal, surveying and engineering fees incurred by District in securing the amendment). If the District determines to annex the property, the applicant shall secure written requests for annexation from all ownership interests in the property to be annexed, and shall pay all costs, including engineering and professional fees for the annexation.

5. ***Design.*** Upon receipt of the signed Service Application and Investigation Fee, the District shall study the design requirements of the Applicant's required facilities prior to initiation of a Non-Standard Service Contract by adopting the following schedule:
   a. The Developer is subject to submitting an engineered design and plans for the proposed development. The District maintains the right to have its Engineer to give a cost estimate, design, or review and approve design and/or plans for, all on-site and off-site service facilities for the Applicant's requested service within the District's specifications, incorporating any applicable municipal or other governmental codes and specifications.
   b. The Engineer providing design and plans shall ensure all facilities for any Applicant meet the demand for service as platted and/or requested in the plans or plat submitted an application for service. The District reserves the right to upgrade design of service facilities to meet future demands provided however, that the District shall participate in such upgrading in excess of the Applicant's facility requirements.
   c. Extending water line facilities are subject to being installed the full length of the property.

6. ***Non-Standard Service Contract.*** Applicants requesting or requiring Non-Standard Service may be required to execute the District's Service Application and Agreement. Said agreement shall define the terms of service prior to construction of required service facilities. The service contract may include, but is not limited to:
   a. All costs associated with required administration, design, construction, and inspection of facilities for water/sewer service to the Applicant's service area and terms by which these costs are to be paid.
   b. Procedures by which the Applicant shall accept or deny a contractor's bid, thereby committing to continue or discontinue the project.
   c. Terms by which service capacity shall be reserved for the Applicant and duration of reserved service with respect to the impact the Applicant's service demand will have upon

the District's system capability to meet other service requests, including assessment of any reserved service fee (if applicable).

d. Terms by which the District shall administer the Applicant's project with respect to:
   1) Design of the Applicant's service facilities;
   2) Securing and qualifying bids;
   3) Execution of the Service Agreement;
   4) Selection of a qualified bidder for construction;
   5) Dispensing advanced funds for construction of facilities required for the Applicant's service;
   6) Inspecting construction of facilities; and
   7) Testing facilities and closing the project.

e. Terms by which the Applicant shall indemnify the District from all third party claims or lawsuits in connection with the project.

f. Terms by which the Applicant shall deed all constructed facilities to the District and by which the District shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the Applicant's project.

g. Terms by which the Applicant shall grant title or easement for right-of-ways, constructed facilities, and facility sites and/or terms by which the Applicant shall provide for the securing of required right-of-ways and sites.

h. Terms by which the Board of Directors shall review and approve the Service Contract pursuant to current rules, regulations, and bylaws.

i. Agreement to enforceable remedies in the event applicant fails to comply with all contract obligations, including specific performance.

The District and the Applicant must execute a Non-Standard Service Agreement prior to the initiation of construction of facilities by the Applicant. In the event that the Applicant commences construction of any such facilities prior to execution of said Agreement with the District, then the District may refuse to provide service to the Applicant (or require full costs of replacing/repairing any facilities constructed without prior execution of said Agreement from any person buying a lot or home from Applicant), require that all facilities be uncovered by the Applicant for inspection by the District, require that any facilities not approved by the District be replaced, or take any other lawful action determined appropriate by the Board of Directors of the District.

7. ***Property and Right-of-Way Acquisition.*** With regard to construction of facilities, the District shall require right-of-way easements or property dedicated to the District as per the following conditions:

   a. If the District determines that right-of-way easements or facility sites outside the Applicant's property are required, the Applicant shall secure easements or title to facility sites in behalf of the District. All right-of-way easements and property titles shall be researched, validated, and filed by the District at the expense of the Applicant.

   b. All costs associated with facilities that must be installed in public right-of-ways on behalf of the Applicant, due to the inability of the Applicant to secure private right-of-way easements, shall be paid by the Applicant. Alternatively, Applicant shall pay all costs, including legal and other professional fees and the condemnation award in the event District secures such private easements or facility sites through eminent domain proceedings.

   c. The District shall require an exclusive dedicated right-of-way on the Applicant's property (as required by the size of the planned facilities and as determined by the District) and

title to property required for other on-site facilities.

d. Easements and facilities sites shall be prepared for the construction of the District's pipeline and facility installations in accordance with the District's requirements and at the expense of the Applicant.

8. ***Bids for Construction.*** The Developer's Engineer is subject to advertise for bids for the construction of the Applicant's proposed facilities in accordance with generally accepted practices. Plans and specifications shall be made available, with or without charge, to prospective bidders. The District reserves the right to reject any bid or contractor. The contract is generally awarded to the lowest and best bidder, and subject to the following criteria:
   a. The Applicant shall sign the Service Contract noting willingness to proceed with the project and shall pay all costs in advance of construction associated with the project;
   b. The Contractor shall provide an adequate bid bond under terms acceptable to the District;
   c. The Contractor shall secure adequate performance and payment bonding for the project under terms acceptable to the District;
   d. The Contractor shall supply favorable references acceptable to the District;
   e. The Contractor shall qualify with the District as competent to complete the work; and
   f. The Contractor shall provide adequate certificates of insurance as required by the District.

9. ***Pre-Payment for Construction and Service.*** After the Applicant has executed the Service Agreement, the Applicant is subject to pay to the District all costs necessary for completion of the project prior to construction and in accordance with the terms of the Non-Standard Service Contract.

10. ***Construction.***
   a. All roadwork pursuant to state, county and/or municipal standards (as applicable) shall be completed prior to facility construction to avoid future problems resulting from road right-of-way completion and excavation. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage during construction of Applicant's facilities.
   b. The District shall, at the expense of the Applicant, inspect the facilities to ensure compliance with District standards.
   c. Construction plans and specifications shall be strictly adhered to, but the District reserves the right to change-order any specifications, due to unforeseen circumstances during the design phase, to better facilitate construction or operation of the Applicant's facility. All change-order amounts shall be charged to the Applicant.

11. ***Service within Subdivisions***. The District's objective to provide service to any customer located within a subdivision governed by this section is strictly limited to the nonstandard service specified by the Applicant. The District is not required to extend retail utility service to an Applicant in a subdivision where the responsible party (Applicant/Developer) of the applicable property (subdivision) has failed to comply with the terms of this Service Policy. The Applicant is responsible for paying for all costs necessary for non-standard service to a subdivision as determined by the District under the provisions of this Service Policy and specifically the provisions of this Section; if the Applicant fails to pay these costs, the District

has the right to require payment of these costs by any one or more of the persons purchasing lots within such subdivision before the District is obligated to provide water/sewer service. In addition, District may elect to pursue any remedies provided by the Non-Standard Service Contract. Applicant is advised that purchasers of lots also may have legal recourse to the Applicant under Texas law.

12. ***Fire Hydrant Installation Request.*** All requests for fire hydrant installation must be provided in writing to JCSUD. JCSUD reserves the right to determine "good cause" for approving such requests. Fire hydrants will only be installed by JCSUD or their designated installer. All costs for materials and labor will be paid in advance by the requestor. Upon completion of installation, fire hydrant will become the property of JCSUD. This policy will be reviewed and updated as required.

13. ***Portable Meter Request.*** All requests for the use of portable meters that attach to fire hydrants for "quick-fill" needs shall be by written application. Portable meters are issued for the temporary use primarily during construction projects. These meters are not intended for use as an alternate source for water service to a single location on a continuous or regular basis as would be appropriately served according to the provisions of standard service. Approved applicants will furnish a deposit for the use of a portable meter if needed. The portable meter issued will remain the property of JCSUD. Upon return, any damage to the equipment will be grounds for retaining a reasonable portion of the deposit to cover the cost of repair.

14. ***Pro-rata Reimbursement and Associated Fees.*** The District may from time to time enter into a pro-rata reimbursement agreement with a developer or applicant for remitting payment due to future connections that come onto the water utility line extended and funded by the developer/applicant.
    a. The developer/applicant (or "Constructing Applicant") contemplating a line extension project is required to fund the construction of off-site facilities to the District's utility system;
    b. The District will determine the facility needs and the total connections on the Project line to be extended. This also corresponds to the number of pro-rata fees to be collected and used to determine the reimbursement amount to the Constructing Applicant;
    c. The District shall assess a four percent administrative fee for each pro-rata fee collected from subsequent connecting applicants, which shall be deducted from the pro-rata reimbursement before remittance to the Constructing Applicant;
    d. The Pro-rata Reimbursement Agreement shall contain the following items:
        1) The term of the agreement shall not exceed seven years;
        2) Given that a single residential-type meter is applicable, the cost may be calculated based on extending a 2 inch water line (the District reserves the right to fund the over sizing of the line);

3) The total of reimbursements shall not be for more than 80 percent of the project cost for the off-site improvements; and
4) The pro-rata fee is the amount to be collected from future connections coming onto the Project line originally funded by the Constructing Applicant. This fee shall be based on an appropriate formula as determined at the onset of the Project by the District on a case by case basis. The following of which would be a likely scenario:

Pro-rata fee = [PC - (PC/TC)] ÷ (TC – 1)

Where: PC is the project cost to the Constructing Applicant;

and TC is the total connections on the Project line.

EXAMPLE: Project Cost = \$14,000 Total Connections on Project = 5

Then: $\frac{\$14,000 - (14,000 \div 5)}{5 - 1} = \frac{\$14,000 - 2,800}{4} =$ \$2,800

Pro-rata fee = \$2,800

ATTACHMENT F

August 4, 2022 Johnson County SUD Letter and Hydraulic Analysis

CAIN AND KIEL LAW

D. Scott Cain **Brent Kiel**

August 4, 2022

via email: aanderson@winstead.com
Arthur Anderson
Winstead
2728 N. Harwood Street, Ste 500
Dallas, Texas 76033

RE: Johnson County Special Utility District and Non-Standard Service Application of Megatel Homes

Dear Mr. Anderson:

Please find enclosed the requested hydraulic analysis. As you know, your client's development is located within an area that is a dually certified CCN for both Johnson County Special Utility District (JCSUD) and the city of Mansfield. Further, the city of Mansfield provides wholesale water to JCSUD that includes various contractual obligations regarding the dually certified area.

My understanding is that Mr. Ross Martin with your firm is in communications with Allen Taylor, Mansfield's attorney regarding Mansfield serving this development and that Mansfield may ultimately service the development. Therefore, before JCSUD can move forward in the development process or review/approve any development plans, JCSUD will need approval from the city of Mansfield to serve the development. Therefore, the production of this hydraulic analysis is specifically subject to the contractual rights of the city of Mansfield.

Feel free to contact me should you have any questions.

Very truly yours,

D. Scott Cain

Enclosure

cc: Allen Taylor, Jr., City Attorney for Mansfield

508 N. Ridgeway Dr.
Cleburne, TX 76033

(817) 645-1717, office
(817) 645-1739, fax

WWW.CAINLAWYERS.COM

JCSUD JOHNSON COUNTY SPECIAL UTILITY DISTRICT	**Hydraulic Analysis Report** Subject to Change*
Development Megatel Homes Full Build Out	**Developer** Steve Maglisceau o.b.o. Megatel Homes, LLC
Proposed Connections 2,543 Total (1,251 SF & 1292 MF)	**Pressure Plane** 25
Location 3700 County Rd 617, Alvarado, TX 76009	**Analysis Type** ❑ Standard ■ Standard W/ Fire Flow ❑ Re-Evaluation
Development's Impact on System** The size of the development is significantly larger than the systems current capacity.	**Meets TCEQ requirements** ■ With System Improvements ❑ Without System Improvements
Estimated Fire Flow at Development (Existing)*** GPM 0 PSI 0	**Estimated Fire Flow at Development (W/ Improvements)***** GPM 2,000 PSI 59.68
Required Improvements **Summary** Pressure Plane 25 will need to be divided and infrastructure for the new pressure plane will be required.	
Approval STATE OF TEXAS JEREMIAH I. BIHL 131037 LICENSED PROFESSIONAL ENGINEER	**Date** 08/03/2022

*The hydraulic analysis does not hold capacity within the District's system. It is an overview study for your development within the system as of the date of the analysis. With growth and additional infrastructure being installed within the system, this study is subject to change.

**Note this analysis is evaluated with JCSUD's minimum line size. Any offsite or larger lines are listed in the analysis. Please reference JCSUD specifications for minimum line sizing.

***Fire Flow GPM and Pressure is for the development while maintaining the required TCEQ minimum of 20 psi for the affected Pressure Plane.

Ipour - 029

Required Improvements

OFF-SITE

The development's demand is significantly larger than the currently existing demand on Pressure Plane 25. Extensive infrastructure improvements shall be required to create a new pressure plane. To meet TCEQ paper capacity, an addition of a 300,000 gallon elevated storage tank, 6,000 GPM pump station, and 2,500 GPM of supply capacity shall be required for the development along with approximately 5,800 LF of 20" waterline.

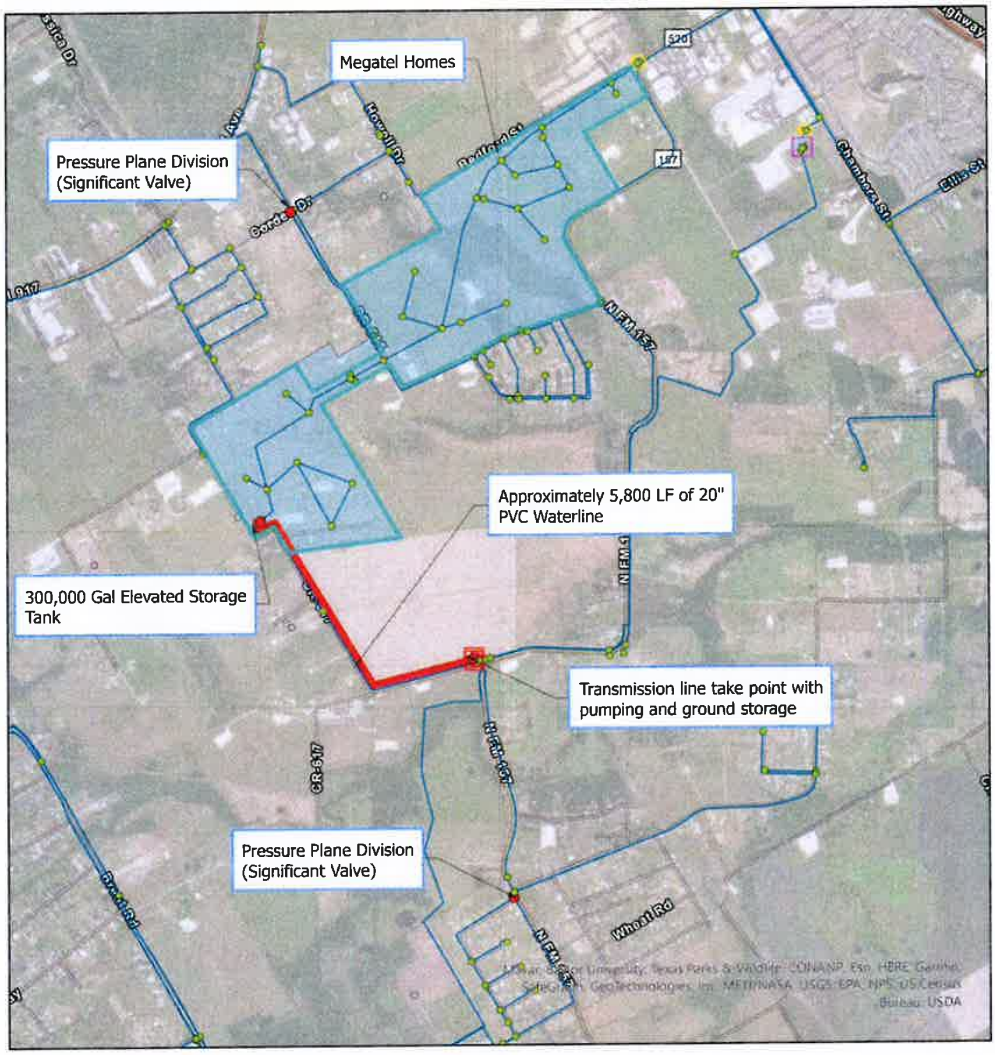
These improvements were based on land use and design assumptions. Further investigation during design will need to be completed by the developer to finalize the design before moving forward. This includes, but is not limited to,a geotechnical study, land survey, easement acquisition, permitting, and structural design. This analysis did not investigate disinfection equipment, easement or property availability, geotechnical characteristic of the the proposed EST site, TCEQ requirements, etc.

JCSUD reserves the right to upsize any of the proposed infrastructure during the preliminary design phase.

ON-SITE

Maintain 8" minimum line size for all distribution lines. Supply fire hydrants every 500 LF on the distribution system.
Install approximately 9,000 LF of 16" PVC waterline from the elevated storage tank to the multi-family development, connected to the crossing 8" waterline along CR-515.
Install approximately 3,150 LF of 12" PVC waterline from the multi-family development to FM-157 and connect to the existing 8" waterline.

Off-site Improvements



Off-Site Improvements

JCSUD
JOHNSON COUNTY SPECIAL UTILITY DISTRICT

Megatel Homes

Analysis Date: 6/7/2022

Ipour - 031

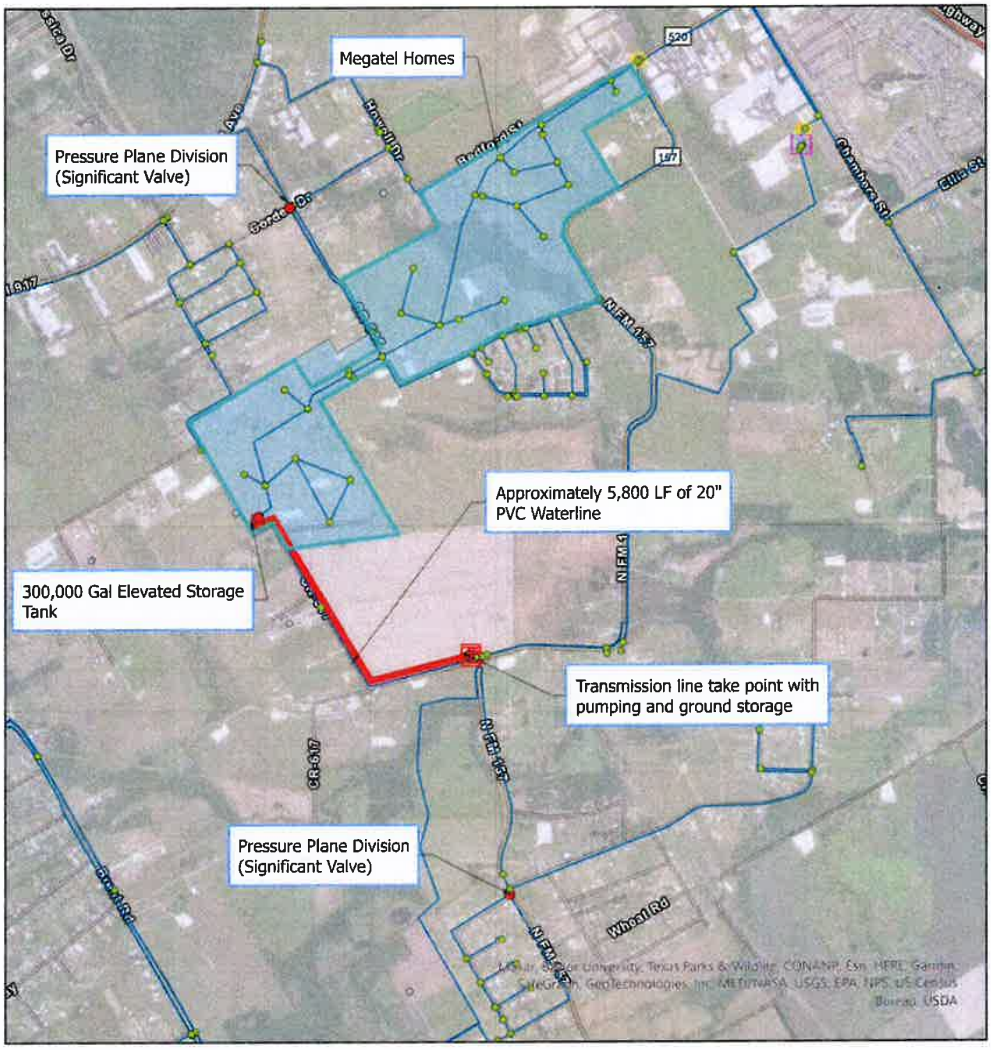
APP Ex. 00524

APP – 14A

Applicant - Supplemental Response to Hearing Request

(Includes partial attachments to an affidavit in Bates Ipour 031 through Ipour 051 which were filed in this docket, although the filing which included the partial attachments involved another related TCEQ matter)

Off-site Improvements



Off-Site Improvements

JCSUD
JOHNSON COUNTY SPECIAL UTILITY DISTRICT

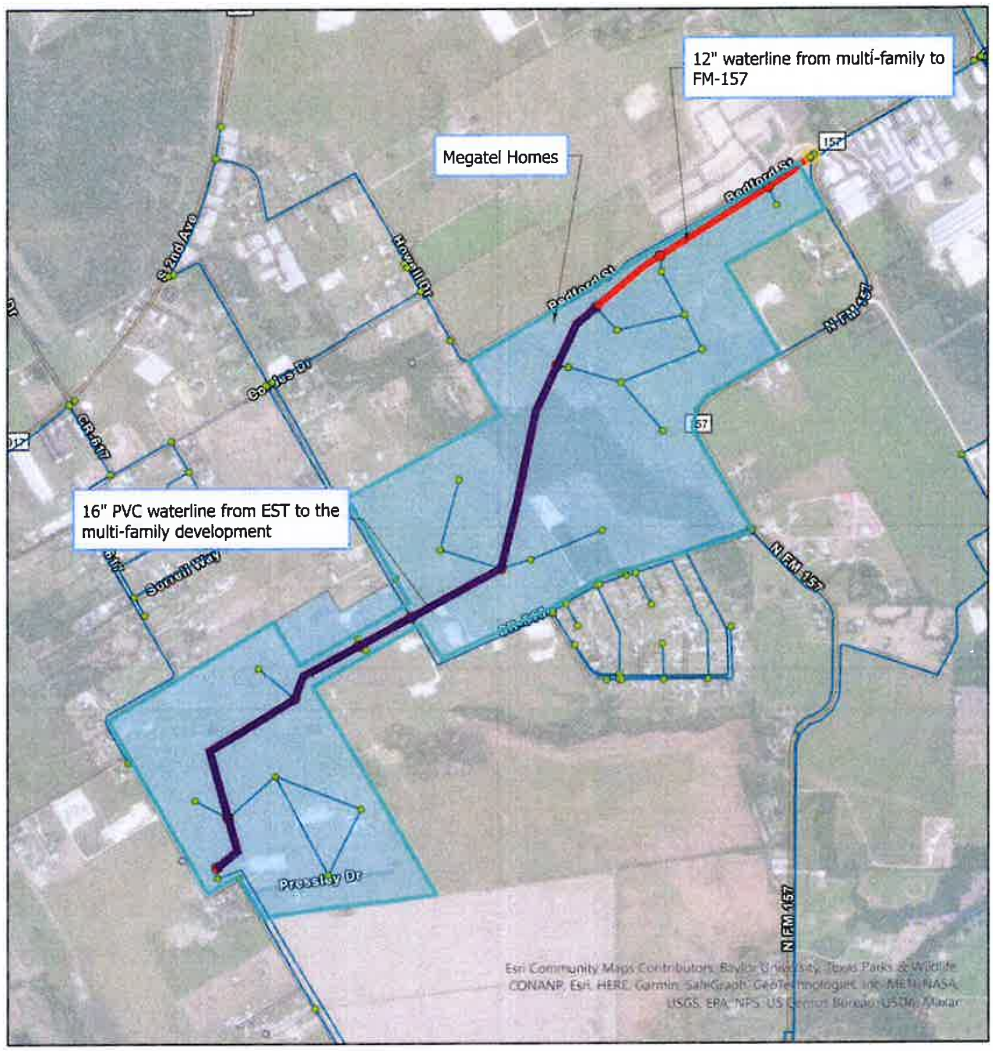
Megatel Homes

Analysis Date: 6/7/2022

Ipour - 031

APP Ex. 00526

On-site Improvements



On-Site Improvements

JCSUD
JOHNSON COUNTY SPECIAL UTILITY DISTRICT

Megatel Homes

Analysis Date: 6/7/2022

Ipour - 032

APP Ex. 00527

ATTACHMENT G

July 10, 2023 Revised Non-Standard Service Application Form to JCSUD (Excerpt dated June 28, 2023)

JCSUD | 740 FM 3048, P.O. Box 1390, Joshua, TX 76058

Non-Standard Service Application

Date of Application: 06/28/202

Name of Proposed Development: Ciprian

Name of Person Completing Application: Josh

Name of Developer(s)/Applicant: Steve Maglisceau o.b.o. Megatel Homes,

Mailing Address: 2101 Cedar Springs Rd., Suite 700, Dallas, Texas

Phone No: 972-339-015 Mobile No: Josh Barton: 469-312-049

Email: steve.maglisceau@megatelhomes.com &

Please provide legal description of property as listed in deed records, filed plat, or other acceptable instrument.

Please provide or attach acreage, vicinity, physical location, approved plat, etc.: multiple tracts; see attached concept plan Johnson CAD Parcel ID Nos.126.0083.08040,126.0083.00178,126.0464.08010,126.0083.08020

Check Type of Service Application Type:

Subdivision/Development	☒	Apartment (Multi-Family Units)	☒	Mobile Home Park	☐
Commercial/Industrial Park	☐	Larger Meter (>3/4" meter)	☐	RV Park	☐
Fire Line/Fire Suppression	☒	Other Lagoon	☒	Wastewater	☐

Water Demand Criteria (Please provide/attach all water demand criteria for each meter or meter equivalent, or any engineering studies completed for the proposed service):

Maximum number of proposed lots: 1,272 & 2,000 MF Range of standard lot size(s): 40X120' &

Are additional phases planned for this development? ☐ Yes (No. of Phases _____) ☐ No

Is the property located within a City Limits? ☐ Yes _____ ☐ No

Is the property located within an ETJ of a City? ☒ Yes Mansfiel ☐ No

By execution hereof, as the authorized representative of the stated applicant, I hereby acknowledge receipt of the *JCSUD Non-Standard Service Application Packet* in effect at the time issued, on such date as indicated.

Print & Sign Name

Senior Project — Title

06/28/202 — Date Signed

Do not write below this line-OFFICE USE ONLY

Date Application Returned: _____ Map Page: _____

Layout Submitted with Application: ☐ Yes ☐ No Plant: _____

Non-Standard Service Request Type: ☐ Hydraulic Analysis ☐ Meter

Account/Project No.: _____ Fire Flow Requirement: _____

Hydraulic Analysis Fee: _____ Date Paid: _____

Comments: _____

Ipour - 034

ATTACHMENT H

Documents to Remove the Cipriani Development from the City's ETJ

PETITION FOR RELEASE FROM
THE CITY OF MANSFIELD'S EXTRATERRITORIAL JURISDICTION

THE STATE OF TEXAS §

COUNTY OF JOHNSON §

TO THE HONORABLE MAYOR AND CITY COUNCIL, CITY OF MANSFIELD, TEXAS:

COMES NOW the undersigned (the "Petitioner"), acting pursuant to Chapter 42 of the Texas Local Government Code, as amended (the "Act"), respectfully petitions the City of Mansfield, Texas ("City") to release certain property located within the City's extraterritorial jurisdiction, as more particularly described in the attached Exhibit "A" (the "Property"). In support of same, Petitioner would respectfully show the following:

I.

The Property is located within the extraterritorial jurisdiction of the City of Mansfield, Texas in Johnson County, Texas, and is not within the corporate limits or extraterritorial jurisdiction of any other municipality. Petitioner requests release from the extraterritorial jurisdiction of the City of Mansfield, Texas.

II.

The Property does not lie in an area:

(i) within five (5) miles of the boundary of a military base, at which an active training program is conducted, as defined by Section 43.0117 of the Texas Local Government Code, as amended;

(ii) that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county in which the population grew by more than fifty percent (50%) from the previous federal census in the federal census conducted in the year 2020 and has a population of greater than 240,000;

(iii) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million and that is within fifteen (15) miles of the boundary of a military base, at which an active training program is conducted, and in a county with a population of more than two (2) million;

(iv) designated as an industrial district under Section 42.044 of the Texas Local Government Code, as amended; or

(v) subject to a strategic partnership agreement entered into under Section 43.0751 of the Texas Local Government Code, as amended.

III.

The persons or entities (through authorized representatives) signing this Petition constitute a majority in value of the holders of title to the Property as shown by the tax rolls and conveyances of record since the date of preparation of said county tax rolls.

IV.

The Petitioner, having met the petition requirements in §42.104 of the Act, requests the City immediately release the Property from the City's extraterritorial jurisdiction pursuant to §42.105(c) of the Act. Otherwise, the Property shall be released by operation of law pursuant to §42.105(d) of the Act.

V.

This Petition will be filed with the City Secretary, City of Mansfield, Texas.

VI.

WHEREFORE, the Petitioners respectfully pray that this petition be granted in all respects and that the City Council of the City of Mansfield, Texas adopt an ordinance or resolution releasing the Property from the City's extraterritorial jurisdiction.

[SIGNATURE PAGE TO FOLLOW]

RESPECTFULLY SUBMITTED, on this the 22 day of September, 2023.

PETITIONER:

Cipriani Island Laguna Azure, LLC
a Wyoming limited liability company

By: _____

Name: Zach Ipour

Title: Co-President

STATE OF TEXAS §
§
COUNTY OF Dallas §

This instrument was acknowledged before me on this 22 day of September, 2023, by Zach Ipour, Co President of Cipriani Island Laguna Azure, LLC, a Wyoming limited liability company, on behalf of said entity.

_____
Notary Public in and for the State of Texas

(NOTARY SEAL)

TISHA TRIBBLE
Notary Public, State of Texas
Comm. Expires 04-23-2026
Notary ID 131540082

017871.000004\4857-7649-0112.v1

EXHIBIT "A"
Tract 1 - 334.201 ACRES

BEING all that certain lot, tract, or parcel of land, situated in the B.B.B. & C.R.R. Survey, Abstract Number 83, City of Mansfield ETJ, Johnson County, Texas, and being part of that certain called Second, Third, and Fourth tracts, described by deed to Samuel Sparkman Brinkley Trust, recorded in Document Number 2012-1879, Deed Records, Johnson County, Texas, and being part of that certain tract land described by deed to Dorothy B. Richards Family Limited Partnership, recorded in Volume 2557, Page 540, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar set, stamped "MCADAMS", at the southwest corner of said Third tract, and being an inner ell corner of a certain called 547.277 acre tract of land, described by deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, from which a 1/2" caped rebar found, stamped "MILLER 5665", bears S 65°34' W, 3.2 feet;

THENCE N 30°06'06" W, with the west line of said Third tract, and the most northerly east line of said Sunbelt tract, passing at a distance of 502.92 feet to the most northerly northeast corner of said Sunbelt tract, same being the southeast corner of a certain tract of land, described as Tract 2 to NWBB Corp., recorded in Document Number 2021-15400, Deed Records, Johnson County, Texas, from which a 1/2" rebar found bears S 59°57' W, 24.8 feet, passing at a distance of 806.76 feet, the northeast corner thereof, same being the southeast corner of a certain tract of land, described as Tract 1 to NWBB Corp., recorded in Document Number 2021-15400, Deed Records, Johnson County, Texas, from which a 1/2" capped rebar found, stamped "MILLER 5665" (WITNESS), bears S 59°55' W, 25.0 feet, and from which a 1/2" rebar found, bears S 55°52' W, 24.9 feet, passing at a distance of 1,106.70 feet, the northeast corner thereof, same being the southeast corner of a certain tract of land, described by deed to Heath Owens and wife Rebecca Owens, recorded in Volume 2243, Page 857, Deed Records, Johnson County, Texas, from which a 1/2" rebar found, bears S 59°51' W, 25.0 feet, passing the northeast corner thereof, same being the southeast corner of a certain called 13.767 acre tract of land, described by deed to Gary Bennett and wife Linda Bennett, recorded in Volume 817, Page 772, Deed Records, Johnson County, Texas, passing the northeast corner thereof, continuing a total distance of 2,245.75 (called 2,244.44) feet to a 1/2" capped rebar set, stamped "MCADAMS" at the northwest corner of said Third tract, same being the southwest corner of a certain called 12.00 acre tract of land, described by deed to Gary Lee Pannell, recorded in Volume 1420, Page 898, Deed Records, Johnson County, Texas, from which a 1/2" capped rebar found, stamped "MILLER 5665", bears N 78°57' W, 12.0 feet;

THENCE N 59°38'52" E, with the north line of said Third tract, and the south line of said Pannell tract, passing at distance of 806.93 feet, a 1/2" rebar found at the southeast corner thereof, same being the southwest corner of a certain called 11.40 acre tract of land, described by deed to David Hammond, recorded in Volume 2762, Page 193, Deed Records, Johnson County, Texas, continuing 1,296.54 feet to a 1/2" rebar found at the southeast corner thereof, same being the southwest corner of a certain called 12.10 acre tract of land, described by deed to Debra Meeks and husband Raymond Meeks, recorded in Document Number 2012-9516, Deed Records, Johnson County, Texas, passing the northeast corner of said Third tract, same being the most westerly northwest corner of said Fourth tract, continuing a total distance of 2,057.45 (called 2,078.61) feet to a 3/8" rebar found, at the southeast corner of said Meeks tract, same being the most westerly inner ell of said Fourth tract;

THENCE N 29°56'36" W, with the most northerly west line of said Fourth tract, same being the east line of said Meeks tract, a distance of 677.55 (called 702.78) feet to a 1/2" capped rebar set, stamped

"MCADAMS", at the northwest corner of said Fourth tract, and being in the east line of said Meeks tract, from which a 1/2" capped rebar found, stamped "MILLER 5665", bears N 70°48' E, 17.5 feet;

THENCE N 60°03'37" E, with a north line of said Fourth tract, a distance of 1,958.90 (called 1,941.67) feet to a 1/2" rebar found at the most northerly inner ell of said Fourth tract;

THENCE N 30°02'18" W, with the most northerly west line of said Fourth tract, passing the most westerly south line of a certain tract of land, described by deed to The William Troy Sells and Brenda J. Sells Revocable Living Trust, recorded in Document Number 2014-25753, Deed Records, Johnson County, Texas, continuing a total distance of 85.23 (called 88.89) feet to a 1/2" rebar found, at the most easterly northwest corner of said Fourth tract;

THENCE N 60°32'36" E, with the most easterly north line of said Fourth tract, a distance of 2,683.39 (called 2,683.39) feet to a 100D Nail found at the northeast corner of said Fourth tract;

THENCE with the most northerly east line of said Fourth tract the following three (3) calls:

> S 30°17'25" E, a distance of 200.46 feet to a 1/2" capped rebar set, stamped "MCADAMS", from which a 1/2" capped rebar found, bears S 49°22' E, 9.6 feet;
>
> Southeasterly with the arc of a curve to the left, having a radius of 422.00 feet, a central angle of 23°58'44", and an arc length of 176.61 feet, whose chord bears S 18°21'38" E, 175.32 feet to a 1/2" capped rebar set, stamped "MCADAMS",;
>
> S 30°21'00" E, a distance of 257.80 feet to a 3/8" rebar found, at the most easterly southeast corner of said Fourth tract, same being the northeast corner of a certain tract of land, described by deed to Clarence Phillips and Dorothy Faye Phillips, recorded in Volume 396, Page 325, Deed Records, Johnson County, Texas;

THENCE S 60°12'52" W, with the most easterly south line of said Fourth tract, same being the north line of said Phillips tract, a distance of 1,297.32 (calculated 1,304.44) feet to a 1/2" rebar found (DISTURBED) at the northwest corner of said Phillips tract, and being the most easterly inner ell of said Fourth tract;

THENCE S 30°02'14" E, with west line of said Phillips tract, and the most southerly east line of said Fourth tract, passing the most a southeast corner thereof, same being the northeast corner of said Second tract, continuing a total distance of 1,234.91 (calculated 1,204.44) feet to a 1/2" capped rebar set, stamped "MCADAMS" at the southwest corner of said Phillips tract, same being the most easterly southeast corner of said Second tract, from which a 1/2" capped rebar found, stamped "MILLER 5665", bears S 30°02' E, 9.6 feet, and an Axel found bears S 51°59' W, 5.6 feet;

THENCE with the northerly south line of said Second tract, the following three (3) calls:

> S 60°19'34" W, a distance of 947.63 feet to a 1/2" capped rebar set, stamped "MCADAMS";
>
> Southwesterly, with the arc of a curve to the left, having a radius of 422.00 feet, a central angle of 25°08'53", and an arc length of 185.22 feet, whose chord bears S 47°45'07" W, 183.74 feet to a 1/2" capped rebar set, stamped "MCADAMS";
>
> S 60°19'34" W, a distance of 204.79 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the inner ell of said Second tract;

THENCE with the most southerly east line of said Second tract, the following four (4) calls:

S 29°59'31" E, a distance of 204.79 feet to a 1/2" capped rebar set, stamped "MCADAMS";

Southeasterly, with the arc of a curve to the left, having a radius of 422.00 feet, a central angle of 25°08'53", and an arc length of 185.22 feet, whose chord bears S 17°25'04" E, 183.74 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 29°59'31" E, a distance of 1,164.13 feet to a 1/2" capped rebar set, stamped "MCADAMS";

Southeasterly, with the arc of a curve to the left, having a radius of 1216.00 feet, a central angle of 3°58'16", and an arc length of 84.28 feet, whose chord bears S 31°58'38" E, 84.26 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the most westerly southeast corner of said Second tract;

THENCE S 72°05'50" W, with the most westerly south line of said Second tract, passing the most westerly southwest corner of said Second tract, same being the most southerly southeast corner of said Fourth tract, continuing a total distance of 1,967.32 (calculated 1,977.37) feet to a 1/2" capped rebar set, stamped "MCADAMS";

THENCE S 58°09'35' W, with the most westerly south line of said Fourth tract, passing the southwest corner thereof, same being the southeast corner of said Third tract, continuing a total distance of 648.24 feet to a Mag Nail with shiner set;

THENCE S 65°35'50" W, with the south line of said Third tract, passing the northeast corner of a certain tract of land, described by deed to EOG Resources, Inc., passing the northwest corner thereof, same being in the north line of said Sunbelt tract, continuing a total distance of 1,436.11 feet to the POINT OF BEGINNING and containing approximately 334.201 acres of land.

Tract 2 - 6.414 ACRES

BEING all that certain lot, tract, or parcel of land, situated in the K. Johnson Survey, Abstract Number 464, City of Mansfield ETJ, Johnson County, Texas, and being part of that certain tract of land, described by deed to Keith Pressley ETUX, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, and being part of that certain called 172.165 acre tract of land, described by deed to Sherman T. Pressley and S. K. Pressley, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" rebar found at the southwest corner of said Keith Pressley tract, same being the most southerly southwest corner of said Sherman Pressley tract, same being the most westerly northwest corner of a certain called 547.277 acre tract of land, described by deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, and being in the east line of a certain tract of land, described by deed to Dawn L. Drue and Debbie Lynn Lopez, recorded in Volume 2983, Page 958, Deed Records, Johnson County, Texas, from which a 1/2" rebar found bears S 79°15' W, 26.0 feet;

THENCE N 30°33'18" W, with the west line of said Keith Pressley tract, the most southerly west line of said Sherman Pressley tract, the east line of said Lopez tract, passing the northeast corner thereof, same being the southeast corner of a certain called 9.116 acre tract of land, described by deed to Andrea Muccuan, recorded in Volume 3459, Page 557, Deed Records, Johnson County, Texas, passing the easterly northeast corner of thereof, same being the southeast corner of a certain called 3.604 acre tract of land, described by deed to Rudolfo Flores and Maria Flores, recorded in Volume 3674, Page 480, Deed Records, Johnson County, Texas, continuing a total distance of 370.96 feet to a PK Nail with shiner set at

the northwest corner of said Keith Pressley tract, being in the southerly west line of said Sherman Pressley tract, and being in the east line of said Flores tract;

THENCE N 82°36'12" E, with the north line of said Keith Pressley tract, a distance of 894.33 feet to a PK Nail found, at the northeast corner thereof, same being the northwest corner of a certain called 6.3793 acre tract of land, described by deed to Kathy Cooley, and David W. Cooley, recorded in Volume 4014, Page 106, Deed Records, Johnson County, Texas;

THENCE S 07°29'13" E, with the east line of said Keith Pressley tract, and the west line of said Cooley tract, a distance of 338.85 (called 337.63) feet to a 1/2" capped rebar set, stamped "MCADAMS" at the southeast corner of said Keith Pressley tract, same being the southwest corner of said Cooley tract, being in the south line of said Sherman Pressley tract, and being in the westernmost north line of said Sunbelt tract;

THENCE S 82°25'59" W, with the south line of said Keith Pressley tract, and the south line of said Sherman Pressley tract, and the westernmost north line of said Sunbelt tract, a distance of 748.98 (called 749.02) feet to the POINT OF BEGINNING and containing approximately 6.414 acres of land.

Tract 3 - 6.387 ACRES

BEING all that certain lot, tract, or parcel of land, situated in the K. Johnson Survey, Abstract Number 464, City of Mansfield ETJ, Johnson County, Texas, and being part of that certain called 6.3793 acre tract of land, described by deed to Kathy Cooley and David W. Cooley, recorded in Volume 4014, Page 106, Deed Records, Johnson County, Texas, and being a part of that certain called 172.165 acre tract of land, described by deed to Sherman T. Pressley and S. K. Pressley, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found, at the southeast corner of said Cooley tract, and being in the most easterly south line of said Sherman Pressley tract, and being in the most westerly north line of a certain called 547.277 acre tract of land, described by deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, from which a 1/2" capped rebar found, stamped "GOSSETT 1811", at the southeast corner of said Pressley tract, same being an inner ell of said Sunbelt tract, bears N 82°25'59" E, 481.61 (deed calculated 481.02) feet;

THENCE S 82°25'59" W, with the south line of said Cooley tract, the south line of said Sherman Pressley tract, and the most westerly north line of said Sunbelt tract, a distance of 868.09 (called 868.56) feet to a 1/2" capped rebar set, stamped "MCADAMS" at the southwest corner of said Cooley tract, same being the southeast corner of a certain tract of land, described by deed to Keith Pressley ETUX, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, being in the south line of said Pressley tract, and being in the north line of said Sunbelt tract;

THENCE N 07°29'13" W, with the west line of said Cooley tract, a distance of 338.85 (called 337.63) feet to a PK Nail found, at the northwest corner of said Cooley tract, same being the northeast corner of said Keith Pressley tract, from which a 1/4" Nail found bears S 68°03' E, 0.45 feet;

THENCE N 82°36'12" E, with the north line of said Cooley tract, a distance of 779.98 (called 780.47) feet to a 1/4" Nail found at the northeast corner of said Cooley tract;

THENCE S 22°09'49" E, with the east line of said Cooley tract, a distance of 347.76 (called 340.69) feet to the POINT OF BEGINNING and containing approximately 6.387 acres of land.

Tract 4 - 9.996 ACRES

BEING all that certain lot, tract, or parcel of land, situated in the B.B.B. & C.R.R. Survey, Abstract Number 83, City of Mansfield ETJ, Johnson County, Texas, and being part of that certain called 10.062 acre tract of land, described by deed as Tract 2 to NWBB Corp., recorded in Document Number 2021-15400, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" capped rebar found, stamped "1276", at the northwest corner of said Tract 2, same being the southwest corner of a certain called 14.955 acre tract of land, described as Tract 1 to NWBB Corp., recorded in Document Number 2021-15400, Deed Records, Johnson County, Texas, and being in the east line of a certain called 172.165 acre tract of land, described by deed to Sherman T. Pressley and S. K. Pressley, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, from which a 1/2" rebar found at the northeast corner of said Pressley tract bears N 30°30'17" E, 600.48 feet;

THENCE N 59°55'55" E, with the north line of said Tract 2, and the south line of said Tract 1, a distance of 1,276.31 feet to a 1/2" capped rebar set, stamped "MCADAMS";

THENCE S 30°04'05" E, a distance of 30.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";

THENCE N 59°55'55" E, a distance of 95.00 feet to a 1/2" capped rebar set, stamped "MCADAMS";

THENCE N 30°04'05" W, a distance of 30.00 feet to a 1/2" capped rebar set, stamped "MCADAMS" in the north line of said Tract 2, and the south line of said Tract 1;

THENCE N 59°55'55" E, with the north line of said Tract 2, and the south line of said Tract 1, a distance of 75.09 feet to the northeast corner of said Tract 2, same being the southeast corner of said Tract 1, and being in the west line of a certain tract of land, described by deed as Third Tract to Samuel Sparkman Brindley Trust, recorded in Document Number 2012-1879, Deed Records, Johnson County, Texas, from which a 1/2" capped rebar found, (WITNESS) stamped "MILLER 5665" bears S 59°55' W, 25.0 feet, and a 1/2" rebar found bears S 55°52' W, 24.9 feet;

THENCE S 30°06'06" E, with the east line of said Tract 2, and the west line of said Third tract, a distance of 303.53 feet to the southeast corner of said Tract 2, same being the most northerly northeast corner of a certain called 547.277 acre tract of land, described by deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, and being in the west line of said Third tract, from which a 1/2" rebar found (WITNESS) bears S 59°57' W, 24.8 feet;

THENCE S 59°57'17" W, with the south line of said Tract 2, same being the most northerly north line of said Sunbelt tract, a distance of 1,444.27 feet to a 1/2" rebar found at the southwest corner of said Tract 2, same being the most northerly northwest corner of said Sunbelt tract, and being in the east line of said Pressley tract, from which a 1/2" capped rebar found, stamped "GOSSETT 1811", at the southeast corner of said Pressley tract, same being an inner ell corner of said Sunbelt tract, bears S 30°30'17" E, 2,872.70 feet;

THENCE N 30°30'17" W, with the west line of said Tract 2, and the east line of said Pressley tract, a distance of 302.97 feet to the POINT OF BEGINNING and containing approximately 9.996 acres of land.

Tract 5 - 160.168 ACRES

BEING all that certain lot, tract, or parcel of land, situated in the B.B.B. & C. Railroad Survey, Abstract Number 83, City of Mansfield ETJ, Johnson County, Texas, and being part of that certain called 172.165 acre tract of land, described by deed to Sherman T. Pressley and S. K. Pressley, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the northeast corner of said Pressley tract, same being the northwest corner of a certain called 14.955 acre tract of land, described as Tract 1 to NWBB Corporation, recorded in Document Number 2021-15400, Deed Records, Johnson County, Texas, and being the southeast corner of a certain called 6.802 acre tract of land, described by deed to Brian and Christy Fugitt, recorded in Document Number 2016-14487, Deed Records, Johnson County, Texas, and being the southwest corner of a certain called 13.767 acre tract of land, described by deed to Gary and Wife Linda Bennett, recorded in Volume 817, Page 772, Deed Records, Johnson County, Texas;

THENCE S 30°30'17" E, with the east line of said Sherman Pressley tract, and the west line of said Tract 1, passing at a distance of 600.48 feet, a 1/2" CRF, stamped "1276" at the southwest corner thereof, same being the northeast corner of a certain called 10.062 acre tract of land, described as Tract 2 to NWBB Corporation, recorded in Document Number 2021-15400, Deed Records, Johnson County, Texas, passing at a distance of 903.45 feet a 1/2" rebar found at the southwest corner thereof, same being the most northerly northwest corner of a called 547.277 acre tract of land, described by deed to Sunbelt Land, recorded in Volume 3450, Page 120, Deed Records, Johnson County, Texas, continuing a total distance of 3,776.14 (called 3,775.60) feet to a 1/2" capped rebar found, stamped "GOSSETT 1811", at the southeast corner of said Sherman Pressley tract, same being the inner ell corner of said Sunbelt tract;

THENCE S 82°25'59" W, with the south line of said Sherman Pressley tract, same being the most westerly northern line of said Sunbelt tract, a distance of 481.61 (called 481.02) feet to a 1/2" rebar found at the southeast corner of a certain called 6.3793 acre tract of land, described by deed to Kathy & David W. Cooley, recorded in Volume 4014, Page 106, Deed Records, Johnson County, Texas, being in the easterly south line of said Sherman Pressley tract, and being in the most westerly northern line of said Sunbelt tract;

THENCE N 22°09'49" W, with the east line of said Cooley tract, a distance of 347.76 (called 340.69) feet to a 1/4" Nail found at the northeast corner thereof;

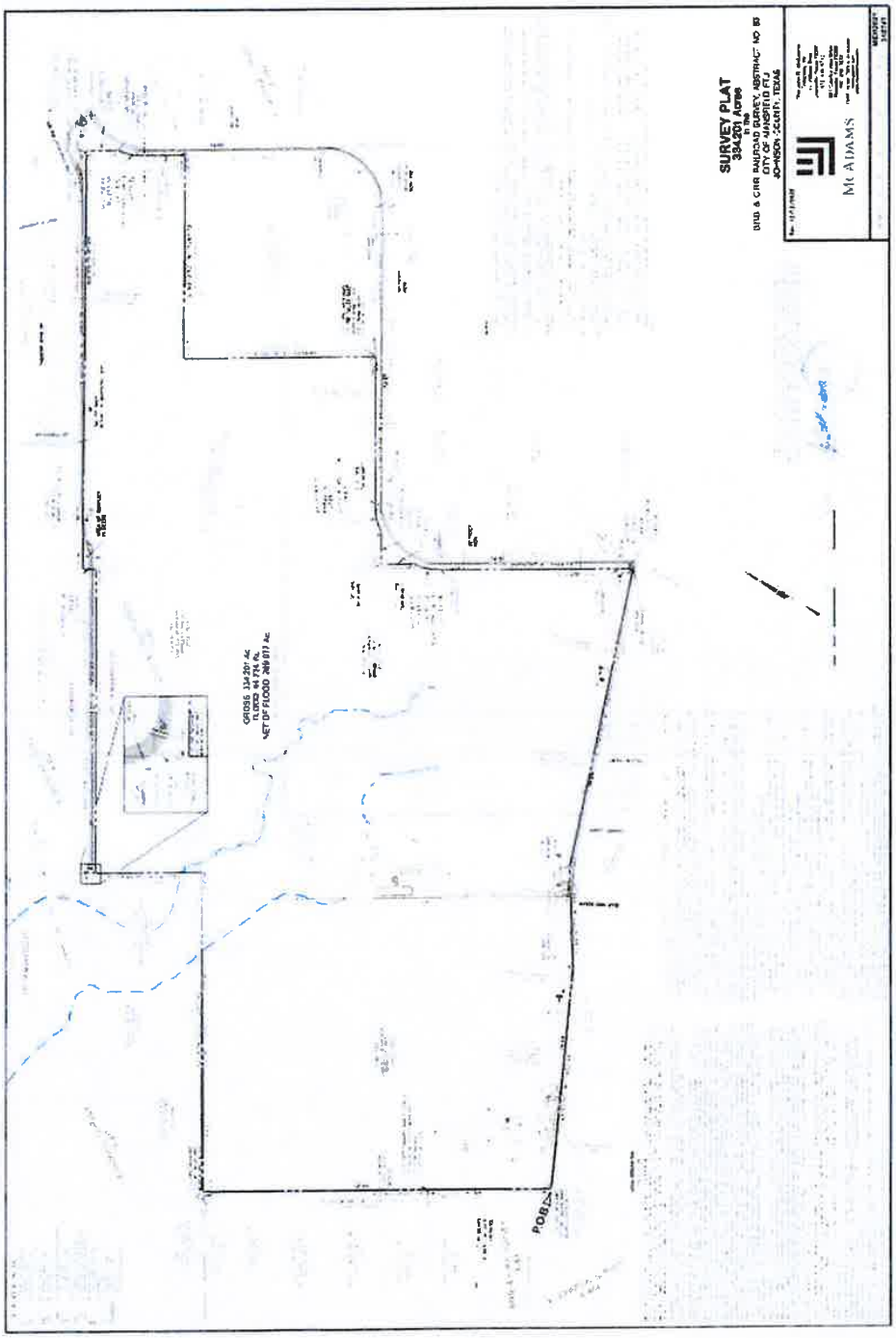
THENCE S 82°36'12" W, with the north line of said Cooley tract passing at a distance of 779.98 feet a PK Nail found at the northwest corner thereof, same being the northeast corner of a certain tract of land, described by deed to Keith Pressley ETUX, recorded in Volume 1068, Page 176, Deed Records, Johnson County, Texas, from which a 1/4" Nail found bears S 68°03' E, 0.45 feet, continuing with the north line a total distance of 1,674.31 feet to a PK Nail with shiner set at the northeast corner of said Keith Pressley tract, being in the west line of said Sherman Pressley tract, and being in the east line of a certain called 3.604 acre tract of land, described by deed to Rudolfo and Maria Flores, recorded in Volume 3674, Page 480, Deed Records, Johnson County, Texas, and being in County Road 617;

THENCE N 30°33'18" W, with the west line of said Sherman Pressley tract, and the east line of said Flores tract, a distance of 150.68 feet to a 1/2" rebar found, at the inner ell of said Sherman Pressley tract, same being the northeast corner of said Flores tract;

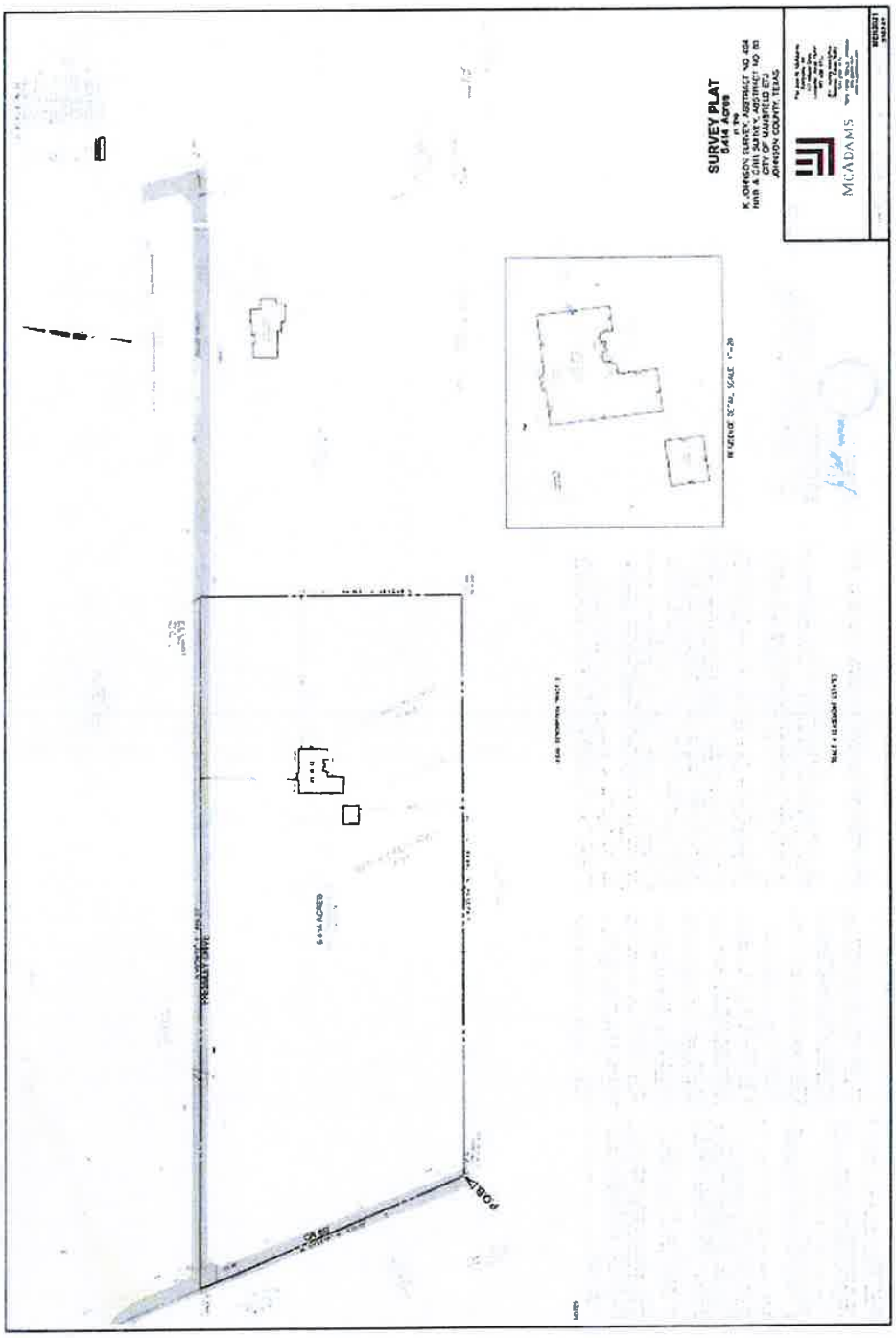
THENCE S 60°17'47" W, with the most westerly south line of said Sherman Pressley tract, and the north line of said Flores tract, passing the northwest corner thereof, same being the most westerly northeast corner of a certain called 9.116 acre tract of land, described by deed to Andrea Muccuan, recorded in Volume 3459, Page 557, Deed Records, Johnson County, Texas, continuing a total distance of 436.76 (called 430.56) feet to a 1/2" rebar found at the most westerly southwest corner of said Sherman Pressley tract, and being the southeast corner of a certain tract of land, described by deed to Shook Tara Prater, recorded in Document Number 2021-20756, Deed Records, Johnson County, Texas;

THENCE N 29°14'00" W, with the most northerly west line of said Sherman Pressley tract, and with said County Road 317, and the east line of said Tara Prater tract, passing at a distance of 300.00 feet a PK Nail found at the northeast corner thereof, same being the most easterly southeast corner of a certain 31.12 acre tract of land, described by deed to Ernest Prater, recorded in Volume 2274, Page 638, Deed Records, Johnson County, Texas, passing the northeast corner thereof, same being the southeast corner of a certain called 20.0 acre tract, described by deed to EOG Resources, recorded in Volume 3704, Page 646, Deed Records, Johnson County, Texas, passing the most easterly northeast corner thereof, same being the southeast corner of a certain called 1.00 acre tract of land, described by deed to James Prater, recorded in Volume 760, Page 684, Deed Records, Johnson County, Texas, passing at a distance of 2,273.55 feet a PK Nail found at the northeast corner thereof, same being the southeast corner of a certain tract of land described by deed to Don L. Hager, recorded in Volume 2656, Page 499, Deed Records, Johnson County, Texas, and from which a PK Nail found at the southwest corner of said Hager tract bears S 59°54'24" W, 364.34 feet, passing at a distance of 2,394.98 feet a PK Nail found at the northeast corner of said Hager tract, same being the southeast corner of a certain called 2.0 acre tract of land, described by deed to Homer Ray Bryan, recorded in Document Number 2021-18698, Deed Records, Johnson County, Texas, from which 1/2" rebar found, bears S 43°15' W, 26.3 feet, passing the northeast corner thereof, same being the southeast corner of a certain called 2.660 acre tract of land, described by deed to Robert Copple III, recorded in Document Number 2011-5863, Deed Records, Johnson County, Texas, continuing a total distance of 2455.49 (called 2,450.00) feet to a 1/2" capped rebar set, stamped "MCADAMS" at the northwest corner of said Sherman Pressley tract, same being the most easterly northeast corner of said Copple tract, and being in the south line of a certain called 2.28 acre tract of land, described by deed to Ariel Campisi, recorded in Document Number 2013-7921, Deed Records, Johnson County, Texas, from which a 1/2" rebar found, at the southwest corner thereof, bears S 60°05'57" W, 21.91 feet;

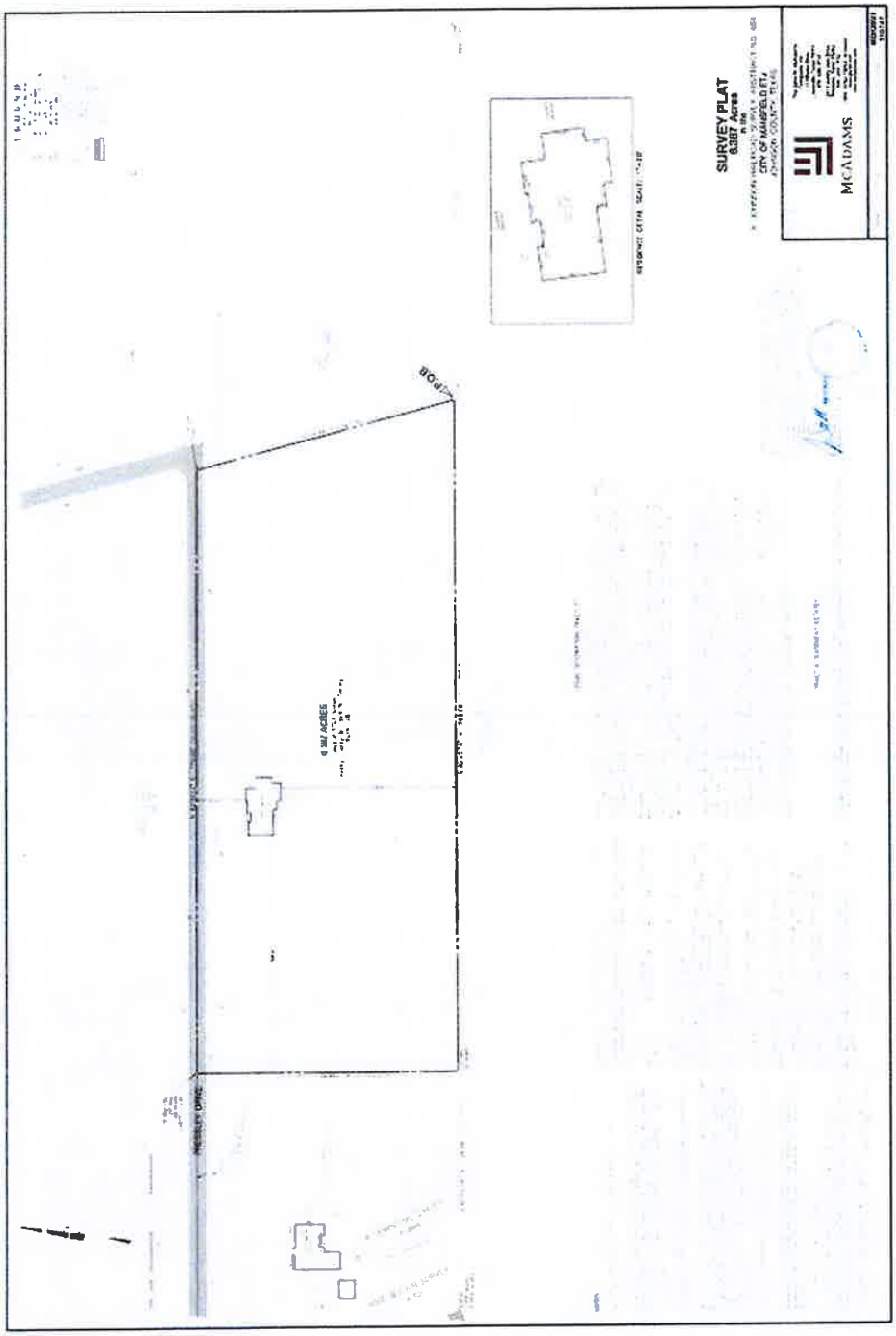
THENCE N 60°05'57" E, with the north line of said Sherman Pressley tract, and the south line of said Campisi tract, and generally with said County Road 617, passing the southeast corner thereof, same being the southwest corner of a certain called 2.29 acre tract of land, described by deed to Janice Wayman, recorded in Document Number 2017-8226, Deed Records, Johnson County, Texas, from which a 1/2" rebar found (WITNESS), bears N 28°03' W, 17.6 feet, passing the southeast corner thereof, same being the southwest corner of a certain called 4.353 acre tract of land, described by deed to Luis & Monica Bojorquez, recorded in Document Number 2019-13282, Deed Records, Johnson County, Texas, passing the southeast corner thereof, leaving said County Road 617, passing the southwest corner of a certain called 6.802 acre tract of land, described by deed to Brian and Christy Fugitt, recorded in Document Number 2016-14487, Deed Records, Johnson County, Texas, continuing a total distance of 2315.54 (called 2,372.22) feet to the POINT OF BEGINNING and containing approximately 160.168 acres of land.

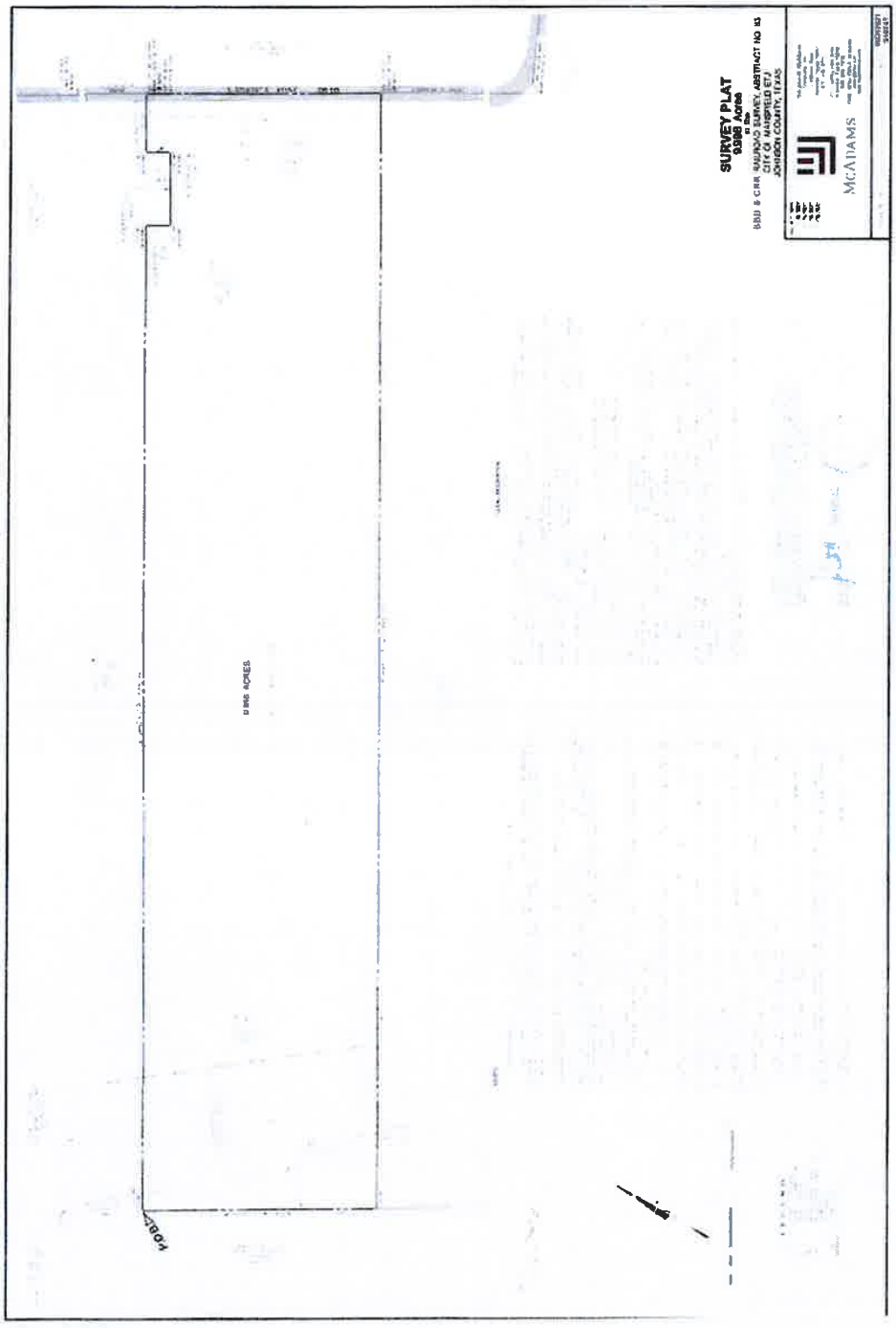

SURVEY PLAT
334201.1056
DFW & CRR RAILROAD SURVEY, ABSTRACT NO. 85
CITY OF MANSFIELD, TX
JOHNSON COUNTY, TEXAS
MCADAMS
GROSS 334201 AC
FLOOD 44.774 AC
NET OF FLOOD 289.977 AC
POB

Ipour - 046

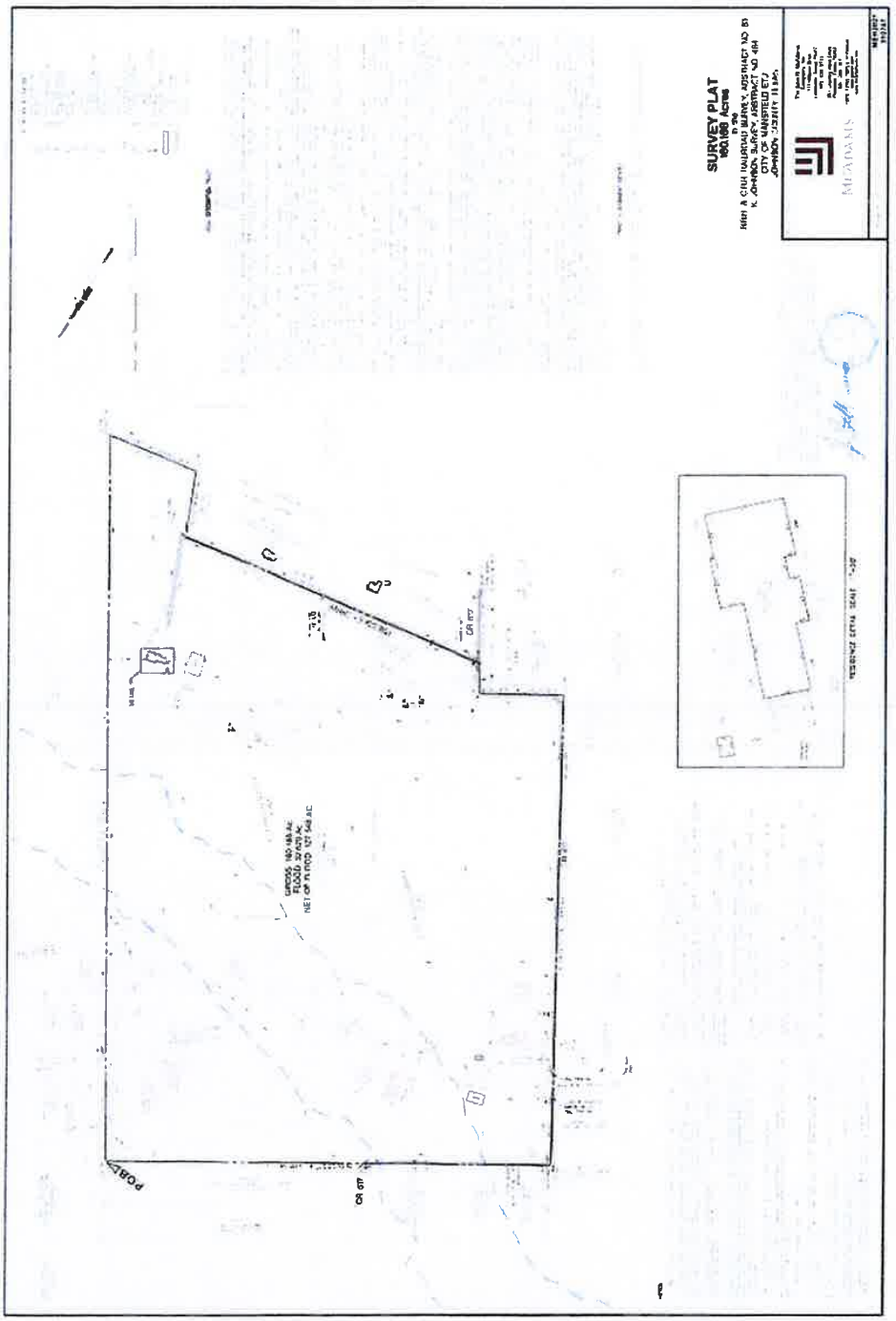


Ipour - 047


SURVEY PLAT
6.387 Acres
MCADAMS



Ipour - 049



Ipour - 050

CERTIFICATE OF DELIVERY

THE STATE OF TEXAS §

COUNTY OF JOHNSON §

I, , Richard Gowens, the undersigned, of Special Delivery, a courier service, hereby state that I delivered the attached copy of the Petition for Release from the City of Mansfield's Exterritorial Jurisdiction at the Office of the City Secretary of the City of Mansfield at 1200 E Broad Street, Mansfield, Texas 76063, on the 22nd day of September, 2023, at 12:40 o'clock P .m.

WITNESS MY HAND this 22 day of September, 2023.

By: Richard Gowens

Name: Richard Gowens

017871.000004\4856-9027-5201.v1

Ipour - 051

APP – 15

TCEQ ED – Supplemental Agenda Backup Information

Laurie Gharis

From:	Brenda.Kouri@tceq.texas.gov
Sent:	Friday, October 6, 2023 1:14 PM
To:	EFiling
Subject:	Filing on Permit Number/Docket Number 2023-0850-MWD
Attachments:	Agenda Backup_Megatel Homes LLC.pdf

FILING CONFIRMATION NUMBER 328476542023279

REGULATED ENTY NAME MANSFIELD TRACT WWTF

RN NUMBER: RN111496998

PERMIT NUMBER: WQ0016162001

DOCKET NUMBER: 2023-0850-MWD

COUNTY: JOHNSON

PRINCIPAL NAME: MEGATEL HOMES LLC, CN605490937

FROM

FILED BY:

FILED FOR NAME: Bobby Salehi

E-MAIL: Brenda.Kouri@tceq.texas.gov

PHONE: 512-239-5930

DOCUMENT NAME: Agenda Backup_Megatel Homes LLC.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk **DATE:** October 6, 2023

From: Bobby Salehi
Staff Attorney
Environmental Law Division

Subject: Backup Documents Filed for Consideration of Hearing Requests at Agenda

Applicant:	Megatel Homes, LLC
Proposed Permit No.:	WQ0016162001
Program:	Water
Docket No.:	TCEQ Docket No. 2023-0850-MWD

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application:

- Draft permit
- Statement of Basis/Technical Summary and ED's preliminary decision
- Compliance history report

TPDES PERMIT NO. WQ0016162001
[For TCEQ office use only - EPA I.D. No. TX0142891]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Megatel Homes, L.L.C.

whose mailing address is

2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

is authorized to treat and discharge wastes from the Mansfield Tract Wastewater Treatment Facility, SIC Code 4952

located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084

to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **five years from the date of issuance**.

ISSUED DATE:

For the Commission

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of completion of expansion to the 0.40 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Max. Single Grab	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (17)	15	25	35	One/week	Grab
Total Suspended Solids	15 (25)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (5.0)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

APP Ex. 00551

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of completion of expansion to the 0.40 million gallons per day (MGD) facility and lasting through the date of completion of expansion to the 1.0 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,111 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Max. Single Grab	
	mg/l (lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (33)	15	25	35	One/week	Grab
Total Suspended Solids	15 (50)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (10)	6	10	15	One/week	Grab
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

APP Ex. 00552

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date completion of expansion to the 1.0 million gallons per day (MGD) facility and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The annual average flow of effluent shall not exceed 1.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,778 gallons per minute.

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (83)	15	25	35	Two/week	Composite
Total Suspended Solids	15 (125)	25	40	60	Two/week	Composite
Ammonia Nitrogen	3 (25)	6	10	15	Two/week	Composite
E. coli, colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Two/month	Grab

2. The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored twice per week by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

APP Ex. 00553

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC § 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§ 5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC § 26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

1. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

   The daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

APP Ex. 00555

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.

6. The term "biosolids" is defined as sewage sludge that has been tested or processed to meet Class A, Class AB, or Class B pathogen standards in 30 TAC Chapter 312 for beneficial use.

7. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act (CWA); TWC §§ 26, 27, and 28; and THSC § 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 this 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.

2. Test Procedures

a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge or biosolids use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;

ii. identity of individual who collected the sample or made the measurement.

iii. date and time of analysis;

iv. identity of the individual and laboratory who performed the analysis;

v. the technique or method of analysis; and

vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office and the Compliance

Monitoring Team of the Enforcement Division (MC 224).

7. Noncompliance Notification

   a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective December 21, 2025, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

   b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

      i. Unauthorized discharges as defined in Permit Condition 2(g).

      ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.

      iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

   c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

   d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Compliance Monitoring Team of the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

   All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Compliance Monitoring Team of the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

APP Ex. 00558

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   i. One hundred micrograms per liter (100 µg/L);

   ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

   iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

   iv. The level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   i. Five hundred micrograms per liter (500 µg/L);

   ii. One milligram per liter (1 mg/L) for antimony;

   iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or

   iv. The level established by the TCEQ.

10. Signatories to Reports

    All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

11. All POTWs must provide adequate notice to the Executive Director of the following:

    a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;

    b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

    c. For the purpose of this paragraph, adequate notice shall include information on:

       i. The quality and quantity of effluent introduced into the POTW; and

       ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

APP Ex. 00559

PERMIT CONDITIONS

1. General

   a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

   b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

1. Violation of any terms or conditions of this permit;

   2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

   3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

   c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

   a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

   b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

   c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

   d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

   e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

   f. A permit may be amended, suspended and reissued, or revoked for cause in accordance

with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.

b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

   i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or

   ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or

   iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the

regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities

   This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights

   Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

8. Property Rights

   A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability

   The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application

    The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy

    a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

       i. the permittee;

       ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or

       iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.

b. This notification must indicate:

i. the name of the permittee;

ii. the permit number(s);

iii. the bankruptcy court in which the petition for bankruptcy was filed; and

4. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge or biosolids use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30

APP Ex. 00564

TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).

7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §§ 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words confidential business information on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 219) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

   b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:

a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Corrective Action Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.

e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well,

container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:

i. Volume of waste and date(s) generated from treatment process;
ii. Volume of waste disposed of on-site or shipped off-site;
iii. Date(s) of disposal;
iv. Identity of hauler or transporter;
v. Location of disposal site; and
vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC § 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC § 361.

TCEQ Revision 06/2020

SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **The disposal of sludge or biosolids by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of Class A or Class AB Biosolids. This provision does not authorize the permittee to land apply biosolids on property owned, leased or under the direct control of the permittee.**

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE OR BIOSOLIDS LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge or biosolids.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. 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.

B. Testing Requirements

1. Sewage sludge or biosolids shall be tested once during the term of this permit during Interim I and II phases, and annually during the Final phase. in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge or biosolids failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC

Region 4) within seven (7) days after failing the TCLP Test. The report shall contain test results, certification that unauthorized waste management has stopped, and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

2. Biosolids shall not be applied to the land if the concentration of the pollutants exceeds the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C. of this permit.

TABLE 1

Pollutant	Ceiling Concentration (Milligrams per kilogram)*
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B biosolids pathogen requirements.

a. For sewage sludge to be classified as Class A biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge must be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC § 312.82(a)(2)(A) for specific information;

APP Ex. 00569

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of must be treated in one of the Processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion; or

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of must be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

b. For sewage sludge to be classified as Class AB biosolids with respect to pathogens, the density of fecal coliform in the sewage sludge must be less than 1,000 MPN per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met:

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52° Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50%; or

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(iv-vi) for specific information; or

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

c. Sewage sludge that meets the requirements of Class AB biosolids may be classified a Class A biosolids if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.

APP Ex. 00570

d. Three alternatives are available to demonstrate compliance with Class B biosolids criteria.

Alternative 1

i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.

o. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and

1. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U.S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

APP Ex. 00571

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;

iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and

v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition to the Alternatives 1 – 3, the following site restrictions must be met if Class B biosolids are land applied:

i. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of biosolids.

ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of biosolids when the biosolids remain on the land surface for 4 months or longer prior to incorporation into the soil.

iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of biosolids when the biosolids remain on the land surface for less than 4 months prior to incorporation into the soil.

iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of biosolids.

v. Domestic livestock shall not be allowed to graze on the land for 30 days after application of biosolids.

vi. Turf grown on land where biosolids are applied shall not be harvested for 1 year after application of the biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

vii. Public access to land with a high potential for public exposure shall be restricted

APP Ex. 00572

for 1 year after application of biosolids.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids.

ix. Land application of biosolids shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following Alternatives 1 through 10 for vector attraction reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.

Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.

Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.

Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been

treated in either an aerobic or anaerobic treatment process.

Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 9 -

i. Biosolids shall be injected below the surface of the land.

ii. No significant amount of the biosolids shall be present on the land surface within one hour after the biosolids are injected.

iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10-

i. Biosolids applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ii. When biosolids that are incorporated into the soil is Class A or Class AB with respect to pathogens, the biosolids shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

Toxicity Characteristic Leaching Procedure (TCLP) Test	- once during the term of this permit during Interim I and II phases, and annually during the Final phase.
PCBs	- once during the term of this permit during Interim I and II phases, and annually during the Final phase.

All metal constituents and fecal coliform or *Salmonella* sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC § 312.46(a)(1):

Amount of biosolids (*) metric tons per 365-day period	Monitoring Frequency
0 to less than 290	Once/Year
290 to less than 1,500	Once/Quarter
1,500 to less than 15,000	Once/Two Months
15,000 or greater	Once/Month

APP Ex. 00574

(*) *The amount of bulk biosolids applied to the land (dry wt. basis).*

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC § 312.7

Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.

Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge or biosolids for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

APP Ex. 00575

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE OR BIOSOLIDS FOR APPLICATION TO THE LAND MEETING CLASS A, CLASS AB or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A, Class AB or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

1. **Pollutant Limits**

Table 2

Pollutant	Cumulative Pollutant Loading Rate (pounds per acre)*
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

Pollutant	Monthly Average Concentration (milligrams per kilogram)*
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

*Dry weight basis

B. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A, Class AB or Class B biosolids pathogen reduction requirements as defined above in Section I.B.3.

APP Ex. 00576

C. Management Practices

1. Bulk biosolids shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.

2. Bulk biosolids not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC §312.41 and the Management Requirements in accordance with 30 TAC § 312.44.

3. Bulk biosolids shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk Class A or AB biosolids sold or given away. The information sheet shall contain the following information:

   a. The name and address of the person who prepared the Class A or AB biosolids that are sold or given away in a bag or other container for application to the land.

   b. A statement that application of the biosolids to the land is prohibited except in accordance with the instruction on the label or information sheet.

   c. The annual whole sludge application rate for the biosolids application rate for the biosolids that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk biosolids are applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk biosolids are proposed to be applied. The notice shall include:

   a. The location, by street address, and specific latitude and longitude, of each land application site.

   b. The approximate time period bulk biosolids will be applied to the site.

   c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk biosolids.

2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the biosolids disposal practice.

E. Record Keeping Requirements

The documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a biosolids material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative for a

APP Ex. 00577

period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.

2. A description of how the pathogen reduction requirements are met (including site restrictions for Class AB and Class B biosolids, if applicable).

3. A description of how the vector attraction reduction requirements are met.

4. A description of how the management practices listed above in Section II.C are being met.

5. The following certification statement:

   "I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC § 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC § 312.83(b) have been met for each site on which bulk biosolids are applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk biosolids shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:

1. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.

   b. The location, by street address, and specific latitude and longitude, of each site on which biosolids are applied.

   c. The number of acres in each site on which bulk biosolids are applied.

   d. The date and time biosolids are applied to each site.

   e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.

   f. The total amount of biosolids applied to each site in dry tons.

APP Ex. 00578

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.
3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
4. The frequency of monitoring listed in Section I.C. that applies to the permittee.
5. Toxicity Characteristic Leaching Procedure (TCLP) results.
6. PCB concentration in sludge or biosolids in mg/kg.
7. Identity of hauler(s) and TCEQ transporter number.
8. Date(s) of transport.
9. Texas Commission on Environmental Quality registration number, if applicable.
10. Amount of sludge or biosolids disposal dry weight (lbs/acre) at each disposal site.
11. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
12. Level of pathogen reduction achieved (Class A, Class AB or Class B).
13. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B biosolids, include information on how site restrictions were met.
14. Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.
15. Vector attraction reduction alternative used as listed in Section I.B.4.

APP Ex. 00579

16. Amount of sludge or biosolids transported in dry tons/year.

17. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge or biosolids treatment activities, shall be attached to the annual reporting form.

18. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

    a. The location, by street address, and specific latitude and longitude.

    b. The number of acres in each site on which bulk biosolids are applied.

    c. The date and time bulk biosolids are applied to each site.

    d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk biosolids applied to each site.

    e. The amount of biosolids (i.e., dry tons) applied to each site.

    The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

APP Ex. 00580

SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE OR BIOSOLIDS DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

A. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge or biosolids disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge or biosolids to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge or biosolids disposal practice.

D. Sewage sludge or biosolids shall be tested once during the term of this permit during Interim I and II phases, and annually during the Final phase. in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge or biosolids failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

   Following failure of any TCLP test, the management or disposal of sewage sludge or biosolids at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge or biosolids no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Registration Support Division and the Regional Director (MC Region 4) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

   The report shall contain test results, certification that unauthorized waste management has stopped, and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Permitting and Registration Support Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 4) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

E. Sewage sludge or biosolids shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

F. Record Keeping Requirements

   The permittee shall develop the following information and shall retain the information for five years.

APP Ex. 00581

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.

1. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th of each year the following information. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Toxicity Characteristic Leaching Procedure (TCLP) results.
3. Annual sludge or biosolids production in dry tons/year.
4. Amount of sludge or biosolids disposed in a municipal solid waste landfill in dry tons/year.
5. Amount of sludge or biosolids transported interstate in dry tons/year.
6. A certification that the sewage sludge or biosolids meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
7. Identity of hauler(s) and transporter registration number.
8. Owner of disposal site(s).
9. Location of disposal site(s).
10. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

SECTION IV. REQUIREMENTS APPLYING TO SLUDGE OR BIOSOLIDS TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING

These provisions apply to sludge or biosolids that is transported to another wastewater treatment facility or facility that further processes sludge or biosolids. These provisions are intended to allow transport of sludge or biosolids to facilities that have been authorized to accept sludge or biosolids. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge or biosolids, nor do they limit the ability of the receiving facility to request additional testing or documentation.

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge or biosolids in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.

2. Sludge or biosolids may only be transported using a registered transporter or using an approved pipeline.

B. Record Keeping Requirements

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:

   a. the amount of sludge or biosolids transported;

   b. the date of transport;

   c. the name and TCEQ permit number of the receiving facility or facilities;

   d. the location of the receiving facility or facilities;

   e. the name and TCEQ permit number of the facility that generated the waste; and

   f. copy of the written agreement between the permittee and the receiving facility to accept sludge or biosolids.

2. For sludge or biosolids transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge or biosolids transported.

3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

APP Ex. 00583

C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 4) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th of each year. The permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge or biosolids treatment process or processes at the facility: preliminary operations (e.g., sludge or biosolids grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. the annual sludge or biosolids production;
3. the amount of sludge or biosolids transported;
4. the owner of each receiving facility;
5. the location of each receiving facility; and
6. the date(s) of disposal at each receiving facility.

TCEQ Revision 06/2020

OTHER REQUIREMENTS

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations, and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

2. This Category C facility during the Interim I and II phases, and category B facility during the Final phase must be operated by a chief operator or an operator holding a Class C license or higher during the Interim I and II phases, and Class B license or higher during the Final phase. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

3. The facility is not located in the Coastal Management Program boundary.

4. There is no mixing zone established for this discharge to an intermittent stream with perennial pools. Chronic toxic criteria apply at the point of discharge.

5. Prior to construction of the treatment facilities, the permittee shall submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC § 309.13(e)(3). The evidence of legal restrictions shall be submitted to the Executive Director in care of the TCEQ Wastewater Permitting Section (MC 148). The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). See Attachment A.

6. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.

7. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, one/month may be reduced to one/quarter in the Interim I and Interim II phases, and two/month may be reduced to one/month in the Final phase. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent

measurement schedule if necessary to protect human health or the environment.

8. Prior to construction of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Pages 2, 2a, and 2b of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

9. Within 90 days from the start-up of the facility, the permittee shall complete Attachment B with the analytical results for Outfall 001. The completed tables with the results of these analysis and laboratory reports shall be submitted to the Municipal Permits Team, Wastewater Permitting Section MC 148, TCEQ Water Quality Division. Based on a technical review of the submitted analytical results, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements. Test methods utilized to complete the tables shall be according to the test procedures specified in the Definitions and Standard Permit Conditions section of this permit and sensitive enough to detect the parameters listed in Attachment A at the minimum analytical level (MAL).

10. Reporting requirements according to 30 TAC §§ 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 4) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five days prior to plant startup or anticipated discharge, whichever occurs first, and prior to completion of each additional phase on Notification of Completion Form 20007.

APP Ex. 00586

BIOMONITORING REQUIREMENTS

CHRONIC BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for whole effluent toxicity (WET) testing.

1. Scope, Frequency, and Methodology

   a. The permittee shall test the effluent for toxicity in accordance with the provisions below. Such testing will determine if an appropriately dilute effluent sample adversely affects the survival, reproduction, or growth of the test organisms.

   b. Within 90 days of the final 1.0 MGD phase, the permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this part of this permit and in accordance with "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," fourth edition (EPA-821-R-02-013) or its most recent update:

      1) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*) (Method 1002.0). This test should be terminated when 60% of the surviving adults in the control produce three broods or at the end of eight days, whichever occurs first. This test shall be conducted once per quarter.

      2) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*) (Method 1000.0). A minimum of five replicates with eight organisms per replicate shall be used in the control and in each dilution. This test shall be conducted once per quarter.

   The permittee must perform and report a valid test for each test species during the prescribed reporting period. An invalid test must be repeated during the same reporting period. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

   c. The permittee shall use five effluent dilution concentrations and a control in each toxicity test. These effluent dilution concentrations are 32%, 42%, 56%, 75%, and 100% effluent. The critical dilution, defined as 100% effluent, is the effluent concentration representative of the proportion of effluent in the receiving water during critical low flow or critical mixing conditions.

   d. This permit may be amended to require a WET limit, a chemical-specific effluent limit, a best management practice, or other appropriate actions to address toxicity. The permittee may be required to conduct a toxicity reduction evaluation (TRE) after multiple toxic events.

   e. Testing Frequency Reduction

      1) If none of the first four consecutive quarterly tests demonstrates

APP Ex. 00587

significant toxicity, the permittee may submit this information in writing and, upon approval, reduce the testing frequency to once per six months for the invertebrate test species and once per year for the vertebrate test species.

2) If one or more of the first four consecutive quarterly tests demonstrates significant toxicity, the permittee shall continue quarterly testing for that species until this permit is reissued. If a testing frequency reduction had been previously granted and a subsequent test demonstrates significant toxicity, the permittee shall resume a quarterly testing frequency for that species until this permit is reissued.

2. Required Toxicity Testing Conditions

a. Test Acceptance - The permittee shall repeat any toxicity test, including the control and all effluent dilutions, which fail to meet the following criteria:

1) a control mean survival of 80% or greater;

2) a control mean number of water flea neonates per surviving adult of 15 or greater;

3) a control mean dry weight of surviving fathead minnow larvae of 0.25 mg or greater;

4) a control coefficient of variation percent (CV%) of 40 or less in between replicates for the young of surviving females in the water flea test; and the growth and survival endpoints in the fathead minnow test;

5) a critical dilution CV% of 40 or less for the young of surviving females in the water flea test; and the growth and survival endpoints for the fathead minnow test. However, if statistically significant lethal or nonlethal effects are exhibited at the critical dilution, a CV% greater than 40 shall not invalidate the test;

6) a percent minimum significant difference of 47 or less for water flea reproduction; and

7) a percent minimum significant difference of 30 or less for fathead minnow growth.

b. Statistical Interpretation

1) For the water flea survival test, the statistical analyses used to determine if there is a significant difference between the control and an effluent dilution shall be the Fisher's exact test as described in the manual referenced in in Part 1.b.

2) For the water flea reproduction test and the fathead minnow larval survival and growth tests, the statistical analyses used to determine if there is a significant difference between the control and an effluent

APP Ex. 00588

dilution shall be in accordance with the manual referenced in Part 1.b..

3) The permittee is responsible for reviewing test concentration-response relationships to ensure that calculated test-results are interpreted and reported correctly. The document entitled "Method Guidance and Recommendation for Whole Effluent Toxicity (WET) Testing (40 CFR Part 136)" (EPA 821-B-00-004) provides guidance on determining the validity of test results.

4) If significant lethality is demonstrated (that is, there is a statistically significant difference in survival at the critical dilution when compared to the survival in the control), the conditions of test acceptability are met, and the survival of the test organisms are equal to or greater than 80% in the critical dilution and all dilutions below that, then the permittee shall report a survival No Observed Effect Concentration (NOEC) of not less than the critical dilution for the reporting requirements.

5) The NOEC is defined as the greatest effluent dilution at which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. A significant effect is defined as a statistically significant difference between the survival, reproduction, or growth of the test organism in a specified effluent dilution when compared to the survival, reproduction, or growth of the test organism in the control (0% effluent).

6) The use of NOECs and LOECs assumes either a monotonic (continuous) concentration-response relationship or a threshold model of the concentration-response relationship. For any test result that demonstrates a non-monotonic (non-continuous) response, the NOEC should be determined based on the guidance manual referenced in Item 3.

7) Pursuant to the responsibility assigned to the permittee in Part 2.b.3), test results that demonstrate a non-monotonic (non-continuous) concentration-response relationship may be submitted, prior to the due date, for technical review. The guidance manual referenced in Item 3 will be used when making a determination of test acceptability.

8) TCEQ staff will review test results for consistency with rules, procedures, and permit requirements.

c. Dilution Water

1) Dilution water used in the toxicity tests must be the receiving water collected at a point upstream of the discharge point as close as possible to the discharge point but unaffected by the discharge. Where the toxicity tests are conducted on effluent discharges to receiving waters that are classified as intermittent streams, or where the toxicity tests are conducted on effluent discharges where no receiving water is available due to zero flow conditions, the permittee shall:

APP Ex. 00589

a) substitute a synthetic dilution water that has a pH, hardness, and alkalinity similar to that of the closest downstream perennial water unaffected by the discharge; or

b) use the closest downstream perennial water unaffected by the discharge.

2) Where the receiving water proves unsatisfactory as a result of pre-existing instream toxicity (i.e. fails to fulfill the test acceptance criteria of Part 2.a.), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

a) a synthetic lab water control was performed (in addition to the receiving water control) which fulfilled the test acceptance requirements of Part 2.a;

b) the test indicating receiving water toxicity was carried out to completion (i.e., 7 days); and

c) the permittee submitted all test results indicating receiving water toxicity with the reports and information required in Part 3.

3) The synthetic dilution water shall consist of standard, moderately hard, reconstituted water. Upon approval, the permittee may substitute other appropriate dilution water with chemical and physical characteristics similar to that of the receiving water.

d. Samples and Composites

1) The permittee shall collect a minimum of three composite samples from Outfall 001. The second and third composite samples will be used for the renewal of the dilution concentrations for each toxicity test.

2) The permittee shall collect the composite samples such that the samples are representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged on an intermittent basis.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the first composite sample. The holding time for any subsequent composite sample shall not exceed 72 hours. Samples shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions, and the sample holding time are waived during that sampling period. However, the permittee must have collected an effluent composite sample volume sufficient to complete the required toxicity tests with renewal of the effluent. When possible, the

APP Ex. 00590

effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report.

5) The effluent samples shall not be dechlorinated after sample collection.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated whether carried to completion or not.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 1 forms provided with this permit.

1) Annual biomonitoring test results are due on or before January 20th for biomonitoring conducted during the previous 12-month period.

2) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

3) Quarterly biomonitoring test results are due on or before April 20th, July 20th, October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

4) Monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TLP3B, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For the water flea, Parameter TOP3B, report the NOEC for survival.

3) For the water flea, Parameter TXP3B, report the LOEC for survival.

4) For the water flea, Parameter TWP3B, enter a "1" if the NOEC for reproduction is less than the critical dilution; otherwise, enter a "0."

5) For the water flea, Parameter TPP3B, report the NOEC for reproduction.

6) For the water flea, Parameter TYP3B, report the LOEC for reproduction.

7) For the fathead minnow, Parameter TLP6C, enter a "1" if the NOEC for

APP Ex. 00591

survival is less than the critical dilution; otherwise, enter a "0."

8) For the fathead minnow, Parameter TOP6C, report the NOEC for survival.

9) For the fathead minnow, Parameter TXP6C, report the LOEC for survival.

10) For the fathead minnow, Parameter TWP6C, enter a "1" if the NOEC for growth is less than the critical dilution; otherwise, enter a "0."

11) For the fathead minnow, Parameter TPP6C, report the NOEC for growth.

12) For the fathead minnow, Parameter TYP6C, report the LOEC for growth.

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

2) For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival is less than the critical dilution; otherwise, enter a "0."

4. Persistent Toxicity

The requirements of this Part apply only when a test demonstrates a significant effect at the critical dilution. Significant lethality and significant effect were defined in Part 2.b. Significant sublethality is defined as a statistically significant difference in growth/reproduction at the critical dilution when compared to the growth/reproduction in the control.

a. The permittee shall conduct a total of 2 additional tests (retests) for any species that demonstrates a significant effect (lethal or sublethal) at the critical dilution. The two retests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two retests in lieu of routine toxicity testing. All reports shall be submitted within 20 days of test completion. Test completion is defined as the last day of the test.

b. If the retests are performed due to a demonstration of significant lethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5. The provisions of Part 4.a. are suspended upon completion of the two retests and submittal of the TRE action plan and schedule defined in Part 5.

If neither test demonstrates significant lethality and the permittee is testing under the reduced testing frequency provision of Part 1.e., the permittee shall return to a quarterly testing frequency for that species.

c. If the two retests are performed due to a demonstration of significant sublethality, and one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall again perform two retests as stipulated in Part 4.a.

APP Ex. 00592

d. If the two retests are performed due to a demonstration of significant sublethality, and neither test demonstrates significant lethality, the permittee shall continue testing at the quarterly frequency.

e. Regardless of whether retesting for lethal or sublethal effects, or a combination of the two, no more than one retest per month is required for a species.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, or within 45 days of being so instructed due to multiple toxic events, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

b. Within 90 days of the retest that demonstrates significant lethality, or within 90 days of being so instructed due to multiple toxic events, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall describe an approach for the reduction or elimination of lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA/600/6-91/005F) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures, and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects a

APP Ex. 00593

specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE action plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation which identifies the pollutant(s) and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive months with at least monthly testing. At the end of the 12 months, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

APP Ex. 00594

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 28 months from the last test day of the retest that confirmed significant lethal effects at the critical dilution. The permittee may petition the Executive Director (in writing) for an extension of the 28-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall provide information pertaining to the specific control mechanism selected that will, when implemented, result in the reduction of effluent toxicity to no significant lethality at the critical dilution. The report shall also provide a specific corrective action schedule for implementing the selected control mechanism.

h. Based on the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements, where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

i. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

TABLE 1 (SHEET 1 OF 4)

BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION

Dates and Times Composites Collected

Date Time Date Time

No. 1 FROM: _____ TO: _____

No. 2 FROM: _____ TO: _____

No. 3 FROM: _____ TO: _____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic Dilution water

NUMBER OF YOUNG PRODUCED PER ADULT AT END OF TEST

REP	Percent effluent					
	0%	32%	42%	56%	75%	100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						
Survival Mean						
Total Mean						
CV%*						
PMSD						

*Coefficient of Variation = standard deviation x 100/mean (calculation based on young of the surviving adults)
Designate males (M), and dead females (D), along with number of neonates (x) released prior to death.

APP Ex. 00596

TABLE 1 (SHEET 2 OF 4)

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean number of young produced per adult significantly less than the number of young per adult in the control for the % effluent corresponding to significant nonlethal effects?

   CRITICAL DILUTION (100%): _____ YES _____ NO

PERCENT SURVIVAL

	Percent effluent					
Time of Reading	**0%**	**32%**	**42%**	**56%**	**75%**	**100%**
24h						
48h						
End of Test						

2. Fisher's Exact Test:

   Is the mean survival at test end significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC\LOEC below:

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC reproduction = _____% effluent

   d.) LOEC reproduction = _____% effluent

APP Ex. 00597

TABLE 1 (SHEET 3 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL

		Date Time		Date Time
Dates and Times Composites Collected	No. 1 FROM:	_____	TO:	_____
	No. 2 FROM:	_____	TO:	_____
	No. 3 FROM:	_____	TO:	_____

Test initiated: _____ am/pm _____ date

Dilution water used: _____ Receiving water _____ Synthetic dilution water

FATHEAD MINNOW GROWTH DATA

Effluent Concentration	Average Dry Weight in replicate chambers					Mean Dry Weight	CV%*
	A	B	C	D	E		
0%							
32%							
42%							
56%							
75%							
100%							
PMSD							

* Coefficient of Variation = standard deviation x 100/mean

1. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean dry weight (growth) at 7 days significantly less than the control's dry weight (growth) for the % effluent corresponding to significant nonlethal effects?

   CRITICAL DILUTION (100%): _____ YES _____ NO

APP Ex. 00598

TABLE 1 (SHEET 4 OF 4)

BIOMONITORING REPORTING

FATHEAD MINNOW GROWTH AND SURVIVAL TEST

FATHEAD MINNOW SURVIVAL DATA

Effluent Concentration	Percent Survival in replicate chambers					Mean percent survival			CV%*
	A	B	C	D	E	24h	48h	7 day	
0%									
32%									
42%									
56%									
75%									
100%									

* Coefficient of Variation = standard deviation x 100/mean

2. Dunnett's Procedure or Steel's Many-One Rank Test or Wilcoxon Rank Sum Test (with Bonferroni adjustment) or t-test (with Bonferroni adjustment) as appropriate:

   Is the mean survival at 7 days significantly less than the control survival for the % effluent corresponding to lethality?

   CRITICAL DILUTION (100%): _____ YES _____ NO

3. Enter percent effluent corresponding to each NOEC\LOEC below:

   a.) NOEC survival = _____% effluent

   b.) LOEC survival = _____% effluent

   c.) NOEC growth = _____% effluent

   d.) LOEC growth = _____% effluent

APP Ex. 00599

24-HOUR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

The provisions of this section apply to Outfall 001 for whole effluent toxicity (WET) testing.

1. Scope, Frequency, and Methodology

a. The permittee shall test the effluent for lethality in accordance with the provisions in this section. Such testing will determine compliance with Texas Surface Water Quality Standard 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

b. Within 90 days of the final 1.0 MGD phase, the toxicity tests specified shall be conducted once per six months. The permittee shall conduct the following toxicity tests using the test organisms, procedures, and quality assurance requirements specified in this section of the permit and in accordance with "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," fifth edition (EPA-821-R-02-012) or its most recent update:

1) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

2) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*). A minimum of five replicates with eight organisms per replicate shall be used in the control and each dilution.

A valid test result must be submitted for each reporting period. The permittee must report, and then repeat, an invalid test during the same reporting period. The repeat test shall include the control and the 100% effluent dilution and use the appropriate number of organisms and replicates, as specified above. An invalid test is defined as any test failing to satisfy the test acceptability criteria, procedures, and quality assurance requirements specified in the test methods and permit.

c. In addition to an appropriate control, a 100% effluent concentration shall be used in the toxicity tests. Except as discussed in item 2.b., the control and dilution water shall consist of standard, synthetic, moderately hard, reconstituted water.

d. This permit may be amended to require a WET limit, a Best Management Practice (BMP), Chemical-Specific (CS) limits, or other appropriate actions to address toxicity. The permittee may be required to conduct a Toxicity Reduction Evaluation after multiple toxic events.

e. As the dilution series specified in the Chronic Biomonitoring Requirements includes a 100% effluent concentration, the results from those tests may fulfill the requirements of this Section; any tests performed in the proper time interval may be substituted. Compliance will be evaluated as specified in item a. The 50% survival in 100% effluent for a 24-hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted

APP Ex. 00600

to comply with the minimum testing frequency defined in item b.

2. Required Toxicity Testing Conditions

a. Test Acceptance - The permittee shall repeat any toxicity test, including the control, if the control fails to meet a mean survival equal to or greater than 90%.

b. Dilution Water - In accordance with item 1.c., the control and dilution water shall normally consist of standard, synthetic, moderately hard, reconstituted water. If the permittee utilizes the results of a chronic test to satisfy the requirements in item 1.e., the permittee may use the receiving water or dilution water that meets the requirements of item 2.a as the control and dilution water.

c. Samples and Composites

1) The permittee shall collect one composite sample from Outfall 001.

2) The permittee shall collect the composite sample such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance being discharged.

3) The permittee shall initiate the toxicity tests within 36 hours after collection of the last portion of the composite sample. The sample shall be maintained at a temperature of 0-6 degrees Centigrade during collection, shipping, and storage.

4) If Outfall 001 ceases discharging during the collection of the effluent composite sample, the requirements for the minimum number of effluent portions are waived. However, the permittee must have collected a composite sample volume sufficient for completion of the required test. The abbreviated sample collection, duration, and methodology must be documented in the full report.

5) The effluent sample shall not be dechlorinated after sample collection.

3. Reporting

All reports, tables, plans, summaries, and related correspondence required in this section shall be submitted to the attention of the Standards Implementation Team (MC 150) of the Water Quality Division.

a. The permittee shall prepare a full report of the results of all tests conducted in accordance with the manual referenced in Part 1.b. for every valid and invalid toxicity test initiated.

b. The permittee shall routinely report the results of each biomonitoring test on the Table 2 forms provided with this permit.

1) Semiannual biomonitoring test results are due on or before July 20th and January 20th for biomonitoring conducted during the previous 6-month period.

APP Ex. 00601

2) Quarterly biomonitoring test results are due on or before April 20th, July 20th, and October 20th, and January 20th for biomonitoring conducted during the previous calendar quarter.

c. Enter the following codes for the appropriate parameters for valid tests only:

1) For the water flea, Parameter TIE3D, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

2) For the fathead minnow, Parameter TIE6C, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

d. Enter the following codes for retests only:

1) For retest number 1, Parameter 22415, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

2) For retest number 2, Parameter 22416, enter a "0" if the mean survival at 24 hours is greater than 50% in the 100% effluent dilution; if the mean survival is less than or equal to 50%, enter a "1."

4. Persistent Mortality

The requirements of this part apply when a toxicity test demonstrates significant lethality, which is defined as a mean mortality of 50% or greater of organisms exposed to the 100% effluent concentration for 24 hours.

a. The permittee shall conduct 2 additional tests (retests) for each species that demonstrates significant lethality. The two retests shall be conducted once per week for 2 weeks. Five effluent dilution concentrations in addition to an appropriate control shall be used in the retests. These effluent concentrations are 6%, 13%, 25%, 50% and 100% effluent. The first retest shall be conducted within 15 days of the laboratory determination of significant lethality. All test results shall be submitted within 20 days of test completion of the second retest. Test completion is defined as the 24th hour.

b. If one or both of the two retests specified in Part 4.a. demonstrates significant lethality, the permittee shall initiate the TRE requirements as specified in Part 5.

5. Toxicity Reduction Evaluation

a. Within 45 days of the retest that demonstrates significant lethality, the permittee shall submit a general outline for initiating a TRE. The outline shall include, but not be limited to, a description of project personnel, a schedule for obtaining consultants (if needed), a discussion of influent and effluent data available for review, a sampling and analytical schedule, and a proposed TRE initiation date.

APP Ex. 00602

b. Within 90 days of the retest that demonstrates significant lethality, the permittee shall submit a TRE action plan and schedule for conducting a TRE. The plan shall specify the approach and methodology to be used in performing the TRE. A TRE is a step-wise investigation combining toxicity testing with physical and chemical analyses to determine actions necessary to eliminate or reduce effluent toxicity to a level not effecting significant lethality at the critical dilution. The TRE action plan shall lead to the successful elimination of significant lethality for both test species defined in Part 1.b. At a minimum, the TRE action plan shall include the following:

1) Specific Activities - The TRE action plan shall specify the approach the permittee intends to utilize in conducting the TRE, including toxicity characterizations, identifications, confirmations, source evaluations, treatability studies, and alternative approaches. When conducting characterization analyses, the permittee shall perform multiple characterizations and follow the procedures specified in the document entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA/600/6-91/003) or alternate procedures. The permittee shall perform multiple identifications and follow the methods specified in the documents entitled "Methods for Aquatic Toxicity Identification Evaluations: Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations: Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081). All characterization, identification, and confirmation tests shall be conducted in an orderly and logical progression;

2) Sampling Plan - The TRE action plan should describe sampling locations, methods, holding times, chain of custody, and preservation techniques. The effluent sample volume collected for all tests shall be adequate to perform the toxicity characterization/identification/confirmation procedures and chemical-specific analyses when the toxicity tests show significant lethality. Where the permittee has identified or suspects specific pollutant and source of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical-specific analyses for the identified and suspected pollutant and source of effluent toxicity;

3) Quality Assurance Plan - The TRE action plan should address record keeping and data evaluation, calibration and standardization, baseline tests, system blanks, controls, duplicates, spikes, toxicity persistence in the samples, randomization, reference toxicant control charts, and mechanisms to detect artifactual toxicity; and

4) Project Organization - The TRE Action Plan should describe the project staff, project manager, consulting engineering services (where applicable), consulting analytical and toxicological services, etc.

c. Within 30 days of submittal of the TRE action plan and schedule, the permittee shall implement the TRE.

APP Ex. 00603

d. The permittee shall submit quarterly TRE activities reports concerning the progress of the TRE. The quarterly TRE activities reports are due on or before April 20th, July 20th, October 20th, and January 20th. The report shall detail information regarding the TRE activities including:

1) results and interpretation of any chemical-specific analyses for the identified and suspected pollutant performed during the quarter;

2) results and interpretation of any characterization, identification, and confirmation tests performed during the quarter;

3) any data and substantiating documentation that identifies the pollutant and source of effluent toxicity;

4) results of any studies/evaluations concerning the treatability of the facility's effluent toxicity;

5) any data that identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to eliminate significant lethality; and

6) any changes to the initial TRE plan and schedule that are believed necessary as a result of the TRE findings.

e. During the TRE, the permittee shall perform, at a minimum, quarterly testing using the more sensitive species. Testing for the less sensitive species shall continue at the frequency specified in Part 1.b.

f. If the effluent ceases to effect significant lethality, i.e., there is a cessation of lethality, the permittee may end the TRE. A cessation of lethality is defined as no significant lethality for a period of 12 consecutive weeks with at least weekly testing. At the end of the 12 weeks, the permittee shall submit a statement of intent to cease the TRE and may then resume the testing frequency specified in Part 1.b.

This provision accommodates situations where operational errors and upsets, spills, or sampling errors triggered the TRE, in contrast to a situation where a single toxicant or group of toxicants cause lethality. This provision does not apply as a result of corrective actions taken by the permittee. Corrective actions are defined as proactive efforts that eliminate or reduce effluent toxicity. These include, but are not limited to, source reduction or elimination, improved housekeeping, changes in chemical usage, and modifications of influent streams and effluent treatment.

The permittee may only apply this cessation of lethality provision once. If the effluent again demonstrates significant lethality to the same species, the permit will be amended to add a WET limit with a compliance period, if appropriate. However, prior to the effective date of the WET limit, the permittee may apply for a permit amendment removing and replacing the WET limit with an alternate toxicity control measure by identifying and confirming the toxicant and an appropriate control measure.

APP Ex. 00604

g. The permittee shall complete the TRE and submit a final report on the TRE activities no later than 18 months from the last test day of the retest that demonstrates significant lethality. The permittee may petition the Executive Director (in writing) for an extension of the 18-month limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE. The report shall specify the control mechanism that will, when implemented, reduce effluent toxicity as specified in Part 5.h. The report shall also specify a corrective action schedule for implementing the selected control mechanism. A copy of the TRE final report shall also be submitted to the U.S. EPA Region 6 office.

h. Within 3 years of the last day of the test confirming toxicity, the permittee shall comply with 30 TAC § 307.6(e)(2)(B), which requires greater than 50% survival of the test organism in 100% effluent at the end of 24-hours. The permittee may petition the Executive Director (in writing) for an extension of the 3-year limit. However, to warrant an extension the permittee must have demonstrated due diligence in its pursuit of the toxicity identification evaluation/TRE and must prove that circumstances beyond its control stalled the toxicity identification evaluation/TRE.

The permittee may be exempted from complying with 30 TAC § 307.6(e)(2)(B) upon proving that toxicity is caused by an excess, imbalance, or deficiency of dissolved salts. This exemption excludes instances where individually toxic components (e.g., metals) form a salt compound. Following the exemption, this permit may be amended to include an ion-adjustment protocol, alternate species testing, or single species testing.

1. Based upon the results of the TRE and proposed corrective actions, this permit may be amended to modify the biomonitoring requirements where necessary, require a compliance schedule for implementation of corrective actions, specify a WET limit, specify a best management practice, and specify a chemical-specific limit.

j. Copies of any and all required TRE plans and reports shall also be submitted to the U.S. EPA Region 6 office, 6WQ-PO.

APP Ex. 00605

TABLE 2 (SHEET 1 OF 2)

WATER FLEA SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

APP Ex. 00606

TABLE 2 (SHEET 2 OF 2)

FATHEAD MINNOW SURVIVAL

GENERAL INFORMATION

	Time	Date
Composite Sample Collected		
Test Initiated		

PERCENT SURVIVAL

Time	Rep	Percent effluent					
		0%	6%	13%	25%	50%	100%
24h	A						
	B						
	C						
	D						
	E						
	MEAN						

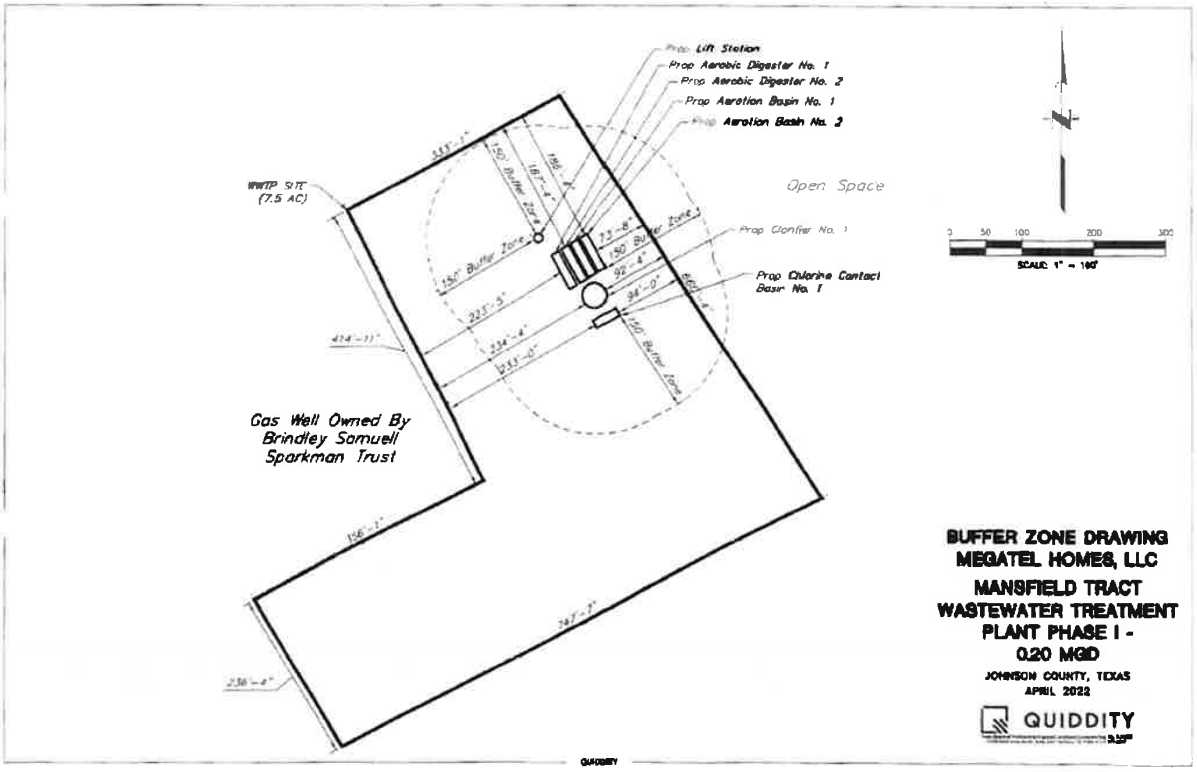
Enter percent effluent corresponding to the LC50 below:

24 hour LC50 = _____% effluent

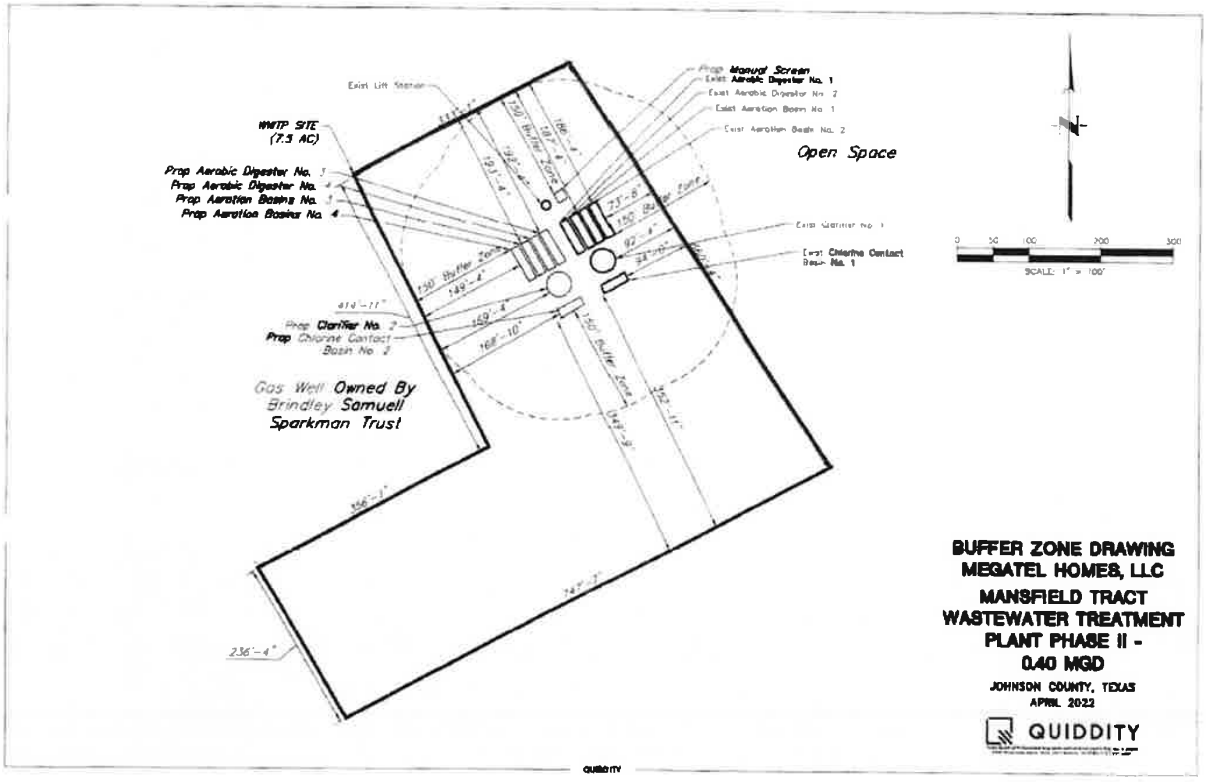
APP Ex. 00607

Attachment A

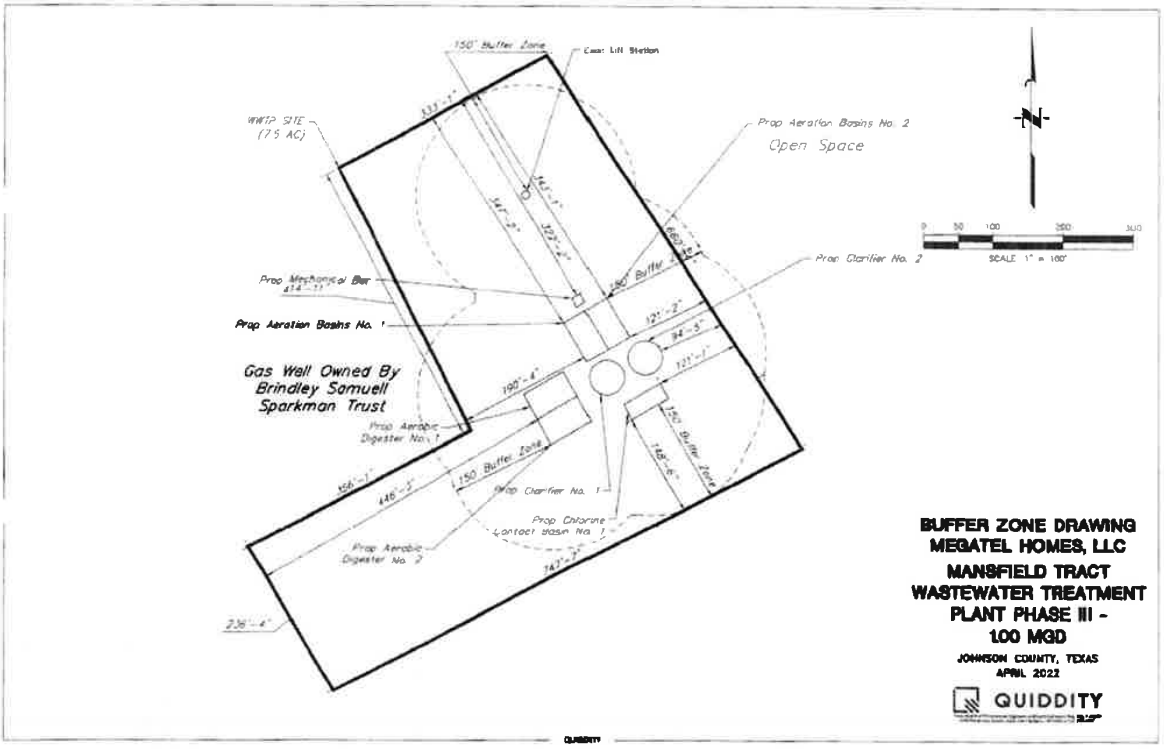
Buffer Zone Map_Megatel Home_WQ0016162001_Interim I Phase



Buffer Zone Map_Megatel Home_WQ0016162001_Interim II Phase



Buffer Zone Map_Megatel Home_WQ0016162001_Final Phase



Attachment B: Analytical Results for Outfall 001

Table 4.0(1) - Toxics Analysis

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrylonitrile				50
Aldrin				0.01
Aluminum				2.5
Anthracene				10
Antimony				5
Arsenic				0.5
Barium				3
Benzene				10
Benzidine				50
Benzo(a)anthracene				5
Benzo(a)pyrene				5
Bis(2-chloroethyl)ether				10
Bis(2-ethylhexyl)phthalate				10
Bromodichloromethane				10
Bromoform				10
Cadmium				1
Carbon Tetrachloride				2
Carbaryl				5
Chlordane*				0.2

APP Ex. 00611

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Chlorobenzene				10
Chlorodibromomethane				10
Chloroform				10
Chlorpyrifos				0.05
Chromium (Total)				3
Chromium (Tri) **(*1)**				N/A
Chromium (Hex)				3
Copper				2
Chrysene				5
p-Chloro-m-Cresol				10
4,6-Dinitro-o-Cresol				50
p-Cresol				10
Cyanide **(*2)**				10
4,4'- DDD				0.1
4,4'- DDE				0.1
4,4'- DDT				0.02
2,4-D				0.7
Demeton (O and S)				0.20
Diazinon				0.5/0.1
1,2-Dibromoethane				10
m-Dichlorobenzene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
o-Dichlorobenzene				10
p-Dichlorobenzene				10
3,3'-Dichlorobenzidine				5
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
Dichloromethane				20
1,2-Dichloropropane				10
1,3-Dichloropropene				10
Dicofol				1
Dieldrin				0.02
2,4-Dimethylphenol				10
Di-n-Butyl Phthalate				10
Diuron				0.09
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Ethylbenzene				10
Fluoride				500
Guthion				0.1
Heptachlor				0.01

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Heptachlor Epoxide				0.01
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclohexane (alpha)				0.05
Hexachlorocyclohexane (beta)				0.05
gamma-Hexachlorocyclohexane (Lindane)				0.05
Hexachlorocyclopentadiene				10
Hexachloroethane				20
Hexachlorophene				10
Lead				0.5
Malathion				0.1
Mercury				0.005
Methoxychlor				2
Methyl Ethyl Ketone				50
Mirex				0.02
Nickel				2
Nitrate-Nitrogen				100
Nitrobenzene				10
N-Nitrosodiethylamine				20
N-Nitroso-di-n-Butylamine				20

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Nonylphenol				333
Parathion (ethyl)				0.1
Pentachlorobenzene				20
Pentachlorophenol				5
Phenanthrene				10
Polychlorinated Biphenyls (PCB's) (*3)				0.2
Pyridine				20
Selenium				5
Silver				0.5
1,2,4,5-Tetrachlorobenzene				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Thallium				0.5
Toluene				10
Toxaphene				0.3
2,4,5-TP (Silvex)				0.3
Tributyltin (see instructions for explanation)				0.01
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2,4,5-Trichlorophenol				50
TTHM (Total Trihalomethanes)				10
Vinyl Chloride				10
Zinc				5

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable.

(*3) The sum of seven PCB congeners 1242, 1254, 1221, 1232, 1248, 1260, and 1016

Table 4.0(2)A – Metals, Cyanide, Phenols

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Antimony				5
Arsenic				0.5
Beryllium				0.5
Cadmium				1
Chromium (Total)				3
Chromium (Hex)				3
Chromium (Tri) (*1)				N/A
Copper				2
Lead				0.5
Mercury				0.005
Nickel				2
Selenium				5
Silver				0.5
Thallium				0.5
Zinc				5
Cyanide (*2)				10
Phenols, Total				10

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable

Table 4.0(2)B – Volatile Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrolein				50
Acrylonitrile				50
Benzene				10
Bromoform				10
Carbon Tetrachloride				2
Chlorobenzene				10
Chlorodibromomethane				10
Chloroethane				50
2-Chloroethylvinyl Ether				10
Chloroform				10
Dichlorobromomethane [Bromodichloromethane]				10
1,1-Dichloroethane				10
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
1,2-Dichloropropane				10
1,3-Dichloropropylene [1,3-Dichloropropene]				10
1,2-Trans-Dichloroethylene				10
Ethylbenzene				10
Methyl Bromide				50
Methyl Chloride				50
Methylene Chloride				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10
Toluene				10
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
Vinyl Chloride				10

Table 4.0(2)C - Acid Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2-Chlorophenol				10
2,4-Dichlorophenol				10
2,4-Dimethylphenol				10
4,6-Dinitro-o-Cresol				50
2,4-Dinitrophenol				50
2-Nitrophenol				20
4-Nitrophenol				50
P-Chloro-m-Cresol				10
Pentalchlorophenol				5
Phenol				10
2,4,6-Trichlorophenol				10

Table 4.0(2)D – Base/Neutral Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acenaphthene				10
Acenaphthylene				10
Anthracene				10
Benzidine				50
Benzo(a)Anthracene				5
Benzo(a)Pyrene				5
3,4-Benzofluoranthene				10
Benzo(ghi)Perylene				20
Benzo(k)Fluoranthene				5
Bis(2-Chloroethoxy)Methane				10
Bis(2-Chloroethyl)Ether				10
Bis(2-Chloroisopropyl)Ether				10
Bis(2-Ethylhexyl)Phthalate				10
4-Bromophenyl Phenyl Ether				10
Butyl benzyl Phthalate				10
2-Chloronaphthalene				10
4-Chlorophenyl phenyl ether				10
Chrysene				5
Dibenzo(a,h)Anthracene				5
1,2-(o)Dichlorobenzene				10
1,3-(m)Dichlorobenzene				10
1,4-(p)Dichlorobenzene				10
3,3-Dichlorobenzidine				5
Diethyl Phthalate				10
Dimethyl Phthalate				10
Di-n-Butyl Phthalate				10
2,4-Dinitrotoluene				10
2,6-Dinitrotoluene				10
Di-n-Octyl Phthalate				10
1,2-Diphenylhydrazine (as Azo-benzene)				20
Fluoranthene				10
Fluorene				10
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclo-pentadiene				10
Hexachloroethane				20
Indeno(1,2,3-cd)pyrene				5

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Isophorone				10
Naphthalene				10
Nitrobenzene				10
N-Nitrosodimethylamine				50
N-Nitrosodi-n-Propylamine				20
N-Nitrosodiphenylamine				20
Phenanthrene				10
Pyrene				10
1,2,4-Trichlorobenzene				10

Table 4.0(2)E - Pesticides

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Aldrin				0.01
alpha-BHC (Hexachlorocyclohexane)				0.05
beta-BHC (Hexachlorocyclohexane)				0.05
gamma-BHC (Hexachlorocyclohexane)				0.05
delta-BHC (Hexachlorocyclohexane)				0.05
Chlordane				0.2
4,4-DDT				0.02
4,4-DDE				0.1
4,4,-DDD				0.1
Dieldrin				0.02
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Endrin Aldehyde				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
PCB-1242				0.2
PCB-1254				0.2
PCB-1221				0.2
PCB-1232				0.2
PCB-1248				0.2
PCB-1260				0.2
PCB-1016				0.2
Toxaphene				0.3

*** For PCBS, if all are non-detects, enter the highest non-detect preceded by a "<".**

TABLE 4.0(2)F - DIOXIN/FURAN COMPOUNDS

Compound	Toxic Equivalency Factors	Wastewater Concentration (ppq)	Wastewater Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Equivalents (ppt)	MAL (ppq)
2,3,7,8 TCDD	1					10
1,2,3,7,8 PeCDD	0.5					50
2,3,7,8 HxCDDs	0.1					50
1,2,3,4,6,7,8 HpCDD	0.01					50
2,3,7,8 TCDF	0.1					10
1,2,3,7,8 PeCDF	0.05					50
2,3,4,7,8 PeCDF	0.5					50
2,3,7,8 HxCDFs	0.1					50
2,3,4,7,8 HpCDFs	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					0.5
PCB 81	0.0003					0.5
PCB 126	0.1					0.5
PCB 169	0.03					0.5
Total						

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001, EPA I.D. No. TX0142891, to discharge to water in the state.

Issuing Office:	Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087
Applicant:	Megatel Homes, L.L.C. 2101 Cedar Springs Road, Suite 700 Dallas, Texas 75201
Prepared By:	Deba Dutta, P.E. Municipal Permits Team Wastewater Permitting Section (MC 148) Water Quality Division (512) 239-4608
Date:	9/22/2022
Permit Action:	Renewal

1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **five years from the date of issuance**.

2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, at a daily average flow not to exceed 0.20 MGD in the Interim II phase, and an annual average flow not to exceed 1.0 MGD in the Final phase. The proposed wastewater treatment facility will serve a residential subdivision located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

A. FACILITY AND DISCHARGE LOCATION

The plant site will be located approximately 1 mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084.

Outfall Location:

Outfall Number	Latitude	Longitude
001	32.516803 N	97.122361 W

The treated effluent will be discharged to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use.

4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Mansfield Tract Wastewater Treatment Facility will be a suspended growth single-stage nitrification activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase will include an onsite lift station, manual bar screens, two aeriation basin, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Interim II phase will include an onsite lift station, manual bar screens, flow splitting weirs, two aeriation basin, a secondary clarifier, a chlorine contact chamber, and two aerobic digesters. Treatment units in the Final phase will include an onsite lift station, mechanical bar screens, two aeriation basin, two secondary clarifiers, a chlorine contact chamber, a disinfection system, and two aerobic digesters. The facility has not been constructed.

The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

5. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

Self-reporting data is not available since the facility is not in operation.

7. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

A. INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.20 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	17	15	25
TSS	15	25	25	40
NH_3-N	3	5.0	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	N/A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample. There shall be no

APP Ex. 00625

discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Five/week
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week
E. coli	One/month

B. INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.40 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 555 gallons per minute (gpm).

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	33	15	25
TSS	15	50	25	40
NH_3-N	3	10	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN per 100 ml	126	N/A	N/A	N/A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Five/week
$CBOD_5$	One/week
TSS	One/week
NH_3-N	One/week
DO	One/week

APP Ex. 00626

E. coli	One/month

C. FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 1.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,778 gpm.

Parameter	30-Day Average		7-Day Average	Daily Maximum
	mg/l	lbs/day	mg/l	mg/l
$CBOD_5$	10	83	15	25
TSS	15	125	25	40
NH_3-N	3	25	6	10
DO (minimum)	4.0	N/A	N/A	N/A
E. coli, CFU or MPN/100 ml	126	N/A	N/A	399

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual and shall monitor total chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

Parameter	Monitoring Requirement
Flow, MGD	Continuous
$CBOD_5$	Two/week
TSS	Two/week
NH_3-N	Two/week
DO	Two/week
E. coli	Two/month

D. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

APP Ex. 00627

E. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

(1) The draft permit includes chronic freshwater biomonitoring requirements as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical dilution) is defined as 100%. The critical dilution is in accordance with the "Aquatic Life Criteria" section of the "Water Quality Based Effluent Limitations/Conditions" section.

(a) Chronic static renewal survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.

(2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:

(a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).

(b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

F. BUFFER ZONE REQUIREMENTS

The draft permit includes a requirement for the permittee to obtain legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the permittee according to 30 TAC § 309.13(e)(3).

G. SUMMARY OF CHANGES FROM APPLICATION

None.

8. DRAFT PERMIT RATIONALE

A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated in Title 40 of the CFR require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines.

Effluent limitations for maximum and minimum pH are in accordance with 40 CFR § 133.102(c) and 30 TAC § 309.1(b).

APP Ex. 00628

B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

(1) WATER QUALITY SUMMARY

The treated effluent is discharged to to Reece Branch, thence to Mountain Creek, thence to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for Reece Branch and high aquatic life use for Mountain Creek. The designated uses for Segment No. 0838 are primary contact recreation, public water supply, and high aquatic life use. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Mountain Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 0838 is not currently listed in the State's inventory of impaired and threatened waters (the 2020 C WA § 303(d) list).

The effluent limitations and conditions in the draft permit comply with EPA-approved portions of the 2018 Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10, effective March 1, 2018; 2014 TSWQS, effective March 6, 2014; 2010 TSWQS, effective July 22, 2010; and 2000 TSWQS, effective July 26, 2000. These limits also comply with the statewide lake rule for discharges within five miles upstream of public water supply reservoirs.

APP Ex. 00629

(2) CONVENTIONAL PARAMETERS

Effluent limitations for the conventional effluent parameters (i.e., Five-Day Biochemical Oxygen Demand or Five-Day Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

(3) COASTAL MANAGEMENT PLAN

The facility is not located in the Coastal Management Program boundary.

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

The Texas Surface Water Quality Standards (30 TAC Chapter 307) state that surface waters will not be toxic to man, or to terrestrial or aquatic life. The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards, June 2010" is designed to ensure compliance with 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.

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

There is no mixing zone for this discharge directly to an intermittent stream with perennial pools; acute and chronic freshwater criteria apply at the end of pipe. The following critical effluent percentages are being used:

APP Ex. 00630

Acute Effluent %: 100% Chronic Effluent %: 100%

Waste load allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded.

The LTA is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99th percentile confidence level and a standard number of monthly effluent samples collected (12).

Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and total suspended solids (TSS) according to the segment-specific values contained in the TCEQ guidance document "*Procedures to Implement the Texas Surface Water Quality Standards, June 2010.*" The segment values are 153 mg/l for hardness (as calcium carbonate), 21 mg/l chlorides, 7.9 standard units for pH, and 4.0 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation. See Attachment A of this Fact Sheet.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). The discharge point is to an intermittent stream with perennial pools or to an intermittent stream within 3 miles upstream of an intermittent stream with perennial pools. Human health screening using incidental freshwater fish tissue criteria (= 10 X freshwater fish tissue criteria) is applicable due to the perennial pools that support incidental freshwater fisheries. TCEQ uses the mass balance equation to estimate dilution in the intermittent stream with perennial pools during

APP Ex. 00631

average flow conditions. The estimated dilution for human health protection is calculated using the permitted flow of 1.0 MGD and the harmonic mean flow of 0.2 cfs for Mountain Creek. The following effluent percentage is being used:

Human Health Effluent %: 93.93%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent limitations for aquatic life protection. A 99th percentile confidence level in the long-term average calculation is used with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70% and 85% of the calculated daily average water quality-based effluent limitation. See Attachment A of this Fact Sheet.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 0838, which receives the discharge from this facility, is designated as a public water supply. The discharge point is located at a distance greater than three miles from the classified segment. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable due to the distance between the discharge point and the classified segment.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

TCEQ has determined that there may be pollutants present in the effluent that may have the potential to cause toxic conditions in the receiving stream. Whole effluent biomonitoring is the most direct measure of potential toxicity that incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

APP Ex. 00632

The existing permit includes chronic freshwater biomonitoring requirements. The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the Final phase.

(b) PERMIT ACTION

The test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body.

No analytical data is available because the facility is not in operation.

(6) WHOLE EFFLUENT TOXICITY CRITERIA (24-HOUR ACUTE)

(a) SCREENING

The existing permit includes 24-hour acute freshwater biomonitoring language.

(b) PERMIT ACTION

The draft permit includes 24-hour 100% acute biomonitoring tests for the life of the permit. The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the ??? phase.

9. WATER QUALITY VARIANCE REQUESTS

No variance requests have been received.

10. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice

APP Ex. 00633

sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Deba Dutta, P.E. at (512) 239-4608.

11. ADMINISTRATIVE RECORD

The following items were considered in developing the draft permit:

B. APPLICATION

Application received on May 4, 2022, and additional information received on June 2, 2022.

B. MEMORANDA

Interoffice Memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.

C. MISCELLANEOUS

Federal Clean Water Act § 402; Texas Water Code § 26.027; 30 TAC Chapters 30, 305, 309, 312, and 319; Commission policies; and U.S. Environmental Protection Agency guidelines.

Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10.

Procedures to Implement the Texas Surface Water Quality Standards (IP), Texas Commission on Environmental Quality, June 2010, as approved by the U.S. Environmental Protection Agency, and the IP, January 2003, for portions of the 2010 IP not approved by the U.S. Environmental Protection Agency.

Texas 2020 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, March 25, 2020; approved by the U.S. Environmental Protection Agency on May 12, 2020.

Texas Natural Resource Conservation Commission, Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

Attachment A: Calculated Water Quality Based Effluent Limitations

TEXTOX MENU #7 - INTERMITTENT STREAM WITH PERENNIAL POOLS

The water quality-based effluent limitations developed below are calculated using:

Table 1, 2014 Texas Surface Water Quality Standards (30 TAC 307) for Freshwater Aquatic Life
Table 2, 2018 Texas Surface Water Quality Standards for Human Health, Incidental Fishery
"Procedures to Implement the Texas Surface Water Quality Standards," TCEQ, June 2010

PERMIT INFORMATION

Permittee Name:	Megatel Homes, L.L.C.
TPDES Permit No.:	WQ0016162001
Outfall No.:	001
Prepared by:	Deba P. Dutta, P.E.
Date:	9/21/2022

DISCHARGE INFORMATION

Intermittent Receiving Waterbody:	Reece Branch
Segment No.:	838
TSS (mg/L):	4
pH (Standard Units):	7.9
Hardness (mg/L as $CaCO_3$):	153
Chloride (mg/L):	21
Effluent Flow for Aquatic Life (MGD):	1
Critical Low Flow [7Q2] (cfs):	0
% Effluent for Chronic Aquatic Life:	100
% Effluent for Acute Aquatic Life:	100
Effluent Flow for Human Health (MGD):	1
Harmonic Mean Flow (cfs):	0.1
% Effluent for Human Health:	93.929

CALCULATE DISSOLVED FRACTION (AND ENTER WATER EFFECT RATIO IF APPLICABLE):

Stream/River Metal	*Intercept (b)*	*Slope (m)*	*Partition Coefficient (Kp)*	*Dissolved Fraction (Cd/Ct)*	*Source*	*Water Effect Ratio (WER)*	*Source*
Aluminum	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Arsenic	5.68	-0.73	173978.5	0.590		1.00	Assumed
Cadmium	6.60	-1.13	831136.2	0.231		1.00	Assumed
Chromium (total)	6.52	-0.93	912187.6	0.215		1.00	Assumed
Chromium (trivalent)	6.52	-0.93	912187.6	0.215		1.00	Assumed
Chromium (hexavalent)	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Copper	6.02	-0.74	375383.8	0.400		1.00	Assumed
Lead	6.45	-0.80	929719.6	0.212		1.00	Assumed
Mercury	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Nickel	5.69	-0.57	222241.8	0.529		1.00	Assumed
Selenium	N/A	N/A	N/A	1.00	Assumed	1.00	Assumed
Silver	6.38	-1.03	575278.5	0.303		1.00	Assumed

APP Ex. 00636

Zinc	6.10	-0.70	477043.53	0.344		1.00	Assumed	

AQUATIC LIFE

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*FW Acute Criterion (µg/L)*	*FW Chronic Criterion (µg/L)*	*WLAa (µg/L)*	*WLAc (µg/L)*	*LTAa (µg/L)*	*LTAc (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Aldrin	3.0	N/A	3.00	N/A	1.72	N/A	2.52	5.34
Aluminum	991	N/A	991	N/A	568	N/A	834	1765
Arsenic	340	150	577	254	330	196	287	609
Cadmium	13.0	0.331	56.1	1.43	32.2	1.10	1.61	3.42
Carbaryl	2.0	N/A	2.00	N/A	1.15	N/A	1.68	3.56
Chlordane	2.4	0.004	2.40	0.00400	1.38	0.00308	0.00452	0.00957
Chlorpyrifos	0.083	0.041	0.0830	0.0410	0.0476	0.0316	0.0464	0.0981
Chromium (+3)	807	105	3752	488	2150	376	552	1168
Chromium (+6)	15.7	10.6	15.7	10.6	9.00	8.16	11.9	25.3
Copper	21.2	13.6	53.0	34.1	30.4	26.2	38.5	81.5
Cyanide (free)	45.8	10.7	45.8	10.7	26.2	8.24	12.1	25.6
4,4'-DDT	1.1	0.001	1.10	0.00100	0.630	0.00077	0.00113	0.00239
Demeton	N/A	0.1	N/A	0.100	N/A	0.0770	0.113	0.239
Diazinon	0.17	0.17	0.170	0.170	0.0974	0.131	0.143	0.302
Dicofol	59.3	19.8	59.3	19.8	34.0	15.2	22.4	47.4
Dieldrin	0.24	0.002	0.240	0.00200	0.138	0.00154	0.00226	0.00478
Diuron	210	70	210	70.0	120	53.9	79.2	167
Endosulfan I (alpha)	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endosulfan II (beta)	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endosulfan sulfate	0.22	0.056	0.220	0.0560	0.126	0.0431	0.0633	0.134
Endrin	0.086	0.002	0.0860	0.00200	0.0493	0.00154	0.00226	0.00478
Guthion	N/A	0.01	N/A	0.0100	N/A	0.00770	0.0113	0.0239
Heptachlor	0.52	0.004	0.520	0.00400	0.298	0.00308	0.00452	0.00957
Hexachlorocyclohexane (Lindane)	1.126	0.08	1.13	0.0800	0.645	0.0616	0.0905	0.191
Lead	102	3.99	483	18.8	277	14.5	21.2	45.0
Malathion	N/A	0.01	N/A	0.0100	N/A	0.00770	0.0113	0.0239
Mercury	2.4	1.3	2.40	1.30	1.38	1.00	1.47	3.11
Methoxychlor	N/A	0.03	N/A	0.0300	N/A	0.0231	0.0339	0.0718
Mirex	N/A	0.001	N/A	0.00100	N/A	0.00077	0.00113	0.00239
Nickel	671	74.5	1267	141	726	108	159	337
Nonylphenol	28	6.6	28.0	6.60	16.0	5.08	7.47	15.8
Parathion (ethyl)	0.065	0.013	0.0650	0.0130	0.0372	0.0100	0.0147	0.0311
Pentachlorophenol	21.6	16.5	21.6	16.5	12.3	12.7	18.1	38.4
Phenanthrene	30	30	30.0	30.0	17.2	23.1	25.2	53.4
Polychlorinated Biphenyls (PCBs)	2.0	0.014	2.00	0.0140	1.15	0.0108	0.0158	0.0335
Selenium	20	5	20.0	5.00	11.5	3.85	5.65	11 9
Silver	0.8	N/A	5.88	N/A	3.37	N/A	4.95	10.4
Toxaphene	0.78	0.0002	0.780	0.000200	0.447	0.00015 4	0.00022 6	0.00047 8
Tributyltin (TBT)	0.13	0.024	0.130	0.0240	0.0745	0.0185	0.0271	0.0574
2,4,5 Trichlorophenol	136	64	136	64.0	77.9	49.3	72.4	153
Zinc	168	169	489	493	280	379	411	870

APP Ex. 00637

HUMAN HEALTH (APPLIES FOR INCIDENTAL FRESHWATER FISH TISSUE)

CALCULATE DAILY AVERAGE AND DAILY MAXIMUM EFFLUENT LIMITATIONS:

Parameter	*Incidental Fish Criterion (µg/L)*	*WLAh (µg/L)*	*LTAh (µg/L)*	*Daily Avg. (µg/L)*	*Daily Max. (µg/L)*
Acrylonitrile	1150	1224	1139	1673	3541
Aldrin	1.147E-04	0.000122	0.000114	0.000166	0.000353
Anthracene	13170	14021	13040	19168	40553
Antimony	10710	11402	10604	15587	32978
Arsenic	N/A	N/A	N/A	N/A	N/A
Barium	N/A	N/A	N/A	N/A	N/A
Benzene	5810	6186	5753	8456	17890
Benzidine	1.07	1.14	1.06	1.55	3.29
Benzo(*a*)anthracene	0.25	0.266	0.248	0.363	0.769
Benzo(*a*)pyrene	0.025	0.0266	0.0248	0.0363	0.0769
Bis(chloromethyl)ether	2.745	2.92	2.72	3.99	8.45
Bis(2-chloroethyl)ether	428.3	456	424	623	1318
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	75.5	80.4	74.8	109	232
Bromodichloromethane [Dichlorobromomethane]	2750	2928	2723	4002	8467
Bromoform [Tribromomethane]	10600	11285	10495	15427	32639
Cadmium	N/A	N/A	N/A	N/A	N/A
Carbon Tetrachloride	460	490	455	669	1416
Chlordane	0.025	0.0266	0.0248	0.0363	0.0769
Chlorobenzene	27370	29139	27099	39835	84278
Chlorodibromomethane [Dibromochloromethane]	1830	1948	1812	2663	5635
Chloroform [Trichloromethane]	76970	81945	76209	112026	237008
Chromium (hexavalent)	5020	5344	4970	7306	15457
Chrysene	25.2	26.8	25.0	36.6	77.5
Cresols [Methylphenols]	93010	99021	92090	135372	286399
Cyanide (free)	N/A	N/A	N/A	N/A	N/A
4,4'-DDD	0.02	0.0213	0.0198	0.0291	0.0615
4,4'-DDE	0.0013	0.00138	0.00129	0.00189	0.00400
4,4'-DDT	0.004	0.00426	0.00396	0.00582	0.0123
2,4'-D	N/A	N/A	N/A	N/A	N/A
Danitol [Fenpropathrin]	4730	5036	4683	6884	14564
1,2-Dibromoethane [Ethylene Dibromide]	42.4	45.1	42.0	61.7	130
m-Dichlorobenzene [1,3-Dichlorobenzene]	5950	6335	5891	8659	18321
o-Dichlorobenzene [1,2-Dichlorobenzene]	32990	35122	32664	48015	101583
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A	N/A	N/A	N/A
3,3'-Dichlorobenzidine	22.4	23.8	22.2	32.6	68.9
1,2-Dichloroethane	3640	3875	3604	5297	11208
1,1-Dichloroethylene [1,1-Dichloroethene]	551140	586761	545688	802161	1697089
Dichloromethane [Methylene Chloride]	133330	141947	132011	194056	410554
1,2-Dichloropropane	2590	2757	2564	3769	7975
1,3-Dichloropropene [1,3-Dichloropropylene]	1190	1267	1178	1731	3664
Dicofol [Kelthane]	3	3.19	2.97	4.36	9.23
Dieldrin	2.0E-04	0.000213	0.000198	0.000291	0.000615
2,4-Dimethylphenol	84360	89812	83525	122782	259764
Di-*n*-Butyl Phthalate	924	984	915	1344	2845
Dioxins/Furans [TCDD Equivalents]	7.97E-07	8.49E-07	7.89E-07	0.000001 2	0.000002 5
Endrin	0.2	0.213	0.198	0.291	0.615
Epichlorohydrin	20130	21431	19931	29298	61985

APP Ex. 00638

Ethylbenzene	18670	19877	18485	27173	57489
Ethylene Glycol	1.68E+08	1788581 76	1663381 04	2445170 12	5173115 02
Fluoride	N/A	N/A	N/A	N/A	N/A
Heptachlor	0.001	0.00106	0.000990	0.00145	0.00307
Heptachlor Epoxide	0.0029	0.00309	0.00287	0.00422	0.00892
Hexachlorobenzene	0.0068	0.00724	0.00673	0.00989	0.0209
Hexachlorobutadiene	2.2	2.34	2.18	3.20	6.77
Hexachlorocyclohexane (*alpha*)	0.084	0.0894	0.0832	0.122	0.258
Hexachlorocyclohexane (*beta*)	2.6	2.77	2.57	3.78	8.00
Hexachlorocyclohexane (*gamma*) [Lindane]	3.41	3.63	3.38	4.96	10.5
Hexachlorocyclopentadiene	116	123	115	168	357
Hexachloroethane	23.3	24.8	23.1	33.9	71.7
Hexachlorophene	29	30.9	28.7	42.2	89.2
4,4'-Isopropylidenediphenol [Bisphenol A]	159820	170149	158239	232611	492123
Lead	38.3	192	179	263	556
Mercury	0.122	0.130	0.121	0.177	0.375
Methoxychlor	30	31.9	29.7	43.6	92.3
Methyl Ethyl Ketone	9.92E+06	1056114 9	9821869	1443814 7	3054601 2
Methyl *tert*-butyl ether [MTBE]	104820	111595	103783	152561	322765
Nickel	11400	22926	21321	31342	66308
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A	N/A	N/A	N/A
Nitrobenzene	18730	19941	18545	27260	57674
N-Nitrosodiethylamine	21	22.4	20.8	30.5	64.6
N-Nitroso-di-*n*-Butylamine	42	44.7	41.6	61.1	129
Pentachlorobenzene	3.55	3.78	3.51	5.16	10.9
Pentachlorophenol	2.9	3.09	2.87	4.22	8.92
Polychlorinated Biphenyls [PCBs]	6.40E-03	0.00681	0.00634	0.00931	0.0197
Pyridine	9470	10082	9376	13783	29160
Selenium	N/A	N/A	N/A	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.4	2.56	2.38	3.49	7.39
1,1,2,2-Tetrachloroethane	263.5	281	261	383	811
Tetrachloroethylene [Tetrachloroethylene]	2800	2981	2772	4075	8621
Thallium	2.3	2.45	2.28	3.34	7.08
Toluene	N/A	N/A	N/A	N/A	N/A
Toxaphene	0.11	0.117	0.109	0.160	0.338
2,4,5-TP [Silvex]	3690	3928	3653	5370	11362
1,1,1-Trichloroethane	7843540	8350484	7765950	1141594 6	2415210 3
1,1,2-Trichloroethane	1660	1767	1644	2416	5111
Trichloroethylene [Trichloroethene]	719	765	712	1046	2213
2,4,5-Trichlorophenol	18670	19877	18485	27173	57489
TTHM [Sum of Total Trihalomethanes]	N/A	N/A	N/A	N/A	N/A
Vinyl Chloride	165	176	163	240	508

CALCULATE 70% AND 85% OF DAILY AVERAGE EFFLUENT LIMITATIONS:

Aquatic Life ***Parameter***	***70% of Daily Avg. (µg/L)***	***85% of Daily Avg. (µg/L)***
Aldrin	1.76	2.14
Aluminum	584	709
Arsenic	201	244
Cadmium	1.13	1.37
Carbaryl	1.17	1.43
Chlordane	0.00316	0.00384

APP Ex. 00639

Chlorpyrifos	0.0324	0.0394
Chromium (+3)	386	469
Chromium (+6)	8.39	10.1
Copper	26.9	32.7
Cyanide (free)	8.47	10.2
4,4'-DDT	0.000792	0.000962
Demeton	0.0792	0.0962
Diazinon	0.100	0.121
Dicofol	15.6	19.0
Dieldrin	0.00158	0.00192
Diuron	55.4	67.3
Endosulfan (alpha)	0.0443	0.0538
Endosulfan (beta)	0.0443	0.0538
Endosulfan sulfate	0.0443	0.0538
Endrin	0.00158	0.00192
Guthion	0.00792	0.00962
Heptachlor	0.00316	0.00384
Hexachlorocyclohexane (Lindane)	0.0633	0.0769
Lead	14.9	18.0
Malathion	0.00792	0.00962
Mercury	1.03	1.25
Methoxychlor	0.0237	0.0288
Mirex	0.000792	0.000962
Nickel	111	135
Nonylphenol	5.22	6.34
Parathion (ethyl)	0.0103	0.0125
Pentachlorophenol	12.7	15.4
Phenanthrene	17.6	21.4
Polychlorinated Biphenyls (PCBs)	0.0110	0.0134
Selenium	3.96	4.81
Silver	3.46	4.20
Toxaphene	0.000158	0.000192
Tributyltin (T8T)	0.0190	0.0230
2,4,5 Trichlorophenol	50.7	61.5
Zinc	288	349

Human Health ***Parameter***	***70% of Daily Avg. (µg/L)***	***85% of Daily Avg. (µg/L)***
Acrylonitrile	1171	1422
Aldrin	0.000116	0.000141
Anthracene	13417	16293
Antimony	10911	13249
Arsenic	N/A	N/A
Barium	N/A	N/A
Benzene	5919	7187
Benzidine	1.09	1.32
Benzo(*a*)anthracene	0.254	0.309
Benzo(*a*)pyrene	0.0254	0.0309
Bis(chloromethyl)ether	2.79	3.39
Bis(2-chloroethyl)ether	436	529
Bis(2-ethylhexyl) phthalate [Di(2-ethylhexyl) phthalate]	76.9	93.4
Bromodichloromethane [Dichlorobromomethane]	2801	3402
Bromoform [Tribromomethane]	10799	13113
Cadmium	N/A	N/A

Carbon Tetrachloride	468	569
Chlordane	0.0254	0.0309
Chlorobenzene	27885	33860
Chlorodibromomethane [Dibromochloromethane]	1864	2263
Chloroform [Trichloromethane]	78418	95222
Chromium (hexavalent)	5114	6210
Chrysene	25.6	31.1
Cresols [Methylphenols]	94760	115066
Cyanide (free)	N/A	N/A
4,4'-DDD	0.0203	0.0247
4,4'-DDE	0.00132	0.00160
4,4'-DDT	0.00407	0.00494
2,4'-D	N/A	N/A
Danitol [Fenpropathrin]	4819	5851
1,2-Dibromoethane [Ethylene Dibromide]	43.1	52.4
m-Dichlorobenzene [1,3-Dichlorobenzene]	6061	7360
o-Dichlorobenzene [1,2-Dichlorobenzene]	33610	40813
p-Dichlorobenzene [1,4-Dichlorobenzene]	N/A	N/A
3,3'-Dichlorobenzidine	22.8	27.7
1,2-Dichloroethane	3708	4503
1,1-Dichloroethylene [1,1-Dichloroethene]	561512	681837
Dichloromethane [Methylene Chloride]	135839	164947
1,2-Dichloropropane	2638	3204
1,3-Dichloropropene [1,3-Dichloropropylene]	1212	1472
Dicofol [Kelthane]	3.05	3.71
Dieldrin	0.000203	0.000247
2,4-Dimethylphenol	85947	104365
Di-*n*-Butyl Phthalate	941	1143
Dioxins/Furans [TCDD Equivalents]	8.12E-07	9.86E-07
Endrin	0.203	0.247
Epichlorohydrin	20508	24903
Ethylbenzene	19021	23097
Ethylene Glycol	1711619 08	2078394 60
Fluoride	N/A	N/A
Heptachlor	0.00101	0.00123
Heptachlor Epoxide	0.00295	0.00358
Hexachlorobenzene	0.00692	0.00841
Hexachlorobutadiene	2.24	2.72
Hexachlorocyclohexane (*alpha*)	0.0855	0.103
Hexachlorocyclohexane (*beta*)	2.64	3.21
Hexachlorocyclohexane (*gamma*) [Lindane]	3.47	4.21
Hexachlorocyclopentadiene	118	143
Hexachloroethane	23.7	28.8
Hexachlorophene	29.5	35.8
4,4'-Isopropylidenediphenol [Bisphenol A]	162827	197719
Lead	184	223
Mercury	0.124	0.150
Methoxychlor	30.5	37.1
Methyl Ethyl Ketone	1010670 3	1227242 5
Methyl *tert*-butyl ether [MTBE]	106792	129676
Nickel	21939	26640
Nitrate-Nitrogen (as Total Nitrogen)	N/A	N/A
Nitrobenzene	19082	23171
N-Nitrosodiethylamine	21.3	25.9
N-Nitroso-di-*n*-Butylamine	42.7	51.9

Pentachlorobenzene	3.61	4.39
Pentachlorophenol	2.95	3.58
Polychlorinated Biphenyls [PCBs]	0.00652	0.00791
Pyridine	9648	11715
Selenium	N/A	N/A
1,2,4,5-Tetrachlorobenzene	2.44	2.96
1,1,2,2-Tetrachloroethane	268	325
Tetrachloroethylene [Tetrachloroethylene]	2852	3463
Thallium	2.34	2.84
Toluene	N/A	N/A
Toxaphene	0.112	0.136
2,4,5-TP [Silvex]	3759	4565
1,1,1-Trichloroethane	7991162	9703554
1,1,2-Trichloroethane	1691	2053
Trichloroethylene [Trichloroethene]	732	889
2,4,5-Trichlorophenol	19021	23097
TTHM [Sum of Total Trihalomethanes]	N/A	N/A
Vinyl Chloride	168	204

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

Compliance History Report for CN605490937, RN111496998, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605490937, Megatel Homes, L.L.C. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN111496998, MANSFIELD TRACT WWTF **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 1.0 MILES SW OF THE INTERSECTION OF BEDFORD ST & NORTH FM RD 157 JOHNSON, TX, JOHNSON COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER PERMIT WQ0016162001 **WASTEWATER** EPA ID TX0142891

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: July 08, 2022

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: May 04, 2017 to July 08, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: WH **Phone:** (512) 239-3581

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? NO
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

APP – 16

City of Mansfield – Reply to Responses to Request for Contested Case Hearing

Juliet Varra

From:	banderle@toase.com
Sent:	Monday, October 16, 2023 6:09 PM
To:	EFiling
Subject:	Filing on Permit Number/Docket Number 2023-0850-mwd
Attachments:	Mansfield Response to Request for Hearing2.pdf

FILING CONFIRMATION NUMBER 563653082023289

REGULATED ENTY NAME MANSFIELD TRACT WWTF

RN NUMBER: RN111496998

PERMIT NUMBER: WQ0016162001

DOCKET NUMBER: 2023-0850-MWD

COUNTY: JOHNSON

PRINCIPAL NAME: MEGATEL HOMES LLC, CN605490937

FROM

FILED BY:

FILED FOR NAME: Bradley A Anderle

E-MAIL: banderle@toase.com

COMPANY: Taylor, Olson, Adkins, Sralla & Elam, LLP

ADDRESS: 6000 WESTERN PL Suite 200
FORT WORTH TX76107-4607

PHONE: 817-332-2580

DOCUMENT NAME: Mansfield Response to Request for Hearing2.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

DOCKET NO. 2023-0850-MWD

APPLICATION BY MEGATEL	**§**	**BEFORE THE**
HOMES, L.L.C. FOR NEW TPDES	**§**	**TEXAS COMMISSION ON**
PERMIT NO. WQ0016162001	**§**	**ENVIRONMENTAL QUALITY**

THE CITY OF MANSFIELD'S
REPLY TO RESPONSE TO REQUEST FOR HEARING

To the Members of the Texas Commission on Environmental Quality:

The City of Mansfield, Texas (City) files this Reply to Response to Request for Hearing in the above-entitled matter.

I. Introduction

A. Summary of Position

Before the Commission is an application by Megatel Homes, L.L.C. (Megatel or Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016162001. The City submitted a proper request for contested case hearing, and for the reasons stated herein, respectfully requests the Commission find that the City is an affected person and that the Commission grant its hearing request.

B. Background

Megatel Homes applied for a new permit to authorize the discharge of treated domestic wastewater at an average daily flow not to exceed 0.20 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.40 MGD in the Interim II phase, and an annual average flow not to exceed 1.00 MGD in the Final phase.

The site would be located approximately one mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County. The proposed wastewater treatment facility would serve a residential subdivision located approximately 2.25 miles west of the intersection of Highway 287 and Highway 360, near the City of Mansfield.

The treated effluent would be discharged to Reece Branch, then to Mountain Creek, then to Joe Pool Lake in Segment No. 0838 of the Trinity River Basin, all in the very near vicinity of the City.

C. Procedural Background

Megatel Homes' application was received on May 4, 2022, and the application was declared administratively complete on June 8, 2022. The Executive Director completed the technical review on September 22, 2022. The Notice of Application and Preliminary Decision was published in the Dallas Morning News on October 21, 2022. The public comment period ended on November 21, 2022, and the Executive Director filed the Response to Comments on May 8, 2023. The deadline for filing requests for contested case hearing and requests for reconsideration of the Executive Director's decision was June 12, 2023. The City filed a request for a contested case hearing on June 8, 2023. The Applicant filed its Applicant Megatel Homes, LLC's Response to Hearing Requests on October 2, 2023. The Executive Director filed its Executive Director's Response to Hearing Requests on October 2, 2023. The Office of Public Interest Counsel filed it's The Office of Public Interest Counsel's Response to Request for Hearing on October 2, 2023.

II. Applicable I.aw

The Application was filed after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th Leg., R.S. (2015). Under 30 Texas Administrative Code (TAC)§ 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

(1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;

(2) identify the requestor's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

(3) request a contested case hearing;

(4) list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and

(5) provide any other information specified in the public notice of application.

30 TAC §55.201(d).

Under 30 TAC §55.203(a), 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. An interest common to members of the general public does not qualify as a personal justiciable interest. Relevant factors to be considered in determining whether a person is affected include:

(1) whether the interest claimed is one protected by the law under which the application will be considered;

(2) distance restrictions or other limitations imposed by law on the affected interest;

(3) whether a reasonable relationship exists between the interest claimed and the activity regulated;

(4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

(5) likely impact of the regulated activity on use of the impacted natural resource by the person;

(6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and

(7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC §55.203(c).

Under §55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

(1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;

(2) the analysis and opinions of the executive director; and

(3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC §55.203(d).

Under 30 Texas Administrative Code §55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission must grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and that are relevant and material to the Commission's decision on the application.

Under §55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of §55.201.

III. Analysis of Hearing Request

The City's hearing request should be granted because it has complied with all of the requirements of 30 TAC §211(c)(2).

A. The City's request for contested case hearing was timely filed

The City filed it request for contested case hearing with the Commission on June 8, 2023, and the period for comment closed on June 12, 2023. Therefore, the City's request was timely filed with the Chief Clerk in accordance with 30 TAC §55.211(c)(B).

B. The City's request for contested case hearing is made pursuant to a right to hearing authorized by law

The City's request for contested case hearing is made pursuant to a right to hearing authorized by law because the City is an affected person pursuant to 30 TAC §55.201(b), as the City has interests related to legal rights, duties, privileges, powers or economic interest affected by the application that are not common to the general public. Governmental entities, including local governments, are expressly authorized by rule to be an affected person where the local government has statutory authority over or interest in the issues relevant to the application. *See* 30 TAC §55.203(c)(7).

The City is a local governmental entity that has authority to protect the public health and safety within its extraterritorial jurisdiction and to regulate development within its extraterritorial jurisdiction. TEX. LOC. GOV'T. CODE §§ 42.001, 212.003, 212.044, 242.001(d). Various city functions and services, including sanitary sewer services, fall squarely under the authority of the

City within its extraterritorial jurisdiction. The City has statutory authority over sanitary sewer service as well as more general interest in the sanitary sewer service within the property subject to the application because of this authority. Further, the City has an interest in the issues relevant to this application in order to ensure that new development in its immediately vicinity and in its extraterritorial jurisdiction regionalizes with existing systems to the greatest extent possible in order to protect the public health, safety, and welfare of persons residing in and adjacent to the city, as well as other cities and persons in the region. *See* Texas Water Code § 26.081(a).

As a local governmental entity, the City also has authority to ensure the compliance with certain state environmental statutes and TCEQ rules and order, including the authority to file civil suits for the enforcement of such regulations. *See* Tex. Health & Safety Code §361.003(17), §361.032 & §382.003(8); *see also* Tex. Water Code §7.351, §26.001(18) & §26.173. In this way, the City also has statutory authority over the issues relevant to the application.

In addition to the City having statutory authority over the issues related to this application, the City being a local governmental entity with statutory authority over these issues also means that the City has a more generalized interest in the issues related to this application. For instance, the City's interest in regionalization is not solely because of its direct influence over the property, but because of its interaction with the property as a water and wastewater provider in the area. In addition to these regionalization concerns, the City is interested in the issues relevant to this application on a more fundamental basis because the one-mile radius of the proposed facility includes land that falls within the corporate limits of the City, meaning there is substantial proximity between the proposed facility and the corporate limits of the City.

As the City has established it has statutory authority over and interest in the issues relevant to the application, the City is an affected person under 30 TAC §55.203.

C. The City's request covers disputed issues of fact that are relevant and material and were raised within the appropriate timeframe.

As noted above, the City's request for contested case hearing was filed on June 8, 2023, within the comment period on this application. Further, the City has not withdrawn the issues raised in its hearing request. Finally, the hearing request raises issues that are relevant and material to the Commission's decision to issue or deny the permit. The United States Supreme Court has identified relevant and material issues as those that are governed by the substantive law under which a permit is to be issued. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-51 (1986

The City raised the following disputed issues that should be referred to SOAH for consideration:

1. Whether the proposed facility will adversely affect human health and safety, animal life, or the environment;
2. Whether the proposed facility will adversely impact water quality;
3. Whether the proposed facility is in violation of TCEQ's regionalization policy; and
4. Whether the Applicant's technical capabilities raise any issues regarding Applicant's ability to comply with the draft permit.

The Office of the Public Interest Counsel provided a great analysis of why these requests are relevant and material, and the City would refer the Commission to the discussion on pages 8-10 of The Office of the Public Interest Counsel's Response to Request for Hearing. Rather than set forth the same here, the City would adopt those arguments in support of its argument that the issues of fact that the City raised are relevant and material to the Commission's decision to grant or deny the permit.

D. The City's request complies with 30 TAC §55.201

The City's request was filed within the required timeframe. *See* 30 TAC §55.201(a). The City is an affected person, as discussed above. *See* 30 TAC §55.201(b). The City's request was submitted in writing and filed with the chief clerk within the proper time period, and the issues raised in the request were not withdrawn by the City. *See* 30 TAC §55.201(c). The City's hearing request complied with 30 TAC §55.201(d), including the statement of the City's contact information, explanation of the City's personal justiciable interest, request for a contested case hearing, and listing all relevant and material disputed issues of fact.

As established by the arguments set forth above, the City's request for a contested case hearing should be granted.

IV. Response to Applicant's Reply

In Part III of its Response, Applicant presents two specific arguments for why the City's request for a contested case hearing, in Applicant's opinion, fails to meet the legal parameters: (1) the removal of the property from the City's extraterritorial jurisdiction nullifies the City's status as an affected person; and (2) the City does not have a legal obligation to provide water or sewer service to the property. *See* Pet. Resp. to Hrg Req. at pp. 6-11. For the reasons discussed below, neither of these arguments from Applicant change the fact that the City is an affected person.

A. The City Remains an Affected Person After Potential Removal From ETJ

Applicant raised in its Response that upon removal of the property from the City's extraterritorial jurisdiction the City would no longer be an interested person under the law. *See* Pet. Resp. to Hrg Req. at pp. 7-8. However, if the property is removed from the City's extraterritorial jurisdiction, the City's interest in the issues relevant to this application does not go

away. The City is a water and wastewater provider in the region and is a regional water and wastewater provider, whether through direct retail or wholesale service. The City's position as a regional water and wastewater provider makes the City interested in the issues relevant to this application because of the City's interest in the regionalization of water and wastewater system design, improvements and service throughout the region so that quality, efficient, and economical water and wastewater service is provided to the citizens of the state.

Further, the City's interest in the water and wastewater system design, improvements and service within the property will continue if the property is removed from the City's extraterritorial jurisdiction because the property will continue to be surrounded by the City's extraterritorial jurisdiction and will be immediately adjacent to the City's corporate boundary. The water and wastewater services within the property are still very important to the City's performance of its governmental function of protecting the public health and safety, even if this particular property in the middle of its extraterritorial jurisdiction is not subject to its subdivision regulations any longer. The City's performance of its governmental functions includes ensuring the provision of safe and adequate water and wastewater service to the public and assisting to ensure compliance with various state environmental statutes and TCEQ rules and orders. Tex. Health & Safety Code §361.003(17), §361.032, and §382.003(8); Tex. Water Code §7.351, §26.001(18) and §26.173.

Contrary to Applicant's representation, based upon the law and the representations of both the Public Interest Counsel and the Executive Director, the City's status as an affected person would not be impacted if the property is removed from the City's extraterritorial jurisdiction. *See* Off. Pub. Int. Counsel's Resp. to Req. for Hrg at pp. 8-9; Exec. Dir. Resp. to Hrg Req. at pp. 5-6.

B. City is Interested in Water and Wastewater Service to the Property

Finally, Applicant asserts that the City cannot be an affected person because the City has

no legal right or obligation to provide water or wastewater service to the property. *See* Pet. Resp. to Hrg Req. at pp. 8-11. Applicant's argument that the City's current CCN does not cover this property is a misdirection that confuses the issues. The reality is that the City is inherently interested in the provision of water and wastewater on the property for all of the reasons that the City has asserted in its request for a contested case hearing and in this reply. The City's inherent interest in the issues related to this application have been recognized by the Texas Legislature when it gave the City a statutory right to consider whether it was appropriate to consent to the creation of a municipal utility district and a statutory right to pursue an agreement to provide water and wastewater service to the property in the case that the City did not find it appropriate to consent to the creation of a new governmental entity and the creation of an additional utility provider that will be immediately adjacent to the City's corporate boundary. *See* Texas Local Government Code §42.042; *see also* Tex. Water Code §54.016. The Texas Legislature has further acknowledged the City's inherent interest in the issues relevant to this application by including the consideration of the availability of comparable service from other systems, including water districts, *municipalities*, and regional authorities, in the list of criteria to be considered when deciding whether or not to create the District. Tex. Water Code 54.021(b)(1). Further, to highlight the misdirection of this argument, the Public Interest Counsel and the Executive Director both concluded that the City is an affected person without reference to the City's CCN. See

Contrary to Applicant's representation, whether or not the City has a legal right or obligation to provide water or wastewater service to the property does not have any material impact on the City's interest in the issues related to this application or the determination of whether the City is an affected person.

MAILING LIST
MEGATEL HOMES, L.L.C.
TCEQ DOCKET NO. 2023-0850-MWD

FOR THE APPLICANT
via electronic mail:

Zach Ipour, President
Megatel Homes, L.L.C.
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201
steve.maglisceau@megatelhomes.com

Jonathan Nguyen, Permit Specialist
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Plano, Texas 75093
jnguyen@quiddity.com

Alex Pfefferkorn
Land Development Manager
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Plano, Texas 75093
apfefferkorn@jonescarter.com

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Bobby Salehi, Staff Attorney
Texas Commission on
Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0600 Fax: 512/239-0606
bobby.salehi@tceq.texas.gov

Deba Dutta, Technical Staff
Texas Commission on
Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4608 Fax: 512/239-4430
deba.dutta@tceq.texas.gov

Ryan Vise, Director
Texas Commission on Environmental Quality
External Relations Division
Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4000 Fax: 512/239-5678
pep@tceq.texas.gov

FOR ALTERNATIVE DISPUTE RESOLUTION
via electronic mail:

Kyle Lucas, Attorney
Texas Commission on Environmental Quality
Alternative Dispute Resolution MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0687 Fax: 512/239-4015
kyle.lucas@tceq.texas.gov

FOR PUBLIC INTEREST COUNSEL

Garrett T. Arthur, Public Interest Counsel
Texas Commission on Environmental Quality
Public Interest Council, MC-103
P.O. Box 13087
Austin, Texas 78711
Garrett.arthur@tceq.texas.gov

FOR THE CHIEF CLERK
via eFiling:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-3300 Fax: 512/239-3311
https://www14.tceq.texas.gov/epic/eFiling/

REQUESTER(S):
Via electronic mail

Vanessa Ramirez
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063
Vanessa.ramirez@mansfieldtexas.gov

Bradley Anderle
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
banderle@toase.com

V. Conclusion

For the reasons set forth above, the City respectfully requests the Commission find that the City of Mansfield is an affected person in this matter, grant its hearing request, and refer to Issues Nos. 1-4 set forth in Section III.C. to SOAH for a contested case hearing.

Respectfully submitted,

Bradley A. Anderle
Taylor, Olson, Adkins, Sralla, & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
(817) 332-2580
banderle@toase.com
Attorney for the City of Mansfield, Texas

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2023, the City of Mansfield's Response to Requests for Hearing was filed with the Chief Clerk of the TCEQ and a copy was served on all persons listed on the attached mailing list via electronic mail, and/or by deposit in the U.S. Mail.

Bradley A. Anderle

APP – 17

TCEQ Chief Clerk – TCEQ Interim Commission Order

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

November 8, 2023

TO: Persons on the attached mailing list

RE: Megatel Homes, L.L.C.
TCEQ Docket No. 2023-0850-MWD; TPDES Permit No. WQ0016162001

Enclosed is a copy of an interim order issued by the Commission regarding the above-referenced matter.

Should you have any questions, please contact Mehgan Taack of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3313.

Sincerely,

Laurie Gharis

Laurie Gharis
Chief Clerk

LG/mt

Enclosure

MAILING LIST
Megatel Homes, L.L.C.
TCEQ Docket No. 2023-0850-MWD; TPDES Permit No. WQ0016162001

FOR THE APPLICANT:

Derek Seal, Attorney
McGinnis Lochridge
1111 West 6th Street, Suite 400
Austin, Texas 78703

Zach Ipour, President
Megatel Homes, L.L.C.
2101 Cedar Springs Road, Suite 700
Dallas, Texas 75201

Jonathan Nguyen, Permit Specialist
Alex Pfefferkorn Land Development Manager
Quiddity Engineering
3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741

INTERESTED PERSON(S):

Bradley Anderle
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

Vanessa Ramirez
City of Mansfield
1200 East Broad Street
Mansfield, Texas 76063

E. Allen Taylor, Jr.
Taylor Olson Adkins Sralla & Elam LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

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

Deba Dutta, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711

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

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Jessica Anderson, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK
via eFilings:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
https://www.tceq.texas.gov/goto/efilings

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AN INTERIM ORDER concerning the application by Megatel Homes, L.L.C. for new TPDES Permit No. WQ0016162001; TCEQ Docket No. 2023-0850-MWD.

On October 25, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for hearing by the City of Mansfield concerning the by Megatel Homes, L.L.C. for new TPDES Permit No. WQ0016162001 in Johnson County, Texas. The requests for hearing were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing filed by the Executive Director, the Office of Public Interest Counsel and the Applicant, the reply by the City of Mansfield, all timely public comment, and the Executive Director's Response to Comment.

After evaluation of all relevant and timely filings, the Commission determined that the City of Mansfield established that it qualified as an affected person and granted its requests for hearing. The Commission next determined whether the City of Mansfield's requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by it during the comment period, and which are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing: 1) whether the

Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282 and the general policy to promote regional or area-wide systems under TWC § 26.081; and 2) whether the draft permit is protective of water quality and the existing uses in the receiving waters under the applicable surface water quality standards in 30 TAC Chapter 307. Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1) The hearing request of the City of Mansfield is GRANTED;

2) The following issues are REFERRED to SOAH for a contested case hearing on the application:

   Issue 1: Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282 and the general policy to promote regional or area-wide systems under TWC § 26.081; and

   Issue 2: Whether the draft permit is protective of water quality and the existing uses in the receiving waters under the applicable surface water quality standards in 30 TAC Chapter 307;

3) The maximum duration of the hearing is SET at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and

4) If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Jon Niermann

Jon Niermann, Chairman

11/6/23

Date Signed