

Jon Niermann, *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 25, 2024

Laurie Gharis
State Office of Administrative Hearings
300 W. 15th Street
Austin, TX 78701

Re: Application by Gilden B. Blackburn and Timothy E. Carter
TPDES permit No. WQ0016124001
SOAH Docket No. 582-24-05780, TCEQ Docket No. 2023-0862-MWD

Dear Ms. Gharis:

I have enclosed the following revised technical documents to be included in the administrative record for the above-referenced case.

Sincerely,

A handwritten signature in cursive script that reads "Aubrey Pawelka".

Aubrey Pawelka
Staff Attorney, Water Quality Section
Environmental Law Division

Enclosure

cc: Laurie Gharis, Chief Clerk, TCEQ
Sheldon Wayne, Public Interest Counsel, TCEQ
Jennifer Jamison, Public Interest Counsel, TCEQ
Petter Gregg, attorney for Applicant
John Scott, attorney for Protestants
Reed Clay, attorney for Protestants

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

TO: Laurie Gharis, Chief Clerk
DATE: April 23, 2024

THRU: Deba Dutta, Team Leader
Municipal Team, Wastewater Permitting Section (MC-148)

FROM: Venkata Kancharla, Municipal Permits Team, Wastewater Permitting
Section

SUBJECT: **CHANGES TO BE MADE TO DRAFT
PERMIT**

Gilden Blair Blackburn and Timothy Edward Carter, TPDES Permit No. WQ0016124001, EPA ID No. TX0142581 (CN605845346 (Gilden); CN606025948 (Timothy); RN111458345)

We request that the attached page(s) be substituted in the Draft Permit which was filed with the Office of the Chief Clerk on August 29, 2022. The changes are being made due to a change in the effluent limits required based on additional technical evaluations. The updated modeling memo, pages of the technical summary, draft permit cover page, and draft permit pages 2 & 2a, are being replaced.

These changes do not require the permit application to be re-noticed.

Attached please find the updated modeling memo, technical summary, draft permit cover page, and draft permit pages 2 & 2a.

Venkata Kancharla

Venkata Kancharla

***End of Notice Period has past
and changes have been incorporated into
draft permit by: Venkata Kancharla***

CHIEF CLERKS OFFICE

2024 APR 25 AM 8:12

TEXAS
COMMISSION
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QUALITY

TCEQ Interoffice Memorandum

To: Municipal Permits Team
Wastewater Permitting Section

From: James E. Michalk, Water Quality Modeler
Water Quality Assessment Team
Water Quality Assessment Section

Date: April 16, 2024

Subject: Gilden Blair Blackburn and Timothy Edward Carter; Wastewater Permit No. WQ0016124001 / TX0142581 (new)
Discharge to a tributary of the Brazos River Below Possum Kingdom Lake, Segment No. 1206 of the Brazos River Basin

This memo supersedes the previous memo from Gunnar Dubke, P.E. dated June 24, 2022.

An analysis of the referenced discharger was conducted using an uncalibrated QUAL-TX model in combination with a simplified pond model for an interim effluent flow of 0.0375 MGD and a final effluent flow of 0.075 MGD. The discharger is located in Parker County.

The modeling analysis has been refined. Based on model results, effluent limits of **10 mg/L CBOD₅, 3 mg/L NH₃-N, and 4.0 mg/L DO** for the **0.0375 MGD** flow phase and **10 mg/L CBOD₅, 2 mg/L NH₃-N, and 4.0 mg/L DO** for the **0.075 MGD** flow phase are predicted to be necessary to ensure that dissolved oxygen levels will be maintained above the criteria established by the Standards Implementation Team for the man-made ditch (2.0 mg/L), the roadside ditch (2.0 mg/L), the unnamed tributary (2.0 mg/L), and Price Lake (5.0 mg/L).

Coefficients and kinetics used in the models are a combination of estimated and standardized default values. The results of this evaluation can be reexamined upon receipt of information that conflicts with the assumptions employed in this analysis.

Segment No. 1206 is not currently listed on the State's inventory of impaired and threatened waters (**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 proposed limits are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

**STATEMENT OF BASIS/TECHNICAL SUMMARY
AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**

DESCRIPTION OF APPLICATION

Applicant: Gilden Blair Blackburn and Timothy Edward Carter;
Texas Pollutant Discharge Elimination System (TPDES) Permit No.
WQ0016124001, EPA I.D. No. TX0142581

Regulated Activity: Domestic Wastewater Permit

Type of Application: New Permit

Request: New Permit

Authority: Federal Clean Water Act (CWA) § 402; Texas Water Code § 26.027; 30
Texas Administrative Code (TAC) Chapters 30, 305, 307, 309, 312, and
319; Commission policies; and United States Environmental Protection
Agency (EPA) guidelines.

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**.

REASON FOR PROJECT PROPOSED

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 0.0375 million gallons per day (MGD) in the Interim phase and a daily average flow not to exceed 0.075 MGD in the Final phase. The proposed wastewater treatment facility will serve the proposed Brock Spur development.

PROJECT DESCRIPTION AND LOCATION

The Brock Spur Wastewater Treatment Facility is a prepackaged activated sludge process plant operated in the extended aeration mode. Treatment units in the Interim phase will include a bar screen, an aeration basin, a final clarifier, a sludge holding chamber, a sludge digester, and a chlorine contact chamber. Treatment units in the Final phase will include an additional treatment train identical to the Interim phase. Effluent will flow through one equalization basin before entering either treatment train. 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.

The plant site will be located approximately 1,265 feet southeast from the intersection of Brock Spur Road and Quannah Hill Road, in Parker County, Texas 76087.

Outfall Location:

Outfall Number	Latitude	Longitude
001	32.695754 N	97.952599 W

The treated effluent will be discharged via a man-made ditch, thence to a roadside ditch, thence to an unnamed tributary, thence to Price lake, thence to an unnamed tributary, thence to an unnamed pond, thence to an unnamed tributary, thence to Grindstone Creek, thence to the Brazos River Below Possum Kingdom Lake in Segment No. 1206 of the Brazos River Basin. The unclassified receiving water uses are minimal aquatic life use for the man-made ditch and unnamed tributaries, limited aquatic life use for the unnamed pond, and high aquatic life use for Price Lake and Grindstone Creek. The designated uses for Segment No. 1206 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 §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 Price lake or Grindstone Creek, which have 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.

Effluent limitations for the conventional effluent parameters (i.e., Five-Day Biochemical Oxygen Demand [BOD₅] or Five-Day Carbonaceous Biochemical Oxygen Demand [CBOD₅], Ammonia Nitrogen [NH₃-N], etc.) are based on stream standards and waste load allocations for water-quality limited streams as established in the Texas Surface Water Quality Standards (TSWQS) and the State of Texas Water Quality Management Plan (WQMP).

In a case such as this, end-of-pipe compliance with pH limits between 6.0 and 9.0 standard units reasonably assures instream compliance with the TSWQS for pH when the discharge authorized is from a minor facility. This technology-based approach reasonably assures instream compliance with TSWQS criteria due to the relatively smaller discharge volumes authorized by these permits. This conservative assumption is based on TCEQ sampling conducted throughout the state which indicates that instream buffering quickly restores pH levels to ambient conditions. Similarly, this approach has been historically applied within EPA issued NPDES general permits where technology-based pH limits were established to be protective of water quality criteria.

The effluent limits recommended above have been reviewed for consistency with the State of Texas WQMP. The recommended limits are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

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) 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. 1206 is not currently listed in the State's inventory of impaired and threatened waters (the 2020 Clean Water Act Section 303(d) list).

SUMMARY OF EFFLUENT DATA

Self-reporting data is not available since the facility is not in operation.

DRAFT PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at an Interim volume not to exceed a daily average flow of 0.0375 MGD and a Final volume not to exceed a daily average flow of 0.075 MGD.

The effluent limitations in the Interim phase of the draft permit, based on a 30-day average, are 10 mg/l CBOD₅, 15 mg/l total suspended solids (TSS), 3 mg/l NH₃-N, 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The 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.

The effluent limitations in the Final phase of the draft permit, based on a 30-day average, are 10 mg/l CBOD₅, 15 mg/l TSS, 2 mg/l NH₃-N, 126 CFU or MPN of *E. coli* per 100 ml and 4.0 mg/l minimum DO. 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.

The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).

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.

SUMMARY OF CHANGES FROM APPLICATION

The applicant requested effluent limitations, based on a 30-day average, of 20 mg/l BOD₅, 20 mg/l TSS, and 2.0 mg/l minimum DO for all phases. However, effluent limitations in the Interim phase of the draft permit, based on a 30-day average, are 10 mg/l CBOD₅, 15 mg/l TSS, 3 mg/l NH₃-N, 126 CFU or MPN of *E. coli* per 100 ml and 4.0 mg/l minimum DO. The effluent limitations in the Final phase of the draft permit, based on a 30-day average, are 10 mg/l CBOD₅, 15 mg/l TSS, 2 mg/l NH₃-N, 126 CFU or MPN of *E. coli* per 100 ml and 4.0 mg/l minimum DO.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on March 11, 2022, and additional information received on June 2, 2022.
3. 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.
4. 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.
5. Interoffice Memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.

6. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
7. *Procedures to Implement the Texas Surface Water Quality Standards (IP)*, Texas Commission on Environmental Quality, June 2010, as approved by EPA, and the IP, January 2003, for portions of the 2010 IP not approved by EPA.
8. 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.
9. 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.

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.

Gilden Blair Blackburn and Timothy Edward Carter
TPDES Permit No. WQ0016124001
Statement of Basis/Technical Summary and Executive Director's Preliminary Decision

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 Venkata S. Kancharla at (512) 239-3342.

Venkata S Kancharla

Venkata S. Kancharla
Municipal Permits Team
Wastewater Permitting Section (MC 148)

7/21/2022

Date



TPDES PERMIT NO. WQ0016124001
[For TCEQ office use only - EPA I.D.
No. TX0142581]

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

Gilden Blair Blackburn and Timothy Edward Carter

whose mailing address is

8131 Old Brock Road
Brock, Texas 76087

is authorized to treat and discharge wastes from the Brock Spur Wastewater Treatment Facility, SIC Code 4952

located approximately 1,265 feet southeast from the intersection of Brock Spur Road and Quanah Hill Road, in Parker County, Texas 76087

via a man-made ditch, thence to a roadside ditch, thence to an unnamed tributary, thence to Price lake, thence to an unnamed tributary, thence to an unnamed pond, thence to an unnamed tributary, thence to Grindstone Creek, thence to the Brazos River Below Possum Kingdom Lake in Segment No. 1206 of the Brazos 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 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.075 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 0.0375 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 104 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (3.1)	15	25	35	One/week	Grab
Total Suspended Solids	15 (4.7)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (0.94)	6	10	15	One/week	Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/quarter	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.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the completion of expansion to the 0.075 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 daily average flow of effluent shall not exceed 0.075 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 208 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Max. Measurement Frequency	Single Grab Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (6.3)	15	25	35	One/week	Grab
Total Suspended Solids	15 (9.4)	25	40	60	One/week	Grab
Ammonia Nitrogen	2 (1.3)	5	10	15	One/week	Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/quarter	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 at each chlorine contact chamber. 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.