

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Friday, April 5, 2024 4:55 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016370001

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: lynnlundquist56@gmail.com <lynnlundquist56@gmail.com>
Sent: Friday, April 5, 2024 4:02 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016370001

REGULATED ENTY NAME KELLY RANCH WWTP

RN NUMBER: RN111772182

PERMIT NUMBER: WQ0016370001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: KELLY RANCH ESTATES LLC

CN NUMBER: CN606154482

NAME: Lynn & SCOTT Lundquist

EMAIL: lynnlundquist56@gmail.com

COMPANY: Lundquist and Associates Inc

ADDRESS: 16411 HIGHWAY 377 S
FORT WORTH TX 76126-5705

PHONE: 8179035356

FAX:

COMMENTS: REQUEST FOR CONTESTED CASE HEARING: Our property, consisting of approx. 12 1/2 acres is located approximately 750-950 feet downstream from the facility. (It's not proposed, it's built!!!) **STRONGLY OBJECT TO DUMPING WASTEWATER INTO BEAR CREEK!!!!!!** I am not aware of any other subdivisions within Parker County allowing this! As home builders and developers, I am constantly working with TCEQ over simple drainage issues. I can't believe with all of the rules in place, that dumping wastewater into Bear Creek would even be a consideration. Our concerns are as follows: 1_ if the water is well treated, use it to irrigate their golf course. 2_ adding water to the creek will change our flood plane (AGAIN). 3_odor and pollutants. 4_Lack of inspections and control. 5_Our grandchildren play in that creek!!!! We have Scout troop events at our place so that young people can learn about the environment and having wastewater in the creek would ruin all of this!!!!!! This is our HOME!!!! 6_they can replat their subdivision into 2 acre lots for private septic systems and a community water well to the Trinity. What does this do to our water well???????? There are a lot of other reasons to contest this. We need to be heard and this needs to be stopped. PLEASE, PLEASE! Lynn & Scott Lundquist 817/366-7466 817/903-5356

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, April 5, 2024 3:31 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016370001
Attachments: appeal.pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: missamarie@live.com <missamarie@live.com>
Sent: Friday, April 5, 2024 9:40 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016370001

REGULATED ENTY NAME KELLY RANCH WWTP

RN NUMBER: RN111772182

PERMIT NUMBER: WQ0016370001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: KELLY RANCH ESTATES LLC

CN NUMBER: CN606154482

NAME: MRS Alicia Pulpan

EMAIL: missamarie@live.com

COMPANY: Under the Wire Farm Pantry

ADDRESS: 126 BENT CREEK RANCH CT
FORT WORTH TX 76126-5597

PHONE: 8178795088

FAX:

COMMENTS: Please see attached file Thank you

April 5, 2024

Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

To Whom it may concern.

We are writing in response to the Notice of Application and Preliminary Decision for TPDES permit for Municipal Wastewater, a permit no. WQ0016370001.

We are requesting a contested case hearing.

Our names: Asa and Alicia Pulpan
Applicant name: Alicia Pulpan
Mailing Address: 126 Bent Creek Ranch Ct. Fort Worth, Texas 76126
Phone number: (817)879-5088
Proposed Permit: WQ0016370001

We are Asa and Alicia Pulpan the home/land owners situated at 126 Bent Creek Ranch Ct. in Fort Worth Texas. We are concerned about the impact that the release of wastewater will have on our property and our neighborhood. Our home is located directly next to Bear Creek and down stream from where the proposed wastewater discharge pipe will be located. Our concerns are many as land owners and residents.

First any foul odors that may result from the processing and discharge of waste water. We live and work here in our home and it would pose a real hardship for us as home and property owners and our visitors.

If the wastewater is not properly treated to ensure safety, or proper containment there could be leaching of untreated wastewater or chemicals which could leach into our water well and the wells of our neighbors. Affecting our clean drinking water.

Our property is located within the floodplain and this will change the water table for the creek and would possibly result in leaching, flooding, loss or damage to our property and neighboring properties.

Our property is used for food production for our community, the wastewater will pose as a constant threat of our ability to grow clean and healthy produce for our community and ourselves.

Wildlife will also be impacted as Bear Creek is a natural water source for many wild animals that live in the area and depend on it as a source of drinking water, food supply and habitat.

It there is any foul odors, flooding, potential for flooding, or chemicals or untreated water leaching into our ground or water well it will negatively impact the overall value of our property and the ability to use or sell the property now or in the future.

We thank you for your attention to these concerns and hope we can find a better solution.
Asa & Alicia Pulpan

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, April 5, 2024 3:29 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016370001
Attachments: 377 - Wasterwater Response Letter - Les Coldwell (1)1.pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: les.caldwell@sbcglobal.net <les.caldwell@sbcglobal.net>
Sent: Thursday, April 4, 2024 9:36 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016370001

REGULATED ENTY NAME KELLY RANCH WWTP

RN NUMBER: RN111772182

PERMIT NUMBER: WQ0016370001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: KELLY RANCH ESTATES LLC

CN NUMBER: CN606154482

NAME: MR Leslie U Caldwell

EMAIL: les.caldwell@sbcglobal.net

COMPANY:

ADDRESS: 16420 HIGHWAY 377 S
FORT WORTH TX 76126-5592

PHONE: 8179756269

FAX:

COMMENTS: April 1, 2024 Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711-3087 To Whom It May Concern, I am writing in response to the Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater, permit no. WQ0016370001. I request a contested case hearing. My Name: Les Coldwell Applicant Name: Les Coldwell Applicant Mailing Address: 16420 S Hwy 377, Fort Worth, TX 76126 Applicant Phone Number: 817-975-6269 Proposed Permit Number: WQ0016370001 Location Addresses: 16420 S. Hwy 377, Fort Worth, TX 76126. Distance from property relative to the proposed facility: the proposed facility is 175 ft. from the property line, and Bear Creek, which will contain treated wastewater, runs directly through the property. The following are descriptions of how I would be adversely affected by the facility in a way not common to the general public: • As a resident on the property and being so close to Bear Creek and the facility, any foul odor that may result from the processing and discharge of wastewater, or lack of proper containment, is a huge deterrent and hardship for me and anyone who visits me. • If the current measures planned by the Texas Commission on Environmental Quality to contain any odor are not sufficient for the volume of wastewater expected to be generated by an entire neighborhood and funneled through one outlet (Bear Creek) additional measures will need to be taken immediately. The concern is that this will not be closely monitored, requiring me, as a resident of the adjacent property, to monitor and provide continuing updates and follow up to ensure that the matter is appropriately addressed in a timely manner. • If the wastewater is not properly treated to ensure safety, or properly contained there could be leaching of any untreated wastewater, or chemicals used to treat wastewater that would affect the water well on our property. This is very concerning to me. • Bear Creek already floods when we have a lot of rain in a short time period, or over an extended time period. As the volume of treated wastewater being disposed into Bear Creek rises, the creek level will rise and potentially cause flooding. This poses a safety hazard for me as I live on the property and anyone who visits me. I am also concerned that my personal property could be damaged by potential flooding. Sincerely yours, Leslie Caldwell

April 1, 2024

Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

To Whom It May Concern,

I am writing in response to the Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater, permit no. WQ0016370001.

I request a contested case hearing.

My Name: Les Coldwell

Applicant Name: Les Coldwell

Applicant Mailing Address: 16420 S Hwy 377, Fort Worth, TX 76126

Applicant Phone Number: 817-975-6269

Proposed Permit Number: WQ0016370001

Location Addresses: 16420 S. Hwy 377, Fort Worth, TX 76126.

Distance from property relative to the proposed facility: the proposed facility is 175 ft. from the property line, and Bear Creek, which will contain treated wastewater, runs directly through the property.

The following are descriptions of how I would be adversely affected by the facility in a way not common to the general public:

- As a resident on the property and being so close to Bear Creek and the facility, any foul odor that may result from the processing and discharge of wastewater, or lack of proper containment, is a huge deterrent and hardship for me and anyone who visits me.
- If the current measures planned by the Texas Commission on Environmental Quality to contain any odor are not sufficient for the volume of wastewater expected to be generated by an entire neighborhood and funneled through one outlet (Bear Creek) additional measures will need to be taken immediately. The concern is that this will not be closely monitored, requiring me, as a resident of the adjacent

property, to monitor and provide continuing updates and follow up to ensure that the matter is appropriately addressed in a timely manner.

- If the wastewater is not properly treated to ensure safety, or properly contained there could be leaching of any untreated wastewater, or chemicals used to treat wastewater that would affect the water well on our property. This is very concerning to me.
- Bear Creek already floods when we have a lot of rain in a short time period, or over an extended time period. As the volume of treated wastewater being disposed into Bear Creek rises, the creek level will rise and potentially cause flooding. This poses a safety hazard for me as I live on the property and anyone who visits me. I am also concerned that my personal property could be damaged by potential flooding.

Sincerely yours,

Les Coldwell

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, April 5, 2024 3:28 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016370001
Attachments: WQ0016370001 -Request for Contested Hearing - Rusty King .pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: pikespeak7@gmail.com <pikespeak7@gmail.com>
Sent: Thursday, April 4, 2024 8:42 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016370001

REGULATED ENTY NAME KELLY RANCH WWTP

RN NUMBER: RN111772182

PERMIT NUMBER: WQ0016370001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: KELLY RANCH ESTATES LLC

CN NUMBER: CN606154482

NAME: Rusty King

EMAIL: pikespeak7@gmail.com

COMPANY:

ADDRESS: PO BOX 10061
FORT WORTH TX 76114-0061

PHONE: 8178812246

FAX:

COMMENTS: April 4, 2024 Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711-3087 To Whom It May Concern, I am writing in response to the Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater, permit no. WQ0016370001. I request a contested case hearing. My Name: Rusty King Applicant Name: Rusty King Applicant Mailing Address: P.O. Box 10061, Fort Worth, TX 76114 Applicant Phone Number: 817-881-2246 Proposed Permit Number: WQ0016370001 Location Addresses: There are 3 impacted lots, each with its own address: 16400 S. Hwy 377, Fort Worth, TX 76126, 16410 S. Hwy 377, Fort Worth, TX 76126, and 16420 S. Hwy 377, Fort Worth, TX 76126. Distance from property relative to the proposed facility: the proposed facility is 175 ft. from our property line, The proposed disposal location of Bear Creek, runs directly through our property. Our property, which is comprised of three separate lots, totaling approximately three acres, is located immediately south of the proposed water treatment facility. A portion of the property is leased out for commercial purposes (and has been for over 30 years), while another portion has a residential home leased to a tenant. The following are descriptions of how we could be adversely affected by the facility in a way not common to the general public: - Any foul odor that may result from the processing and discharge of wastewater, or lack of proper containment, could pose a very real deterrent and hardship for everyone living on the property, leasing and working on the property, and those visiting the property. - If the current measures planned by the Texas Commission on Environmental Quality to contain any odor are not sufficient for the volume of wastewater expected to be generated by an entire neighborhood and funneled through one outlet (Bear Creek) then additional measures will need to be taken immediately. The concern is that this will not be closely monitored, requiring us, as the owners of the adjacent property, to monitor and provide continuing updates and follow up to ensure that the matter is appropriately addressed in a timely manner. We would like to avoid this by having TCEQ enforce proper control measures from the beginning. - Our ability to lease, use, or sell the property (both the residential and commercial portions), now, and in the future, could be greatly impeded by the fact that treated wastewater is being disposed into Bear Creek, which runs through our property. Any foul odor resulting from the treatment of wastewater could diminish our ability to lease, use, or sell the property (both the residential and commercial portions), now, and in the future. - If the wastewater is not properly treated to ensure safety, or properly contained there could be leaching of any untreated wastewater, or chemicals used to treat wastewater that would affect the water well on our property. - There is currently water run-off running from the treatment site into the ditch alongside the road northeast of our property and running down to Bear Creek. This before the treated wastewater has even started to flow into Bear Creek. As the volume of treated wastewater being disposed into Bear Creek rises, the creek level will rise and potentially cause flooding. This creek already floods when we have a lot of rain in a short time period, or over an extended time period. If there are no plans to dispose of the treated wastewater in multiple locations, this could pose a potential safety hazard for everyone who lives on property, leases the commercial portion the property, works on property, or visits the property. Additionally, there could be property damage as a result of flooding. - This property has been leased for commercial use and utilized to sell various products and services for over 30 years. The income from this property supports our family. It is our livelihood. If there is any foul odor, flooding, potential for flooding, or chemicals or untreated water leaching into our water well, it could negatively impact our ability to lease the property. It could be a deterrent for consumers to visit the property, thus reducing sales income to lessees. If consumers prefer not to visit the property due to foul odor or flooding, it would greatly limit the types of businesses we would be able to lease to. - If there is any foul odor, flooding, potential for flooding, or chemicals or untreated water leaching into our water well, it would reduce the overall value of the property and negatively impact our ability to sell the property, now or in the future. Sincerely yours, Rusty King

April 4, 2024

Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

To Whom It May Concern,

I am writing in response to the Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater, permit no. WQ0016370001.

I request a contested case hearing.

My Name: Rusty King

Applicant Name: Rusty King

Applicant Mailing Address: P.O. Box 10061, Fort Worth, TX 76114

Applicant Phone Number: 817-881-2246

Proposed Permit Number: WQ0016370001

Location Addresses: There are 3 impacted lots, each with its own address: 16400 S. Hwy 377, Fort Worth, TX 76126, 16410 S. Hwy 377, Fort Worth, TX 76126, and 16420 S. Hwy 377, Fort Worth, TX 76126.

Distance from property relative to the proposed facility: the proposed facility is 175 ft. from our property line, The proposed disposal location of Bear Creek, runs directly through our property.

Our property, which is comprised of three separate lots, totaling approximately three acres, is located immediately south of the proposed water treatment facility. A portion of the property is leased out for commercial purposes (and has been for over 30 years), while another portion has a residential home leased to a tenant.

The following are descriptions of how we could be adversely affected by the facility in a way not common to the general public:

- Any foul odor that may result from the processing and discharge of wastewater, or lack of proper containment, could pose a very real deterrent and hardship for everyone living on the property, leasing and working on the property, and those visiting the property.

- If the current measures planned by the Texas Commission on Environmental Quality to contain any odor are not sufficient for the volume of wastewater expected to be generated by an entire neighborhood and funneled through one outlet (Bear Creek) then additional measures will need to be taken immediately. The concern is that this will not be closely monitored, requiring us, as the owners of the adjacent property, to monitor and provide continuing updates and follow up to ensure that the matter is appropriately addressed in a timely manner. We would like to avoid this by having TCEQ enforce proper control measures from the beginning.
- Our ability to lease, use, or sell the property (both the residential and commercial portions), now, and in the future, could be greatly impeded by the fact that treated wastewater is being disposed into Bear Creek, which runs through our property. Any foul odor resulting from the treatment of wastewater could diminish our ability to lease, use, or sell the property (both the residential and commercial portions), now, and in the future.
- If the wastewater is not properly treated to ensure safety, or properly contained there could be leaching of any untreated wastewater, or chemicals used to treat wastewater that would affect the water well on our property.
- There is currently water run-off running from the treatment site into the ditch alongside the road northeast of our property and running down to Bear Creek. This before the treated wastewater has even started to flow into Bear Creek. As the volume of treated wastewater being disposed into Bear Creek rises, the creek level will rise and potentially cause flooding. This creek already floods when we have a lot of rain in a short time period, or over an extended time period. If there are no plans to dispose of the treated wastewater in multiple locations, this could pose a potential safety hazard for everyone who lives on property, leases the commercial portion the property, works on property, or visits the property. Additionally, there could be property damage as a result of flooding.
- This property has been leased for commercial use and utilized to sell various products and services for over 30 years. The income from this property supports our family. It is our livelihood. If there is any foul odor, flooding, potential for flooding, or chemicals or untreated water leaching into our water well, it could negatively impact our ability to lease the property. It could be a deterrent for consumers to visit the property, thus reducing sales income to lessees. If consumers prefer not to visit the property due to foul odor or flooding, it would greatly limit the types of businesses we would be able to lease to.

- If there is any foul odor, flooding, potential for flooding, or chemicals or untreated water leaching into our water well, it would reduce the overall value of the property and negatively impact our ability to sell the property, now or in the future.

Sincerely yours,

Rusty King

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, April 5, 2024 3:32 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016370001

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: ggrissum@msn.com <ggrissum@msn.com>
Sent: Friday, April 5, 2024 12:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016370001

REGULATED ENTY NAME KELLY RANCH WWTP

RN NUMBER: RN111772182

PERMIT NUMBER: WQ0016370001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: KELLY RANCH ESTATES LLC

CN NUMBER: CN606154482

NAME: Gary L Grissum

EMAIL: ggrissum@msn.com

COMPANY:

ADDRESS: 110 BENT CREEK RANCH CT
FORT WORTH TX 76126-5597

PHONE: 7855506533

FAX:

COMMENTS: Request For Contested Case Hearing. Our 10-acre property is located approximately 980 feet from the proposed treatment facility. In addition, Bear Creek, which will be subject to the discharge of treated water from the facility, runs directly through the back of our property. Please note that it appears construction of the facility has commenced without the permit being issued. We have a number of concerns about the proposed facility as follows: 1. Any foul odor that may result from the processing and discharge of wastewater, or lack of proper containment, will pose a hardship on us and could impact our property value. 2. If the current measures planned by the TCEQ to contain any odor are not sufficient for the wastewater expected to be generated by an entire neighborhood and discharged into Bear Creek, additional measures will need to be taken immediately to address. It is our concern that this will not be closely monitored requiring us, as impacted landowners, to monitor and provide continuing updates and follow up to ensure the matter is appropriately addressed in a timely manner. 3. Our ability to use or sell our property could be greatly impacted by the fact that treated wastewater is being discharged into Bear Creek which runs through our property. Any foul odor resulting from the facility and associated discharge could significantly impact the usability and value of our property. 4. If the wastewater is not properly treated or contained to ensure safety, there could be leaching of the wastewater, or chemicals used to treat the same, into the aquifer thus contaminating our water well. 5. The planned discharge of up to 2.5 million gallons of treated wastewater per day into Bear Creek could exacerbate flooding during storm conditions. Sincerely, Gary L. Grissum

Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Monday, April 29, 2024 4:49 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>
Sent: Monday, April 29, 2024 9:55 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

From: Deba Dutta <Deba.Dutta@tceq.texas.gov>
Sent: Friday, April 26, 2024 5:11 PM
To: Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>; lynnlundquist56@gmail.com
Cc: Valentine, Greg <valentine.greg@epa.gov>; Deba Dutta <Deba.Dutta@tceq.texas.gov>
Subject: FW: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Hello Lynn:

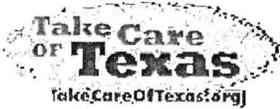
I am forwarding your concern to our Office of the Chief Clark staff, Georgia Carroll-Warren so that she can record it as a formal comment. We will be responding to all of the comments received withing the end of comment period; which is 30 days after the publication of the second notice.

Hope that helps. Let me know if you have any additional questions.

Thanks.

Deba Dutta

Deba P. Dutta, P.E., Team Leader
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



How is our Customer Service? Fill out our online customer satisfactory survey at <https://www.tceq.texas.gov/customersurvey>

From: Valentine, Greg <valentine.greg@epa.gov>
Sent: Friday, April 26, 2024 8:50 AM
To: lynnlundquist56@gmail.com
Cc: Deba Dutta <Deba.Dutta@tceq.texas.gov>
Subject: RE: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Ms. Lundquist, I am the oversight coordinator for municipal permits in Texas for the EPA. As the delegated authority TCEQ is the point of contact for these permits, while EPA conducts oversight of these permits. I received the Kelly Ranch Estates, LLC. permit on Monday, March 11, 2024, and completed my review on Tuesday, April 9, 2024. I didn't find any issues during my review; however, I can assist in communicating with TCEQ about your concerns. I am cc'ing Mr. Deba Dutta, Team Leader (my counterpart with TCEQ) on this email.

Deba, could you please work with Lynn Lundquist to address her concerns with the Kelly Ranch Estates, LLC. and please keep me in the loop. I've seen subsurface irrigation used in other permits, not many, but would this be an option?

Thanks,

Greg

From: Lynn Lundquist <lynnlundquist56@gmail.com>
Date: April 22, 2024 at 3:44:28 PM MDT
To: "Andrews, Amy" <andrews.amy@epa.gov>
Cc: Kathleen Grissum <kgrissum61@gmail.com>, pike <pikespeak7@gmail.com>, Scott Lundquist <scott.lundquist53@gmail.com>
Subject: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Amy,
We are neighbors that will be directly affected by this wastewater dumping into our little creek. We each own land that the creek is on. We also each **STRONGLY OBJECT** to this happening!

Our grandchildren play in this little creek and we have scout troops that camp on our land and go down to walk the creek and learn about our environment.

If this water is treated and the treatment is as regulated as they *claim*, then why not irrigate the proposed golf course or the yards of the folks in Kelly Ranch Estates? Adding this amount of water (**up to 2.4 million gallons a day!!!!**) will change our flood plain (AGAIN).

We have read numerous articles about sewage leaks, golden algae and all sorts of nightmares happening. This is a small creek in our backyards. This could cause tremendous property damage from flooding. We have a pavilion that we built on the creek to have events as a supplement to our retirement. This could present loss of income for us; could present a potential safety hazard if it floods Highway 377; we have horses that graze; hay that sits real near the creek bank; the smell; the algae; decline in property value; not to mention what it's doing to Benbrook Lake! It's our HOME!!!!!!

We also sent a letter in response to the application within the allotted time period to the TCEQ asking for a hearing. But I've read that the TCEQ can override any decision made. What can we do as VERY concerned landowners to fight this?

Thanks for reading and we look forward to hearing from you,
Lynn

--
M. Lynn Lundquist
Lundquist & Associates, Inc.
Rising Star Ranch Events
Notary Public of Texas
817.366.7466

"Life isn't about waiting for the storm to pass; it's about learning to dance in the rain!" Anonymous

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Tuesday, May 7, 2024 3:20 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: FW: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>
Sent: Tuesday, May 7, 2024 11:57 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: FW: FW: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

From: Lynn Lundquist <lynnlundquist56@gmail.com>
Sent: Tuesday, May 7, 2024 11:54 AM
To: Deba Dutta <Deba.Dutta@tceq.texas.gov>
Cc: Georgia Carroll-Warren <Georgia.Carroll-Warren@tceq.texas.gov>; Valentine, Greg <valentine.greg@epa.gov>; Scott Lundquist <scott.lundquist53@gmail.com>; Kathleen Grissum <kgrissum61@gmail.com>; pike <pikespeak7@gmail.com>
Subject: Re: FW: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Hi all,

I appreciate the fact that our comments and concerns in the above email were received and passed on down the line. My question is, is there someone that I can talk to? We have seen many instances where the rules and regulations of these treatment plants were not monitored and had to be shut down AFTER raw sewage was leaked, or fish started dying, etc. We are not in a municipality, therefore, who oversees these reports???? Who monitors???? The state of Texas from Austin??? We are in a floodplain!!! What happens when 2.5 million gallons of wastewater is dumped into this

small creek everyday and it overflows???? Does that increase our flood insurance premiums???? We have an events business right above the creek. Who pays for that damage and loss of income???? What about the decrease in our property value when we have to disclose this mess??? This land is the only "retirement plan" we have! It's OUR HOME!

Why can't they irrigate their yards and golf course with this instead of pulling water from the aquifer? As builders, we built a home right down 377 in Bella Flora and those homes run out of water all the time!!! They not only have to pay for their lot, home, septic and water well, but they have to buy a huge storage tank and pump to supplement when the well runs dry! So, why is irrigating their yards and golf course not an option???

I have quite a few neighbors and folks that want to sign a petition against this. Where do I send the petition? Folks like the Navigators scout troops that camp on the bank of the creek and explore the creek to learn about nature, friends that bring their kids out here to camp and explore. We even spread one of our close friend's ashes in the creek, per his request.

I read that the state can override the judges decision made in a court hearing. So, is this already a done deal and we just need to figure out if we should sell out and move before this mess starts and decreases our property value?? As I said, this land is our retirement plan. Why were they allowed to completely build this plant if it were not already decided? It's bad enough that the county allowed the storage buildings to build across from us on a residential lot! Now this! Guess that's partly why we have so little faith in anything being monitored or enforced. As well as the horror stories we've read that other areas have experienced. Please help me to know where to send the petition and how to be heard. This is so important to us all who live downstream from this

and those that experience this little part of Bear Creek as a part of nature just as God intended it for.

Thanks for listening,
Lynn

On Fri, Apr 26, 2024 at 5:11 PM Deba Dutta <Deba.Dutta@tceq.texas.gov> wrote:

Hello Lynn:

I am forwarding your concern to our Office of the Chief Clark staff, Georgia Carroll-Warren so that she can record it as a formal comment. We will be responding to all of the comments received withing the end of comment period; which is 30 days after the publication of the second notice.

Hope that helps. Let me know if you have any additional questions.

Thanks.

Deba Dutta

Deba P. Dutta, P.E., Team Leader

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



How is our Customer Service? Fill out our online customer satisfactory survey at

<https://www.tceq.texas.gov/customersurvey>

From: Valentine, Greg <valentine.greg@epa.gov>
Sent: Friday, April 26, 2024 8:50 AM
To: lynnlundquist56@gmail.com
Cc: Deba Dutta <Deba.Dutta@tceq.texas.gov>
Subject: RE: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Ms. Lundquist, I am the oversight coordinator for municipal permits in Texas for the EPA. As the delegated authority TCEQ is the point of contact for these permits, while EPA conducts oversight of these permits. I received the Kelly Ranch Estates, LLC. permit on Monday, March 11, 2024, and completed my review on Tuesday, April 9, 2024. I didn't find any issues during my review; however, I can assist in communicating with TCEQ about your concerns. I am cc'ing Mr. Deba Dutta, Team Leader (my counterpart with TCEQ) on this email.

Deba, could you please work with Lynn Lundquist to address her concerns with the Kelly Ranch Estates, LLC. and please keep me in the loop. I've seen subsurface irrigation used in other permits, not many, but would this be an option?

Thanks,

Greg

From: Lynn Lundquist <lynnlundquist56@gmail.com>
Date: April 22, 2024 at 3:44:28 PM MDT
To: "Andrews, Amy" <andrews.amy@epa.gov>
Cc: Kathleen Grissum <kgrissum61@gmail.com>, pike <pikespeak7@gmail.com>, Scott Lundquist <scott.lundquist53@gmail.com>
Subject: PERMIT APPLICATION #WQ0016370001 TO DUMP WASTEWATER INTO BEAR CREEK!

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Amy,

We are neighbors that will be directly affected by this wastewater dumping into our little creek. We each own land that the creek is on. We also each STRONGLY OBJECT to this happening!

Our grandchildren play in this little creek and we have scout troops that camp on our land and go down to walk the creek and learn about our environment.

If this water is treated and the treatment is as regulated as they *claim*, then why not irrigate the proposed golf course or the yards of the folks in Kelly Ranch Estates?

Adding this amount of water (**up to 2.4 million gallons a day!!!**) will change our flood plain (AGAIN).

We have read numerous articles about sewage leaks, golden algae and all sorts of nightmares happening. This is a small creek in our backyards. This could cause tremendous property damage from flooding. We have a pavilion that we built on the creek to have events as a supplement to our retirement. This could present loss of income for us; could present a potential safety hazard if it floods Highway 377; we have horses that graze; hay that sits real near the creek bank; the smell; the algae;

decline in property value; not to mention what it's doing to Benbrook Lake! It's our HOME!!!!!!

We also sent a letter in response to the application within the allotted time period to the TCEQ asking for a hearing. But I've read that the TCEQ can override any decision made. What can we do as VERY concerned landowners to fight this?

Thanks for reading and we look forward to hearing from you,

Lynn

--

M. Lynn Lundquist

Lundquist & Associates, Inc.

Rising Star Ranch Events

Notary Public of Texas

817.366.7466

"Life isn't about waiting for the storm to pass; it's about learning to dance in the rain!" Anonymous

--

M. Lynn Lundquist

Lundquist & Associates, Inc.

Rising Star Ranch Events

Notary Public of Texas

817.366.7466

"Life isn't about waiting for the storm to pass; it's about learning to dance in the rain!" Anonymous

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Friday, April 5, 2024 4:55 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016370001

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: Carl.Howard@equipmentsshare.com <Carl.Howard@equipmentsshare.com>
Sent: Friday, April 5, 2024 4:23 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016370001

REGULATED ENTY NAME KELLY RANCH WWTP

RN NUMBER: RN111772182

PERMIT NUMBER: WQ0016370001

DOCKET NUMBER:

COUNTY: PARKER

PRINCIPAL NAME: KELLY RANCH ESTATES LLC

CN NUMBER: CN606154482

NAME: Carl Howard

EMAIL: Carl.Howard@equipmentsshare.com

COMPANY: EquipmentShare

ADDRESS: 16615 US-377
Fort worth TX 76126

PHONE: 6823083854

FAX:

COMMENTS: Do not want them to dump there waist water in are privately owned creek

TPDES PERMIT NO. WQ0016370001

APPLICATION BY	§	BEFORE THE
KELLY RANCH ESTATES,	§	TEXAS COMMISSION
LLC FOR NEW TPDES	§	ON ENVIRONMENTAL
PERMIT NO.	§	QUALITY
WQ0016370001	§	

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by Kelly Ranch Estates, LLC (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016370001, and the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments. The Office of the Chief Clerk received timely comments from Leslie U. Caldwell, Gary L. Grissum, Carl Howard, Rusty King, Lynn & Scott Lundquist, M. Lynn Lundquist, and Asa & Alicia Pulpan. This response addresses all timely public comments received, whether or not withdrawn.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B).

If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at the following website:

www.tceq.texas.gov.

I. BACKGROUND

A. Description Of Facility

The Applicant submitted an application to the TCEQ on June 28, 2023, for new TPDES Permit No. WQ0016370001 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 0.50 MGD in the Interim II phase, and an annual average flow not to exceed 2.25 MGD in the Final phase. The proposed wastewater treatment facility will serve the Avanzada Subdivision.

The Kelly Ranch Wastewater Treatment Facility (WWTF) will be an activated sludge process plant operated in the complete mix mode with single stage nitrification mode. Treatment units in the Interim I phase will include bar screens, four aeration basins, a final clarifier, four sludge digesters, and a chlorine contact chamber. Treatment units in the Interim II phase will include bar screens, five aeration basins, two final clarifiers, five sludge digesters, two chlorine contact chambers, and a dechlorination chamber. Treatment units in the Final phase will include bar screens, two aeration basins, two final clarifiers, two sludge digesters, two chlorine contact chambers, and two dechlorination chambers. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered transporter to a wastewater treatment facility, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

If this permit is issued, the proposed facility will be located approximately 1,000 feet west of the intersection of Kelly Road and U.S. Route 377, in Parker County, Texas 76035. Geographic coordinates of the outfall location in decimal degrees are provided below:

Outfall Number	Latitude	Longitude
001	32.604023 N	97.582943 W

The treated effluent will be discharged to Bear Creek, thence to Benbrook Lake in Segment No. 0830 of the Trinity River Basin. The unclassified receiving water use is high aquatic life use for Bear Creek. The designated uses for Segment No. 0830 are

primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect existing instream uses. All determinations are preliminary and subject to additional review and revisions.

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow, are expressed in million gallons per day (MGD). The two-hour (2-hr) peak flow is expressed in gallons per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 ml).

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 556 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/L (lbs/day)	7-day Avg mg/L	Daily Max mg/L	Single Grab mg/L
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	7 (12)	12	22	32
Total Suspended Solids	12 (20)	20	40	60
Ammonia Nitrogen	2 (3.3)	5	10	15
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	N/A	399

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.

The pH shall not be less than 6.0 standard units (SU) nor greater than 9.0 SU 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 minimum dissolved oxygen of 4.0 mg/L and shall be monitored once per week by grab sample.

INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.50 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,389 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/L (lbs/day)	7-day Avg mg/L	Daily Max mg/L	Single Grab mg/L
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (21)	10	20	30
Total Suspended Solids	5 (21)	10	20	30
Ammonia Nitrogen	1.6 (3.3)	3	6	10
Total Phosphorus	1.0 (4.2)	2	4	6
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	399	N/A

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 at each chlorine contact chamber. 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.

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored twice 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 minimum dissolved oxygen of 6.0 mg/L and shall be monitored twice per week by grab sample.

FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 2.25 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 6,250 gpm.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	Daily Avg mg/L (lbs/day)	7-day Avg mg/L	Daily Max mg/L	Single Grab mg/L
Flow, MGD	Report	N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (94)	10	20	30
Total Suspended Solids	5 (94)	10	20	30
Ammonia Nitrogen	1.3 (24)	3	6	10
Total Phosphorus	0.5 (9.4)	1	2	3
<i>E. coli</i> colony-forming units or most probable number per 100 ml	126	N/A	399	N/A

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 at each chlorine contact chamber. 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.

The pH shall not be less than 6.0 SU nor greater than 9.0 SU and shall be monitored twice 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 minimum dissolved oxygen of 6.0 mg/L and shall be monitored twice per week by grab sample.

B. Procedural Background

The permit application was received on June 28, 2023, and declared administratively complete on September 13, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on October 21, 2023, in the

Weatherford Democrat. The Notice of Application and Preliminary Decision (NAPD) was published on March 16, 2024, in the *Weatherford Democrat*. The public comment period ended on April 30, 2024.

Because this application was received after September 1, 2015, and because it was declared administratively complete after September 1, 1999, it is subject to both the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and the procedural requirements and rules implementing Senate Bill 709, 84th Legislature, 2015, which are implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55.

C. Access to Rules, Laws, and Records

- Administrative Code: <http://www.sos.state.tx.us/tac/> (select TAC Viewer on the right, then Title 30 Environmental Quality)
- Texas statutes: <http://www.statutes.capitol.texas.gov/>
- TCEQ website: <http://www.tceq.texas.gov/> (for downloadable rules in WordPerfect or Adobe PDF formats, select “Rules, Policy, & Legislation,” then “Current TCEQ Rules,” then “Download TCEQ Rules”).
- Federal rules: Title 40 of the Code of Federal Regulations (C.F.R.) http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl
- Federal environmental laws: <http://www.epa.gov/lawsregs/>
- Environmental or citizen complaints may be filed electronically at: <https://www.tceq.texas.gov/compliance/complaints/index.html> (select “use our online form”) or by sending an email to the following address: complaint@TCEO.Texas.gov

Commission records for this application are available for viewing and copying and are located at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). Some documents located at the OCC may also be found in the TCEQ Commissioners’ Integrated Database at www.tceq.texas.gov/goto/cid.

The permit application has been available for viewing at East Parker County Library, located at 201 Farm-to-Market Road 1187 North, Aledo, Texas, since publication of the NORI. The Executive Director’s Preliminary Decision and the draft permit have been available for copying and viewing at the same location since publication of the NAPD.

If individuals wish to file a complaint about the proposed facility concerning its compliance with the provisions of its permit or with TCEQ rules, the TCEQ’s OCE should be contacted. Specifically, the Dallas/Fort Worth Regional Office (Region 4) in

Fort Worth, Texas may be contacted at (817) 588-5800 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above at the sixth bullet under “Access to Rules, Laws, and Records.” If an inspection by the TCEQ finds that the Applicant is not complying with all requirements of the proposed permit, or that the proposed facility is out of compliance with TCEQ rules, enforcement actions may arise.

II. COMMENTS AND RESPONSES

COMMENT 1:

Leslie Caldwell, Gary Grissum, Rusty King, and Alicia & Asa Pulpan requested a contested case hearing on this application.

RESPONSE 1:

The ED acknowledges the request for a contested case hearing. The ED has considered all timely comments and prepared this response to all relevant, material, or significant public comment. This RTC will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. The mailing also provides instructions for requesting a contested case hearing or reconsideration of the ED’s decision. Following the close of all applicable comment and request periods, the ED 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 material water quality concerns submitted during the comment period. If the application does go to hearing, the final decision regarding this application will be made by the TCEQ’s Commissioners.

COMMENT 2:

Leslie Caldwell, Gary Grissum, Rusty King, Lynn Lundquist, Lynn & Scott Lundquist, and Asa & Alicia Pulpan made comments regarding their concern about nuisance odors issuing from the proposed facility and the discharged effluent.

RESPONSE 2:

All wastewater treatment facilities have the potential to generate odors. 30 TAC § 309.13(e) provides three options by which an applicant may satisfy nuisance odor abatement and control requirements; these options include: (1) ownership of land to be used as a buffer zone, (2) restrictive easement(s) from the adjacent property owners for any part of the buffer zone not owned by the applicant, or (3) providing a nuisance odor prevention request for approval by the Executive Director.

According to its application, the Applicant intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line. This requirement is incorporated in the draft permit as Other Requirement #4. Therefore, if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit, then nuisance odor is not expected to occur as a result of the permitted activities at the facility.

Further, the Applicant proposes in its application that the WWTF will be an activated sludge process plant operated in the complete mix with single stage nitrification mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the complete mix variation has been known to produce highly treated effluent with low biosolids production. When properly treated by the proposed wastewater treatment process, the effluent is not expected to have an offensive odor.

If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report the incident to TCEQ by calling toll-free at 1-888-777-3186, or by calling the TCEQ Regional Office (Region 4) in Fort Worth, Texas at (817) 588-5800. Complaints may also be filed electronically by using the methods described in subsection C of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the

requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, enforcement actions may arise.

Moreover, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 3:

Leslie Caldwell, Gary Grissum, Rusty King, and Lynn & Scott Lundquist made comments regarding their concern that TCEQ will not adequately monitor the proposed facility if the draft permit is granted.

RESPONSE 3:

TCEQ TPDES permits include descriptions of the conditions under which wastewater facilities must operate. All facilities must be designed, operated, and maintained consistent with applicable TCEQ rules. The proposed facility will be a Category C facility in the Interim I and II phases and a Category B facility in the Final phase. The proposed facility must be operated by a chief operator holding a Class C license or higher in the Interim I and II phases and a Class B license or higher in the final phase. The facility must be properly operated and maintained at all times.

The Applicant is required to analyze the treated effluent prior to discharge and provide TCEQ with monthly reports detailing the results of the analyses. All samples must be collected and analyzed in accordance with 30 TAC Chapter 319, Subchapter A, Monitoring and Reporting System. The Applicant is required to notify the agency if the effluent does not meet the permit limits according to the requirements in the permit.

TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. Mandatory investigations may be required if the facility is categorized as significant non-compliance. Significant non-compliance is determined by the Compliance Monitoring Section of the TCEQ and is based on self-reported effluent violations. TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint. The Applicant must provide a readily accessible sampling point for its own sampling staff and for the TCEQ's compliance

inspectors. The TCEQ and its employees have the authority to enter public or private property for the purpose of investigation or monitoring under Section 26.014 of the Texas Water Code. This right of entry onto the Applicant's property is incorporated in the Draft Permit, Permit Conditions, part 3, page 10.

If anyone experiences any incidences of noncompliance with the permit or TCEQ rules, they may report the incident to TCEQ by calling toll-free at 1-888-777-3186, or by calling the TCEQ Regional Office (Region 4) in Fort Worth, Texas at (817) 588-5800. Complaints may also be filed electronically by using the methods described in subsection C of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, then enforcement actions may arise.

COMMENT 4:

Leslie Caldwell, Gary Grissum, Rusty King, Lynn & Scott Lundquist, and Asa & Alicia Pulpan commented about their concern that the discharged effluent will contaminate nearby groundwater.

RESPONSE 4:

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

The Water Quality Division has determined that the draft permit complies 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 review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore,

the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. The commenters may wish to contact the Water Supply Division at 512-239-4691 for any questions or more information.

COMMENT 5:

Asa & Alicia Pulpan commented about their concern for wildlife who drink from the receiving waters.

RESPONSE 5:

The proposed permit was drafted in accordance with 30 TAC § 307.5 and the TCEQ Procedures for Implementation of the Texas Surface Water Quality Standards (IPs; June 2010). The TSWQS provide that surface water cannot be toxic to aquatic or terrestrial organisms. The TSWQS were established to protect human health, terrestrial life, and aquatic life, and the TSWQS and IPs specifically designate criteria for the protection of aquatic life. The Executive Director has determined that the proposed draft permit meets the requirements of the TSWQS. Thus, the draft permit would be protective of aquatic life, and since aquatic organisms are more sensitive to water quality components than terrestrial organisms, the draft permit should preclude negative impacts to the health and performance of terrestrial organisms, such as cattle and wildlife.

COMMENT 6:

Gary Grissum and Lynn & Scott Lundquist commented that the facility has already begun construction.

RESPONSE 6:

The Applicant may not begin construction of the proposed WWTF until the draft permit is issued. TCEQ must also approve of engineering designs, plans, and specifications for the proposed WWTF before construction begins. TCEQ's water

quality division staff have confirmed with the Applicant that construction of the proposed WWTF has not begun.

If anyone experiences any incidences of noncompliance with the permit or TCEQ rules, they may report the incident to TCEQ by calling toll-free at 1-888-777-3186, or by calling the TCEQ Regional Office (Region 4) in Fort Worth, Texas at (817) 588-5800. Complaints may also be filed electronically by using the methods described in subsection C of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the WWTF is out of compliance with TCEQ rules, then enforcement actions may arise.

COMMENT 7:

Lynn Lundquist and Lynn & Scott Lundquist commented about their concern that the proposed discharge of effluent will diminish water quality to the extent that recreational uses of the receiving water will no longer be feasible.

RESPONSE 7:

TCEQ was granted federal regulatory authority over discharges of pollutants to Texas surface water for the protection of water quality. The Texas Legislature gave TCEQ the responsibility to protect water quality in the State of Texas and to authorize wastewater discharges through TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific rules regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the Procedures to Implement the Texas Surface Water Quality Standards (IPs; June 2010) is designed to ensure 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.

TCEQ staff determined the uses of the receiving waters and set effluent limits that are protective of those uses as part of the application process. To achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters. Effluent limitations in the draft permit for the conventional effluent parameters (i.e. CBOD5, Ammonia-Nitrogen, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams, which are established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

An antidegradation review of the receiving waters was performed in accordance with 30 TAC § 307.5 and the IPs. A Tier 1 antidegradation review 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 preliminarily determined that no significant degradation of water quality is expected in Bear 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.

COMMENT 8:

Carl Howard commented that Bear Creek is privately owned.

RESPONSE 8:

The issuance of a TPDES 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.

COMMENT 9:

Lynn Lundquist commented about her concern that the proposed facility's operations will increase algal growth.

RESPONSE 9:

Phosphorus is a necessary nutrient for algae growth, but it is often present in limited quantities in freshwater systems. Restricting the amount of phosphorus in treated wastewater significantly reduces the likelihood of wastewater discharge stimulating the excessive growth of algae and other aquatic vegetation. The Executive Director performed a nutrient screen to ensure that effluent discharged from the WWTF will not cause an excessive accumulation of algae. The nutrient screen indicated that because of the high clarity of the water column, a lack of shade along the banks, and minimal dilution, the draft permit needed a total phosphorus limit. The Executive Director included a total phosphorus limit of 1.0 mg/L in the Interim II phase and a total phosphorus limit of 0.5 mg/L in the Final phase to preclude an excessive accumulation of algae.

COMMENT 10:

Gary Grissum, Rusty King, Lynn Lundquist, and Asa & Alicia Pulpan commented regarding their concern that operation of the proposed facility will prevent them from using and enjoying their property.

RESPONSE 10:

Under 30 TAC § 309.10(b), the TCEQ has the authority to condition the issuance of permits to domestic wastewater treatment facilities on the selection of a site that minimizes the likelihood of nuisance conditions. The Commission's primary authority regarding the control of nuisance conditions for water quality permits is to require buffer zones for the minimization of odors. See 30 TAC § 309.13(e). However, the scope of the Agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property. Suspected incidents of noncompliance with the permit or TCEQ rules may be reported to the TCEQ Region 4 Office in Fort Worth at 817-588-5800 or by calling the Environmental Violations Hotline at 1-888-777-3186. If the facility is determined to be in violation of its permit or TCEQ rules, it will be subject to enforcement action.

COMMENT 11:

Lynn & Scott Lundquist commented asking for the Applicant to use septic systems instead of building a WWTF.

RESPONSE 11:

TCEQ does not have the authority to mandate a specific type of wastewater treatment system. Decentralized wastewater treatment units, such as septic tanks, are a type of on-site sewage facilities (OSSF). A septic tank is a buried, watertight tank designed and constructed to partially treat raw wastewater. The tank separates and retains floatable and settleable solids in the wastewater. Following the primary treatment, wastewater is then discharged to a drain field for further treatment by and dispersal to the environment.

If the Applicant decides to utilize individual septic tanks to serve the proposed development, it will be subject to 30 TAC Chapter 285, relating to “On-Site Sewage Facilities”. However, the anticipated combined flow from all systems on a tract of land must be less than 5,000 gallons per day (gpd) on an annual average basis. If the anticipated combined flow exceeds 5,000 gpd, a domestic wastewater treatment facility is required because wastewater treatment facilities produce a higher quality effluent than septic tanks and are therefore more protective of the environment.

The qualities of effluent from an individual anaerobic OSSF and from a WWTF are significantly different. An OSSF treats a limited volume of domestic wastewater to primary treatment standards. The wastewater strength, or organic loading, of BOD5 and NH3-N in untreated or raw sewage from a residential subdivision is estimated to be 250-400 mg/L and 15-75 mg/L respectively. The draft permit, for example, requires that the treated effluent shall not exceed 7 mg/L CBOD5 with 2 mg/L NH3-N in the Interim I phase, 5 mg/L CBOD5 with 1.6 mg/L NH3-N in the Interim II phase, and 5 mg/L CBOD5 with 1.3 mg/L NH3-N in the Final phase. In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/L BOD5 prior to discharging into the underground drain field or soil absorption field. To meet its effluent limits, the proposed facility will have to provide secondary treatment including disinfection. For a proposed development of this type, a wastewater

treatment facility will provide a higher level of environmental protection than septic tanks.

For more information regarding OSSF rules and regulations, please contact the TCEQ OSSF Program at 512-239-3799.

COMMENT 12:

Lynn Lundquist and Lynn & Scott Lundquist commented asking the Applicant to reuse treated effluent instead of discharging it.

RESPONSE 12:

TCEQ does not have the authority to require a permittee to obtain a reuse authorization. The TCEQ's rule regarding beneficial reuse of reclaimed water may be found in 30 TAC Chapter 210, relating to "Use of Reclaimed Water." If an applicant seeks to obtain a reuse authorization, then the applicant must first have either applied for or obtained a TPDES permit or a no-discharge Texas Land Application state permit (TLAP). TCEQ's rules provide that reclaimed water may only be provided for "on a demand" use. "On a demand" use prevents treated water from being provided during times when the water cannot be beneficially used, and it allows the reclaimed water user to refuse delivery of reclaimed water at any time. Subsequently, the reclaimed water producer must have a guaranteed method of effluent disposal via either a TPDES permit or TLAP.

If the draft permit is issued, the Applicant will have to notify the Executive Director of its intention to use reclaimed water and obtain approval to provide reclaimed water. Treated effluent that is used for irrigation under a reuse authorization must meet the appropriate effluent limits as required by 30 TAC Chapter 210.

COMMENT 13:

Gary Grissum, Rusty King, Lynn Lundquist, and Asa & Alicia Pulpan commented that the proposed facility will negatively impact their property values.

RESPONSE 13:

TCEQ does not have the authority to address potential changes to property value as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater

regulations do not authorize TCEQ to consider property values. However, the draft permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 14:

Leslie Caldwell, Gary Grissum, Rusty King, Lynn Lundquist, Lynn & Scott Lundquist, and Asa & Alicia Pulpan commented their concern that the proposed discharge will increase instances of flooding.

RESPONSE 14:

TCEQ does not have jurisdiction to address flooding in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. For flooding concerns, please contact the floodplain administrator for your area. If you need help finding your floodplain administrator, please call the TCEQ Resource Protection Team at 512-239-4691.

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

In response to Public Comments, the Executive Director has not made changes to the draft permit.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Erin E. Chancellor, Director
Environmental Law Division

Charmaine Backens, Deputy Director
Environmental Law Division



Bradford Eckhart, Staff Attorney
Environmental Law Division
State Bar No. 24137368
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-1283
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY