

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Rainbow's End Park, Inc., SOAH Docket No. 582-25-24687, TCEQ Docket No. 2025-0698-MWD, was mailed on August 8, 2025.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 8th day of August 2025.

A handwritten signature in cursive script that reads "Laurie Gharis".

---

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

**SEAL**

Brooke T. Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 8, 2025

**Via Certified and First Class Mail**

**Receipt #7004 1350 0000 4761 2239**

Travis Carr, President  
Rainbow's End Park, Inc.  
100 Rainbow Drive  
Livingston, Texas 77399

**Via Certified and First Class Mail**

**Receipt # 7004 1350 0000 4761 2260**

Len Fairbanks, P.E., Owner  
Fairbanks & Associates  
677 Greer Road  
Livingston, Texas 77351

RE: Notice of Hearing Package  
Applicant Name: Rainbow's End Park, Inc.  
Facility Location: Polk County, Texas  
Permit Number: WQ0016513001  
Type of Authorization: New

Dear Mr. Carr and Mr. Fairbanks,

As you know, the Chief Clerk's Office has referred this matter over to the State Office of Administrative Hearings (SOAH) for a contested case hearing on your application.

SOAH will conduct a preliminary hearing via Zoom video conference at:

10:00 a.m. – September 22, 2025

You are now required to publish notice for this hearing. To help you meet the requirements associated with this notice, we have enclosed the following items:

- Notice for Newspaper Publication
- Instructions for Notice of Hearing
- Affidavit of Publication

Please note that it is VERY IMPORTANT that you follow ALL directions in the ENCLOSED INSTRUCTIONS. If you do not, you may be required to republish the notice. One of the most common mistakes we see is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

The following items and time limitations are also described in the enclosed instructions. However, due to their importance, we want to highlight them for you.

1. Publish the enclosed notice within at least **30 calendar days** prior to the date of the hearing.
2. Return **acceptable proof of publication** of the complete notice, which shows publication date and newspaper name, to the TCEQ Office of the Chief Clerk within **10 business days** after notice is published in the newspaper.
3. File the original enclosed *Affidavit of Publication* with the TCEQ Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with all requirements described in the instructions, further processing of your application may be suspended or the commission may take other actions.

As required by 30 TAC § 80.118(c), the TCEQ Office of the Chief Clerk (OCC) will provide the administrative record to SOAH, and will retain one copy for its files. In addition, one copy of the administrative record will be provided to you by the OCC on CD. Neither SOAH nor TCEQ is responsible for providing additional copies to the parties. However, the OCC can provide copies upon request.

The administrative record is not in evidence until properly offered by motion of a party, and subsequently admitted by the Administrative Law Judge, pursuant to 30 TAC § 80.127(h). The party seeking admission of the administrative record must supply copies to the other parties in the proceeding at the time it is offered, or by agreement of the parties.

If you have any questions regarding publication requirements, or obtaining copies of the administrative record, please contact the SOAH Docket Clerk in the OCC at 512-239-3300. If you have any other questions, please contact Maricela Zertuche at (512) 239-0600.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis  
Chief Clerk

LG/erg

Enclosures

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING**  
**Rainbow's End Park, Inc.**  
**SOAH Docket No. 582-25-24687**  
**TCEQ Docket No. 2025-0698-MWD**  
**TPDES Permit No. WQ0016513001**

**APPLICATION.**

Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day.

The facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the City of Livingston, Polk County, Texas 77351. The treated effluent will be discharged to a roadside ditch, thence to an unnamed tributary, thence to Copeland Creek, thence to Trinity River Below Lake Livingston in Segment No. 0802 of the Trinity River Basin. The unclassified receiving water uses are minimal aquatic life for the Roadside ditch, the unnamed tributary and Copeland Creek. The designated uses for Segment No. 0802 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.87206,30.63917&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The



permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas.

### **CONTESTED CASE HEARING.**

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**10:00 a.m. – September 22, 2025**

#### **To join the Zoom meeting via computer:**

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 002 5045

Password: TCQ687

or

#### **To join the Zoom meeting via telephone:**

**(669) 254-5252 or (646) 828-7666**

Meeting ID: 160 002 5045

Password: 241531

**For questions regarding the preliminary hearing, visit the SOAH website at:**

<http://www.soah.texas.gov/>

**or call SOAH at (512) 475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on June 24, 2025. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."**

**INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co-CEO, at (888) 580-8444.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: August 8, 2025

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## INSTRUCTIONS FOR PUBLIC NOTICE For Water Quality Permit

### NOTICE OF HEARING

A hearing was requested on issues related to your application and the Commission granted this request. The matter has been referred to the State Office of Administrative Hearings. Now you must comply with the following instructions:

#### **Please Review Notice**

We have included in the hearing notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

#### **Newspaper Notice**

- You must publish the enclosed Notice of Hearing no less than **30** days before the hearing.
- You must publish the enclosed Notice of Hearing at least once and at your expense, in a newspaper that is regularly published or circulated in each county where, by virtue of the county's geographical relation to the subject matter of the hearing, a person may reasonably believe persons reside who may be affected by the action that may be taken as a result of the hearing. A list of the appropriate counties provided by the executive director is described in the cover letter.

#### **Proof of Publication**

- For each published notice, you must submit proof of publication that shows the notice, the date of publication, and the name of the newspaper to the Office of the Chief Clerk within **10 business days** after the date of publication. Acceptable proof of publication is 1) a copy of the published notice or 2) the original newspaper clipping of the published notice. If you choose to submit a copy of the published notice to the Office of the Chief Clerk, the copy must be on standard-size 8½" x 11" paper and must show

the actual size of the published notice (do not reduce the image when making copies). Published notices longer than 11" must be copied onto multiple 8½" x 11" pages. Please note, submitting a copy of your published notice could result in faster processing of your application. It is recommended that you maintain the original newspaper clipping or tear sheet of the notice for your records.

- You must submit a **publisher's affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit form.** The affidavit must clearly identify the applicant's name and permit number.
- You are encouraged to submit the affidavit with the proof of publication described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.
- The **publisher's affidavit** and **proof of publication of each published notice** may be filed with the Chief Clerk electronically at [www.tceq.texas.gov/goto/efilings](http://www.tceq.texas.gov/goto/efilings) or mailed to:

TCEQ  
Office of the Chief Clerk, MC 105  
Attn: SOAH Docket Clerk  
P.O. Box 13087  
Austin, Texas 78711-3087

- Please ensure that the affidavit you send to the Chief Clerk is original and that all blanks on the affidavit are filled in correctly.

### **Failure to Publish and Submit Proof of Publication**

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication on time**, the TCEQ may suspend further processing of your application or take other actions.

### **General Information**

When contacting the Commission regarding this application, please refer to the permit number and TCEQ Docket number at the top of the Notice of Hearing.

If you have questions or need assistance regarding this notice, please contact the staff attorney listed in the cover letter or the SOAH Docket Clerk in the Office of the Chief Clerk at (512) 239-3300.

TCEQ - Office of the Chief Clerk  
MC-105 Attn: SOAH Docket Clerk  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: Rainbow's End Park, Inc.  
TCEQ Docket Number: 2025-0698-MWD  
Notice of Hearing

## AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §  
COUNTY OF: \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of newspaper representative)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of newspaper representative)*

of the \_\_\_\_\_ ; that said newspaper is  
*(name of newspaper)*

regularly published or generally circulated in \_\_\_\_\_  
*(county/counties)*

County/Counties, Texas; that the attached notice was published in said newspaper on the  
following date(s): \_\_\_\_\_  
*(date(s))*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or type Name of Notary Public

My Commission Expires \_\_\_\_\_ 00009

## WQ STANDARD MAIL LIST

APPLICANT:

Other Applicant Representatives:

PERMIT #:

BASIN:

REGION:

COUNTY:

PERMITTEE:

TO BE PUBLISHED BY:

DATE NOTICE MAILED:

CCO #:

NOTICE TECH INITIALS:

EVELYN ROSBOROUGH  
USEPA REGION 6  
1445 ROSS AVE STE 1200  
MAIL CODE 6WQ  
DALLAS TX 75202-2733  
[rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)  
**(Rosborough only gets notices with TPDES language.)**

CYRUS REED PHD  
LONE STAR CHAPTER SIERRA CLUB  
PO BOX 4998  
AUSTIN TX 78765  
[cyrus.reed@sierrclub.org](mailto:cyrus.reed@sierrclub.org)

MYRON J HESS  
1705 MARGARET ST  
AUSTIN TX 78704  
[myron@myronhess.com](mailto:myron@myronhess.com)

AMANDA FULLER  
NATIONAL WILDLIFE FEDERATION  
505 E HUNTLAND DR STE 485  
AUSTIN TX 78752  
[fullera@nwf.org](mailto:fullera@nwf.org)

ANNE ROGERS  
COASTAL FISHERIES DIVISION – FPP  
TEXAS PARKS AND WILDLIFE  
**INTERAGENCY MAIL**  
[wqnotice@tpwd.state.tx.us](mailto:wqnotice@tpwd.state.tx.us)

SARA THORNTON  
LLOYD GOSSELINK ROCHELLE & TOWNSEND  
816 CONGRESS AVE STE 1900  
AUSTIN TX 78701  
[sthornton@lglawfirm.com](mailto:sthornton@lglawfirm.com)

RAILROAD COMMISSION OF TEXAS  
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT  
**INTERAGENCY MAIL**

DONNA MCCARVER  
ARCHEOLOGY DIVISION  
TEXAS HISTORICAL COMMISSION  
**INTERAGENCY MAIL**  
[donna.mccarver@thc.texas.gov](mailto:donna.mccarver@thc.texas.gov)

NICHOLE SAUNDERS  
ENVIRONMENTAL DEFENSE FUND  
5400 MUSKET RDG  
AUSTIN, TX 78759  
[nsaunders@edf.org](mailto:nsaunders@edf.org)

DAVID T VILLARREAL PH.D.  
ENVIRONMENTAL QUALITY PROGRAM  
TEXAS DEPARTMENT OF AGRICULTURE  
**INTERAGENCY MAIL**

HEIDI BOJES PH.D.  
TEXAS DEPARTMENT OF STATE HEALTH SERVICES  
**INTERAGENCY MAIL**  
[heidi.bojes@dshs.state.tx.us](mailto:heidi.bojes@dshs.state.tx.us)  
**(Bojes gets IHW, MSW, and WQ notices.)**

LESLIE KOZA  
GRANT PROGRAM AND SUPPORT DIVISION  
COASTAL RESOURCES PROGRAM  
TEXAS GENERAL LAND OFFICE  
**INTERAGENCY MAIL**  
[federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov)  
**(KOZA only gets notices with CMP language.)**

MICHAEL BOOTH  
5701 W SLAUGHTER A130-404  
AUSTIN TX 78749

THE HONORABLE ROBERT NICHOLS  
TEXAS SENATE  
DISTRICT ROOM E1.704  
TEXAS STATE CAPITOL  
[Robert.nichols@senate.texas.gov](mailto:Robert.nichols@senate.texas.gov)

CITY OF LIVINGSTON  
HEALTH OFFICIAL  
200 W CHURCH ST  
LIVINGSTON TX 77351-3213

CITY OF LIVINGSTON  
MAYOR  
200 W CHURCH ST  
LIVINGSTON TX 77351-3213

ANGELINA & NECHES RIVER AUTHOR  
2901 N JOHN REDDITT DR  
LUFKIN TX 75904-1628

SUPERINTENDENT  
BIG THICKET NATIONAL PRESERVE  
6044 FM 420 RD  
KOUNTZE TX 77625-7841

DEEP EAST TEXAS COUNCIL OF GOV  
1405 KURTH DR  
LUFKIN TX 75904-1929

POLK COUNTY HEALTH AUTHORITY  
219 EASTWOOD AVE  
LIVINGSTON TX 77351-3342

POLK COUNTY JUDGE  
COUNTY COURTHOUSE  
101 W CHURCH ST  
LIVINGSTON TX 77351-3248

PUBLIC HEALTH REGIO  
TEXAS DEPARTMENT OF STATE HEAL  
2521 W FRONT ST  
TYLER TX 75702-7708

US ARMY CORPS OF ENGINEERS  
2000 FORT POINT RD  
GALVESTON TX 77550-3211

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
17629 EL CAMINO REAL STE 211  
HOUSTON TX 77058-3051

GARY ASHMORE MANAGER  
LOWER TRINITY GROUNDWATER CONS  
602 E CHURCH ST STE 150  
LIVINGSTON TX 77351-4231

GLENN C CLINGENPEEL  
TRINITY RIVER AUTHORITY OF TEX  
5300 S COLLINS ST  
ARLINGTON TX 76018-1710

CALEB AVILA  
EL PERICO SPANISH NEWSPAPER  
PO BOX 276  
PORT NECHES TX 77651-0276

MICHAEL J BOOTH  
BOOTH & ASSOCIATES PC  
BLDG A130-404  
5701 W SLAUGHTER LN  
AUSTIN TX 78749-6527

DANIEL DENHAM  
LIFE ESTATE OF CHERYL TEEL  
618 MYROW RD  
LIVINGSTON TX 77351-5443

MISS ELAINA LEE EVANS  
620 MYROW RD  
LIVINGSTON TX 77351-5443

MRS STEVIE ANN EVANS  
620 MYROW RD  
LIVINGSTON TX 77351-5443

JAKE TYLER LEBLANC  
445 LONE STAR  
LIVINGSTON TX 77351-6353

ARLENE & HARRY TRACY LOTT  
24390 FM 942 # 315  
CORRIGAN TX 75939-7824

WILLIE A PARKER  
RR 1 BOX 297  
CORRIGAN TX 75939-9762

LARRY REDDEN  
546 MYROW RD  
LIVINGSTON TX 77351-5430

SAL SOLIS  
PO BOX 398  
HOUSTON TX 77001-0398

SAL GIOVANNI SOLIS  
PO BOX 920648  
HOUSTON TX 77292-0648

SAL GIOVANNI SOLIS  
17726 SCARLETT FALLS LN  
RICHMOND TX 77407-2155



Rainbow's End Park Inc  
100 Rainbow Dr  
Livingston, TX 77351

Joy E. Sharbutt  
PO BOX 541  
San Antonio, FL 33576

Robert L Hobbs  
209 Rainbow DR PMB 10960  
Livingston, TX 77399

Harry & Lois Bussie  
107 Rainbow DR PMB 771  
Livingston, TX 77339

Phillip J & Mary Summy co trustee rev.  
trust  
125 Culbertson Lp  
Livingston, TX 77351

Clennis & Cathryn Life Estate  
134 Woodpecker  
Livingston, TX 77351

David R Bradshaw  
193 Rainbow Dr #9364  
Livingston, TX 77399

Larry B & Tracy Redden  
546 Myrow Rd  
Livingston, TX 77351

Tamarack Timberco TX LP  
31 Inverness Center Pkwy STE 200  
Birmingham, AL 35242

Steve Denham  
614 Myrow Rd  
Livingston, TX 77351

Escapees Inc  
100 Rainbow Dr  
Livingston, TX 77351

George Sanzenbacher  
3012 East Perkins Ave.  
Sandusky, OH 44870

Rosemarie Newbould  
205 Rainbow Dr #10545  
Livingston, TX 77351

Paul A Schmid  
144 Rainbow DR PMB #4433  
Livingston, TX 77351

Dan & Carolee Day  
255 Rainbow Dr #12511  
Livingston, TX 77351

Cheryl Teel Life Estate  
618 Myrow Rd  
Livingston, TX 77351

Reuter Timberlands LLC  
126 Whippoorwill Dr  
Livingston, TX 77351

Bruce & Anne Carlson  
255 Rainbow Dr #15592  
Livingston, TX 77399

Jennifer Guerra Prats  
PO Box 723  
Goodrich, TX 77335

Mortgage Assets Management LLC  
1 Mortgage Way  
Mount Laurel, NJ 08054

Frederick & Barbara Myers  
202 Rainbow Dr #10219  
Livingston, TX 77351

Nelva Jo Davis Trust  
595 Pearl Thomas Rd  
Livingston, TX 77351

Josh & Katherine Smith  
790 Pearl Thomas Rd  
Livingston, TX 77351

Michael & Jessica Ainsworth  
4171 US Hwy 190 West  
Livingston, TX 77351

7004 1350 0000 4761 2239

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

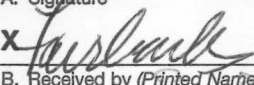
Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Pos		
<b>Sent To</b>		
RAINBOW'S END PARK INC		
100 RAINBOW DR		
LIVINGSTON TX 77399		
Street, Apt. or PO Box		
City, State,		

PS Form 3800, June 2002

See Reverse for Instructions

7004 1350 0000 4761 2260

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ®	
<b>OFFICIAL USE</b>	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total F	
Sent To	LEN FAIRBANKS
Street, Apt or PO Box	FAIRBANKS & ASSOCIATES
City, State	677 GREER RD
	LIVINGSTON TX 77351
PS Form 3800, June 2002	
See Reverse for Instructions	

RAINBOWS END PARK INC LEN FAIRBANKS 2025-0698-MWD WQ0016513001 137372		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
1. Article Addressed to:		A. Signature 	
		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
LEN FAIRBANKS FAIRBANKS & ASSOCIATES 677 GREER RD LIVINGSTON TX 77351		B. Received by (Printed Name):	
		C. Date of Delivery	
2. Article (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
7004 1350 0000 4761 2260		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	

TCEQ - Office of the Chief Clerk  
MC-105 Attn: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: Rainbow's End Park, Inc.

Permit Number: WQ0016513001 CID Item No. \_\_\_\_\_

COMBINED NOTICE OF RECEIPT AND INTENT / NOTICE OF  
APPLICATION AND PRELIMINARY DECISION

**PUBLISHER'S AFFIDAVIT  
FOR WATER QUALITY PERMITS**

STATE OF TEXAS

COUNTY OF: Polk

Before me, the undersigned authority, on this day personally appeared

Kelli Barnes

(name of person representing newspaper)

, who being by me duly

sworn, deposes and says that (s)he is the

Publisher

(title of person representing newspaper)

of the

Polk County Enterprise

(name of newspaper)

; that this newspaper is a

newspaper of largest circulation in

Polk

(name of county)

County, Texas,

or is a newspaper of general circulation in

Livingston

(name of municipality)

, Texas

and that the attached notice was published in said newspaper on the following date(s):

October 6, 2024

(date or dates, of publication in the newspaper)

Kelli Barnes

Newspaper Representative's Signature

Subscribed and sworn to before me this the

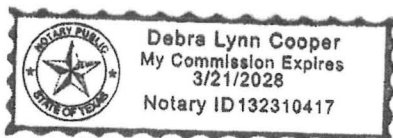
7th

day of

October

20 24, to certify which witness my hand and seal of office.

(Seal)



Debra Lynn Cooper

Notary Public in and for the State of Texas

Debra Lynn Cooper

Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



### COMBINED

### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT (NORI)

### AND

### NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

### NEW

PERMIT NO. WQ0016513001

**APPLICATION AND PRELIMINARY DECISION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day. TCEQ received this application on March 29, 2024.

**This combined notice is being issued to correct the proposed flow that was provided in the original NORI.**

The facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the City of Livingston, Polk County, Texas 77351. The treated effluent will be discharged to a roadside ditch, thence to an unnamed tributary, thence to Copeland Creek, thence to Trinity River Below Lake Livingston in Segment No. 0802 of the Trinity River Basin. The unclassified receiving water uses are minimal aquatic life for the Roadside ditch, the unnamed tributary and Copeland Creek. The designated uses for Segment No. 0802 are primary contact recreation, public water supply, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may Texas Commission on Environmental Quality be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.87206,30.63917&level=18> The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Livingston Municipal Library, Front Desk, 707

North Tyler Avenue, Livingston, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/tpdes-applications>.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the

mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment) within 30 days from the date of newspaper publication of this notice.**

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co-CEO, at 888-580-8444.

Issuance Date: August 30, 2024



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Application and Preliminary Decision  
(NAPD)  
Water Quality Permit

All applicants must complete this page.

Applicant Name: *Rainbows End Park, Inc*

Site or Facility Name: *Rainbows End WWTP*

Water Quality Permit Number: WQ00 *16513001*

Regulated Entity Number: RN *111947768* Customer Number: CN *606247534*

---

PUBLIC VIEWING LOCATION

---

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the until the commission has taken action on the applicant or the commission refers the issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: *Livingston Municipal Library*

Address of Public Place: *707 N Tyler Ave.  
Livingston, TX 77351*

Applicant or Applicant Representative Signature: *Len Fairbanks*

Title: *owner* Date: *10/9/2024*





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Application and Preliminary Decision  
(NAPD)  
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: *Rainbows End Park, Inc*

Site or Facility Name: *Rainbows End WWTP*

Water Quality Permit Number: WQ00 *16513001*

Regulated Entity Number: RN *111947768* Customer Number: CN *606247534*

---

ALTERNATIVE LANGUAGE EXEMPTION

---

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- ☒ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name:

Language:

Applicant or Applicant Representative Signature: *Len Fairbanks*

Title: *owner* Date: *10/9/2024*

## Juliet Varra

---

**From:** Willie Chastain <willie@fairbanksandassociates.net>  
**Sent:** Wednesday, October 9, 2024 11:56 AM  
**To:** PROOFS  
**Cc:** Len Fairbanks  
**Subject:** NORI/NAPD for WQ0016513001; Rainbow's End Park, Inc.  
**Attachments:** column\_affidavit\_NAPD.pdf; EPSON027.PDF; EPSON026.PDF

Please see attached supporting documents and website below:

<https://polkcountyenterprise.column.us/search>

Willie Chastain  
254-723-8840

Q Search ⓘ

Search...

📅 Date

📅 09/25/2024

📅 10/25/2024

📁 Notice Type

Select notice type

Reset

Get Alerts

Search

ⓘ Get your public notice published quickly and easily. Commonly asked questions about this site or placing

Showing 14 results

POLK COUNTY ENTERPRISE

Public Notice

Notice is hereby given in accordance with the terms and provisions of the Texas Alcoholic Beverage Code that The Whirlwind L.L.C. dba The Whirlwind LLC has filed application for Private Club Reg

POLK

Pub

The cond etwe on Li onal



POLK COUNTY  
TEXAS



2024-10-24



POLK COUNTY ENTERPRISE

Notice of Sale

NOTICE OF PUBLIC SALE: Self-storage Cube contents of the following customers containing household and other goods will be sold for cash by CubeSmart Asset Management, LLC as Agent for O

POLK

Not

REQUI Boar eper aled trict



POLK COUNTY  
TEXAS



2024-10-24



## Public Notice

Published in Polk County Enterprise on October 6, 2024

### Location

Polk County, Texas

### Notice PDF

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



### COMBINED

**NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN WATER QUALITY PERMIT (NORI)**

**AND**

**NOTICE OF APPLICATION AND PRELIMINARY DECISION  
FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER**

**NEW**

**PERMIT NO. WQ0016513001**

**APPLICATION AND PRELIMINARY DECISION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 6.5 mgd (million gallons per day). TCEQ received



## WQ STANDARD MAIL LIST

**APPLICANT:**

MR LEN FAIRBANKS  
FAIRBANKS & ASSOCIATES  
677 GREER RD  
LIVINGSTON, TX 77351-0438

**Other Applicant Representatives:**

PERMIT #: WQ0016513001

BASIN:

REGION: 10

COUNTY: POLK

PERMITTEE:

RAINBOWS END PARK INC

TO BE PUBLISHED BY:

MR LEN FAIRBANKS

DATE NOTICE MAILED: September 3, 2024

CCO #: 137372

NOTICE TECH INITIALS: KIMOORE

EVELYN ROSBOROUGH  
USEPA REGION 6  
1445 ROSS AVE STE 1200  
MAIL CODE 6WQ  
DALLAS TX 75202-2733  
[rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)

**(Rosborough only gets notices with TPDES language.)**

CYRUS REED PHD  
LONE STAR CHAPTER SIERRA CLUB  
PO BOX 4998  
AUSTIN TX 78765  
[cyrus.reed@sierraclub.org](mailto:cyrus.reed@sierraclub.org)

MYRON J HESS  
1705 MARGARET ST  
AUSTIN TX 78704  
[myron@myronhess.com](mailto:myron@myronhess.com)

AMANDA FULLER  
NATIONAL WILDLIFE FEDERATION  
505 E HUNTLAND DR STE 485  
AUSTIN TX 78752  
[fullera@nwf.org](mailto:fullera@nwf.org)

ANNE ROGERS  
COASTAL FISHERIES DIVISION – FPP  
TEXAS PARKS AND WILDLIFE  
**INTERAGENCY MAIL**  
[wqnotice@tpwd.state.tx.us](mailto:wqnotice@tpwd.state.tx.us)

SARA THORNTON  
LLOYD GOSSELINK ROCHELLE & TOWNSEND  
816 CONGRESS AVE STE 1900  
AUSTIN TX 78701  
[sthornton@lglawfirm.com](mailto:sthornton@lglawfirm.com)

RAILROAD COMMISSION OF TEXAS  
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT  
**INTERAGENCY MAIL**

DONNA MCCARVER  
ARCHEOLOGY DIVISION  
TEXAS HISTORICAL COMMISSION  
**INTERAGENCY MAIL**  
[donna.mccarver@thc.texas.gov](mailto:donna.mccarver@thc.texas.gov)

NICHOLE SAUNDERS  
ENVIRONMENTAL DEFENSE FUND  
5400 MUSKET RDG  
AUSTIN, TX 78759  
[nsaunders@edf.org](mailto:nsaunders@edf.org)

DAVID T VILLARREAL PH.D.  
ENVIRONMENTAL QUALITY PROGRAM  
TEXAS DEPARTMENT OF AGRICULTURE  
**INTERAGENCY MAIL**

HEIDI BOJES PH.D.  
TEXAS DEPARTMENT OF STATE HEALTH SERVICES  
**INTERAGENCY MAIL**  
[heidi.bojes@dshs.state.tx.us](mailto:heidi.bojes@dshs.state.tx.us)  
**(Bojes gets IHW, MSW, and WQ notices.)**

LESLIE KOZA  
GRANT PROGRAM AND SUPPORT DIVISION  
COASTAL RESOURCES PROGRAM  
TEXAS GENERAL LAND OFFICE  
**INTERAGENCY MAIL**  
[federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov)  
**(KOZA only gets notices with CMP language.)**

MICHAEL BOOTH  
5701 W SLAUGHTER A130-404  
AUSTIN TX 78749

# Texas Commission on Environmental Quality



## COMBINED

### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT (NORI)

### AND

### NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

### NEW

**PERMIT NO. WQ0016513001**

**APPLICATION AND PRELIMINARY DECISION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day. TCEQ received this application on March 29, 2024.

**This combined notice is being issued to correct the proposed flow that was provided in the original NORI.**

The facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the City of Livingston, Polk County, Texas 77351. The treated effluent will be discharged to a roadside ditch, thence to an unnamed tributary, thence to Copeland Creek, thence to Trinity River Below Lake Livingston in Segment No. 0802 of the Trinity River Basin. The unclassified receiving water uses are minimal aquatic life for the Roadside ditch, the unnamed tributary and Copeland Creek. The designated uses for Segment No. 0802 are primary contact recreation, public water supply, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may Texas Commission on Environmental Quality be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.87206,30.63917&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/tpdes-applications>.

**PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application.** The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.**

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**



**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment) within 30 days from the date of newspaper publication of this notice.**

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co-CEO, at 888-580-8444.

Issuance Date: August 30, 2024

Rainbow's End Park Inc  
100 Rainbow Dr  
Livingston, TX 77351

Escapees Inc  
100 Rainbow Dr  
Livingston, TX 77351

Joy E. Sharbutt  
PO BOX 541  
San Antonio, FL 33576

George Sanzenbacher  
3012 East Perkins Ave.  
Sandusky, OH 44870

Bruce & Anne Carlson  
255 Rainbow Dr #15592  
Livingston, TX 77399

Robert L Hobbs  
209 Rainbow DR PMB 10960  
Livingston, TX 77399

Jennifer Guerra Prats  
PO Box 723  
Goodrich, TX 77335

Harry & Lois Bussie  
107 Rainbow DR PMB 771  
Livingston, TX 77339

Rosemarie Newbould  
205 Rainbow Dr #10545  
Livingston, TX 77351

Mortgage Assets Management LLC  
1 Mortgage Way  
Mount Laurel, NJ 08054

Phillip J & Mary Summy co trustee revo  
trust  
125 Culbertson Lp  
Livingston, TX 77351

Paul A Schmid  
144 Rainbow DR PMB #4433  
Livingston, TX 77351

Clennis & Cathryn Life Estate  
134 Woodpecker  
Livingston, TX 77351

Dan & Carolee Day  
255 Rainbow Dr #12511  
Livingston, TX 77351

Frederick & Barbara Myers  
202 Rainbow Dr #10219  
Livingston, TX 77351

David R Bradshaw  
193 Rainbow Dr #9364  
Livingston, TX 77399

Nelva Jo Davis Trust  
595 Pearl Thomas Rd  
Livingston, TX 77351

Larry B & Tracy Redden  
546 Myrow Rd  
Livingston, TX 77351

Cheryl Teel Life Estate  
618 Myrow Rd  
Livingston, TX 77351

Josh & Katherine Smith  
790 Pearl Thomas Rd  
Livingston, TX 77351

Tamarack Timberco TX LP  
31 Inverness Center Pkwy STE 200  
Birmingham, AL 35242

Reuter Timberlands LLC  
126 Whippoorwill Dr  
Livingston, TX 77351

Michael & Jessica Ainsworth  
4171 US Hwy 190 West  
Livingston, TX 77351

Steve Denham  
614 Myrow Rd  
Livingston, TX 77351

THE HONORABLE ROBERT NICHOLS  
TEXAS SENATE  
DISTRICT ROOM E1.704  
TEXAS STATE CAPITOL  
Robert.nichols@senate.texas.gov

00 0016513001

State

00031

8/30/2024

CITY OF LIVINGSTON  
HEALTH OFFICIAL  
200 W CHURCH ST  
LIVINGSTON TX 77351-3213

CITY OF LIVINGSTON  
MAYOR  
200 W CHURCH ST  
LIVINGSTON TX 77351-3213

*city*

ANGELINA & NECHES RIVER AUTHOR  
2901 N JOHN REDDITT DR  
LUFKIN TX 75904-1628

SUPERINTENDENT  
BIG THICKET NATIONAL PRESERVE  
6044 FM 420 RD  
KOUNTZE TX 77625-7841

DEEP EAST TEXAS COUNCIL OF GOV  
1405 KURTH DR  
LUFKIN TX 75904-1929

POLK COUNTY HEALTH AUTHORITY  
219 EASTWOOD AVE  
LIVINGSTON TX 77351-3342

POLK COUNTY JUDGE  
COUNTY COURTHOUSE  
101 W CHURCH ST  
LIVINGSTON TX 77351-3248

PUBLIC HEALTH REGION 4/5  
TEXAS DEPARTMENT OF STATE HEAL  
2521 W FRONT ST  
TYLER TX 75702-7708

US ARMY CORPS OF ENGINEERS  
2000 FORT POINT RD  
GALVESTON TX 77550-3211

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
17629 EL CAMINO REAL STE 211  
HOUSTON TX 77058-3051

GARY ASHMORE MANAGER  
LOWER TRINITY GROUNDWATER CONS  
602 E CHURCH ST STE 150  
LIVINGSTON TX 77351-4231

GLENN C CLINGENPEEL  
TRINITY RIVER AUTHORITY OF TEX  
5300 S COLLINS ST  
ARLINGTON TX 76018-1710

*county*

CALEB AVILA  
EL PERICO SPANISH NEWSPAPER  
PO BOX 276  
PORT NECHES TX 77651-0276

DANIEL DENHAM  
LIFE ESTATE OF CHERYL TEEL  
618 MYROW RD  
LIVINGSTON TX 77351-5443

ARLENE & HARRY TRACY LOTT  
24390 FM 942 # 315  
CORRIGAN TX 75939-7824

WILLIE A PARKER  
RR 1 BOX 297  
CORRIGAN TX 75939-9762

SAL SOLIS  
PO BOX 398  
HOUSTON TX 77001-0398

SAL GIOVANNI SOLIS  
PO BOX 920648  
HOUSTON TX 77292-0648

**Kim Moore**

---

**From:** WQDbNAPD  
**Sent:** Friday, August 30, 2024 10:22 AM  
**To:** OCC-WQ  
**Subject:** KM - Wastewater Permit WQ0016513001 - NORI/NAPD  
**Attachments:** WQ0016513001 Combined NORI-NAPD.pdf; WQ0016513001 Draft Fact Sheet-Permit.pdf; WQ0016513001 NAPD Letter.pdf; WQ0016513001 Applicant Letter.pdf; WQ0016513001 Combined NORI-NAPD.docx; Combined NORI NAPD Publisher's Affidavit.pdf; NAPD Affidavit\_Verification Forms.docx; Combined NORI NAPD Affidavit\_Instructions.pdf; wq0016513001-contact-routing-sheets.docx

**Categories:** Red Category, Blue Category

Hello,

TCEQ Water Quality Division has prepared the Combined NORI/NAPD documents for Wastewater Permit No. WQ0016513001. The documents are contained within the attached email. For any questions on this submittal, please contact [WQDbNAPD@tceq.texas.gov](mailto:WQDbNAPD@tceq.texas.gov).

Thank you.

---

**From:** WQDbNAPD <WQDbNAPD@tceq.texas.gov>  
**Sent:** Friday, August 30, 2024 10:20 AM  
**To:** len@fairbanksandassociates.net  
**Cc:** Garrison Layne <Garrison.Layne@tceq.texas.gov>  
**Subject:** NORI/NAPD for WQ0016513001; Rainbow's End Park, Inc.

Hello,

Permit No. WQ0016513001

Applicants are required to publish the Notice of Application and Preliminary Decision Water Quality Permit within 45 days of the date of this correspondence.

Attached are:

- Applicant Letter
- Preliminary Decision Letter
- Instructions of Public Notice
- Combined Notice of Receipt of Application and Intent to Obtain a Water Quality Permit and Notice of Application and Preliminary Decision
- Affidavit of Publication
- Public Notice Verification Form
- Draft Permit
- Fact Sheet

For any questions on this submittal, please contact us at [wqdbnapd@tceq.texas.gov](mailto:wqdbnapd@tceq.texas.gov).

Thank you



Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 30, 2024

Mr. Len Fairbanks, P.E.  
Fairbanks & Associates  
677 Greer Road  
Livingston, Texas 77351

RE: Notice of Preliminary Decision and Draft Permit  
Applicant Name: Rainbow's End Park, Inc.  
Facility Name: Rainbow's End WWTP  
Permit No.: WQ0016513001  
Customer Reference Number: CN606247534  
Regulated Entity Number: RN111947768  
Type of Application: COMBINED NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN A WATER QUALITY PERMIT (NORI) AND NOTICE OF  
APPLICATION AND PRELIMINARY DECISION (NAPD) FOR TPDES PERMIT FOR  
MUNICIPAL WASTEWATER New Permit

Dear Mr. Fairbanks:

The executive director has completed the technical review of the above referenced application, received on March 29, 2024 and has prepared a preliminary decision and draft permit.

You are now required to publish another notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Publisher's Affidavits
- Draft Permit
- Executive Director's Preliminary Decision
- Public Notice Verification Form

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However,

due to their importance, they are highlighted here as well.

You must publish the enclosed notice within as soon as possible, but no later than 30 days from the date on the cover letter. **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**

On or before the date you publish notice, you must place the following items in a public place in the county where the facility is or will be located.

- (a) a copy of your permit application, including any subsequent revisions;
- (b) the executive director's preliminary decision as contained in the technical summary and fact sheet; and
- (c) the draft permit, including any subsequent revisions.

These items must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.

Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with **all** the requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at (512) 239-0600. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,



Laurie Gharis  
Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality

LG/GL/af

Enclosures



**Texas Commission on Environmental Quality**  
**Instructions for Public Notice for a Water Quality Permit**  
**(Renewal/Amendment/New)**

**For Combined**

**Notice of Receipt of Application and Intent to Obtain Permit (NORI)**  
**and**  
**Notice of Application and Preliminary Decision (NAPD)**

The executive director has completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

**1. REVIEW THE NOTICE FOR ACCURACY**

**Read the enclosed notice carefully and notify the Wastewater Permitting Section at 512-239-4671 immediately if it contains any errors or omissions.** You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

**2. PUBLISH THE NOTICE IN THE NEWSPAPER**

**You must publish the enclosed notice as soon as possible, but no later than 45 days from the date on the cover letter.**

For renewal applications, you must publish at least once in the same newspaper that you published the Notice of Receipt of Application and Intent to Obtain Permit.

For all other applications, you must publish at least once in a newspaper regularly published or circulated within each county where the facility and discharge point are located or proposed to be located.

The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

**3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE**

**You must publish notice in an alternative language IF:** either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

- students are enrolled in a program at that school;
- students from that school attend a bilingual education program at another location; or
- the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at [www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish\\_napd.html](http://www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html). If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

#### **4. PUT THE APPLICATION IN A PUBLIC PLACE**

**You must put a copy of the following documents in the public place identified in the enclosed notice:**

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement:

"Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

#### **5. PROVIDE PROOF OF PUBLICATION**

**For each newspaper in which you published, you must submit proof of publication.**

Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies. Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

#### **6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION**

**You must submit a completed Public Notice Verification Form (enclosed)**, which certifies that the complete application and draft permit were placed at the public place identified in the enclosed notice.

#### **7. SUBMIT PROOFS TO TCEQ**

**Scan and email the proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) within 30 days of publication to [PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov);**

Or Mail to:

TCEQ  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **Additional Information**

**If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).**

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Wastewater Permitting Section at 512-239- 4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at [www.tceq.texas.gov/agency/decisions/cc/cc\\_db.html](http://www.tceq.texas.gov/agency/decisions/cc/cc_db.html) or [www.tceq.texas.gov/agency/decisions/cc/eda.html](http://www.tceq.texas.gov/agency/decisions/cc/eda.html). Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

# Texas Commission on Environmental Quality



## COMBINED

### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT (NORI)

## AND

### NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

## NEW

**PERMIT NO. WQ0016513001**

**APPLICATION AND PRELIMINARY DECISION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day. TCEQ received this application on March 29, 2024.

**This combined notice is being issued to correct the proposed flow that was provided in the original NORI.**

The facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the City of Livingston, Polk County, Texas 77351. The treated effluent will be discharged to a roadside ditch, thence to an unnamed tributary, thence to Copeland Creek, thence to Trinity River Below Lake Livingston in Segment No. 0802 of the Trinity River Basin. The unclassified receiving water uses are minimal aquatic life for the Roadside ditch, the unnamed tributary and Copeland Creek. The designated uses for Segment No. 0802 are primary contact recreation, public water supply, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may Texas Commission on Environmental Quality be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.87206,30.63917&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/tpdes-applications>.

**PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application.** The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment) within 30 days from the date of newspaper publication of this notice.**

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/goto/comment](http://www.tceq.texas.gov/goto/comment), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co-CEO, at 888-580-8444.

Issuance Date: August 30, 2024



TCEQ - Office of the Chief Clerk  
MC-105 Attn: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: \_\_\_\_\_  
Permit Number: \_\_\_\_\_ CID Item No. \_\_\_\_\_  
COMBINED NOTICE OF RECEIPT AND INTENT / NOTICE OF  
APPLICATION AND PRELIMINARY DECISION

## PUBLISHER'S AFFIDAVIT FOR WATER QUALITY PERMITS

STATE OF TEXAS

COUNTY OF: \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_ ; that this newspaper is a  
*(name of newspaper)*

newspaper of largest circulation in \_\_\_\_\_ County, Texas,  
*(name of county)*

or is a newspaper of general circulation in \_\_\_\_\_, Texas  
*(name of municipality)*

and that the attached notice was published in said newspaper on the following date(s):

\_\_\_\_\_.  
*(date or dates, of publication in the newspaper)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,

20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_

TCEQ - Office of the Chief Clerk  
MC-105 Attn: Notice Team  
PO Box 13087  
Austin TX 78711-3087

Applicant Name: \_\_\_\_\_  
Permit Number: \_\_\_\_\_ CID Item No. \_\_\_\_\_  
COMBINED NOTICE OF RECEIPT AND INTENT / NOTICE OF  
APPLICATION AND PRELIMINARY DECISION

## PUBLISHER'S AFFIDAVIT FOR WATER QUALITY PERMITS

STATE OF TEXAS

COUNTY OF: \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_ ; that this newspaper is a  
*(name of newspaper)*

newspaper of largest circulation in \_\_\_\_\_ County, Texas,  
*(name of county)*

or is a newspaper of general circulation in \_\_\_\_\_, Texas  
*(name of municipality)*

and that the attached notice was published in said newspaper on the following date(s):

\_\_\_\_\_.  
*(date or dates, of publication in the newspaper)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_





**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Application and Preliminary Decision**  
**(NAPD)**  
**Water Quality Permit**

**All applicants must complete this page.**

Applicant Name: \_\_\_\_\_

Site or Facility Name: \_\_\_\_\_

Water Quality Permit Number: WQ00 \_\_\_\_\_

Regulated Entity Number: RN \_\_\_\_\_ Customer Number: CN \_\_\_\_\_

---

**PUBLIC VIEWING LOCATION**

---

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the until the commission has taken action on the applicant or the commission refers the issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: \_\_\_\_\_

Address of Public Place: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Application and Preliminary Decision  
(NAPD)  
Water Quality Permit

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: \_\_\_\_\_

Site or Facility Name: \_\_\_\_\_

Water Quality Permit Number: WQ00 \_\_\_\_\_

Regulated Entity Number: RN \_\_\_\_\_ Customer Number: CN \_\_\_\_\_

---

**ALTERNATIVE LANGUAGE EXEMPTION**

---

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- ☐ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: \_\_\_\_\_

Language: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

137372

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
P.O. BOX 13087  
AUSTIN, TX 78711-3087

APPLICANT NAME: Rainbow's End Park, Inc  
PERMIT NO.: WQ 0016513001  
NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN WATER QUALITY PERMIT

**PUBLISHER'S AFFIDAVIT  
FOR WATER QUALITY PERMITS**

STATE OF TEXAS §  
COUNTY OF Polk §

Before me, the undersigned authority, on this day personally appeared

Kelli Barnes, who being by me duly  
(name of person representing newspaper)

sworn, deposes and says that (s)he is the Publisher  
(title of person representing newspaper)

of the Polk County Enterprise; that this newspaper is  
(name of newspaper)

a newspaper of largest circulation in Polk County, Texas,  
(name of county)

or is a newspaper of general circulation in Polk County Texas,  
(name of municipality)

and that the enclosed notice was published in said newspaper on the following date(s):

May 16, 2024  
(date or dates, of publication in the newspaper)

[Signature]  
Newspaper Representative's Signature

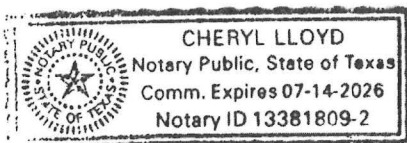
Subscribed and sworn to before me this the 16 day of may,  
2024, to certify which witness my and seal of office.

(Seal)

Cheryl Lloyd  
Notary Public in and for the State of Texas

Cheryl Lloyd  
Print or Type Name of Notary Public

My Commission Expires 07-14-2026





TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Receipt of Application and  
Intent to Obtain a Water Quality Permit  
(NORI)

All applicants must complete this page.

Applicant Name: Rainbows End Park

Site or Facility Name: Escapes WWTP

Water Quality Permit Number: WQ00 16513-001

Regulated Entity Number: RN 111 947 768 Customer Number: CN 606 247 534

PUBLIC VIEWING LOCATION

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place: Livingston Municipal Library

Address of Public Place: 707 N Tyler Ave  
Livingston, TX 77351

Applicant or Applicant Representative Signature: [Signature]

Title: Owner Date: 5/20/24

## Enrique Vasquez Jr

---

**From:** Willie Chastain <willie@fairbanksandassociates.net>  
**Sent:** Thursday, May 23, 2024 8:56 AM  
**To:** Enrique Vasquez Jr  
**Cc:** Len Fairbanks  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001  
**Attachments:** NORI - Public viewing location.PDF; publishers affidavit.pdf

Here you go Enrique.

Willie Chastain  
254-723-8840

**From:** Enrique Vasquez Jr <Enrique.Vasquez@tceq.texas.gov>  
**Sent:** Wednesday, May 22, 2024 1:25 PM  
**To:** Willie Chastain <willie@fairbanksandassociates.net>  
**Cc:** Len Fairbanks <Len@fairbanksandassociates.net>  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Yes this works! All that is missing is the TCEQ Publishers Affidavit and the Public Notice Verification form I sent to you.

Thank you,

*Enrique Rick Vasquez  
License and Permit Specialist  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Main Number: 512-239-3300  
Direct Number: 512-239-3345  
Fax Number: 512-239-3311*

**From:** Willie Chastain <willie@fairbanksandassociates.net>  
**Sent:** Monday, May 20, 2024 2:41 PM  
**To:** Enrique Vasquez Jr <Enrique.Vasquez@tceq.texas.gov>  
**Cc:** Len Fairbanks <Len@fairbanksandassociates.net>  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Hello Enrique, I'm working on your requests. Would the link below be good enough for item #3?

<https://polkcountyenterprise.column.us/search?activeNotice=0BGyHw2FF4VqaovB9uYn-0>

Willie Chastain  
254-723-8840

**From:** Enrique Vasquez Jr <Enrique.Vasquez@tceq.texas.gov>  
**Sent:** Monday, May 20, 2024 2:24 PM

**To:** Willie Chastain <[willie@fairbanksandassociates.net](mailto:willie@fairbanksandassociates.net)>

**Cc:** Len Fairbanks <[Len@fairbanksandassociates.net](mailto:Len@fairbanksandassociates.net)>

**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Dear Willie Chastain,

Thank you for the recently received documents for WQ0016513001 Rainbows End Park, Inc. However, there are a few issues with what you have submitted:

1. The TCEQ Publisher's Affidavit you submitted is incorrect. I have attached the correct TCEQ Publisher's affidavit that requires signature, date, and notarization by a newspaper representative.
2. Secondly, the TCEQ Public Notice Verification that was sent to you is the wrong version as well. I have attached the correct form. Please complete the form and sign at the bottom.
3. And lastly, we will need a copy (scanned, photo, or online digital) of the actual newspaper/ publication that includes the header of the newspaper showing the name of the paper, date of publication, and the permit notification listing.

You may send those items back directly to me or to the [PROOFS Inbox](#), so I can complete your Proof of Publish process.

Please do not hesitate to contact me via email or telephone if you have any questions.

Thank you,

**From:** Willie Chastain <[willie@fairbanksandassociates.net](mailto:willie@fairbanksandassociates.net)>

**Sent:** Thursday, May 16, 2024 3:37 PM

**To:** PROOFS <[PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov)>

**Cc:** Len Fairbanks <[Len@fairbanksandassociates.net](mailto:Len@fairbanksandassociates.net)>

**Subject:** NORI for PERMIT NO.WQ0016513001

Please see attached.

Willie Chastain  
254-723-8840

137372

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
P.O. BOX 13087  
AUSTIN, TX 78711-3087

APPLICANT NAME: Rainbow's End Park, Inc  
PERMIT NO.: WQ 0016513001  
NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN WATER QUALITY PERMIT

**PUBLISHER'S AFFIDAVIT  
FOR WATER QUALITY PERMITS**

STATE OF TEXAS §  
COUNTY OF Polk §

Before me, the undersigned authority, on this day personally appeared

Kelli Barnes, who being by me duly  
(name of person representing newspaper)

sworn, deposes and says that (s)he is the Publisher  
(title of person representing newspaper)

of the Polk County Enterprise; that this newspaper is  
(name of newspaper)

a newspaper of largest circulation in Polk County, Texas,  
(name of county)

or is a newspaper of general circulation in Polk County Texas,  
(name of municipality)

and that the enclosed notice was published in said newspaper on the following date(s):

May 16, 2024  
(date or dates, of publication in the newspaper)

[Signature]  
Newspaper Representative's Signature

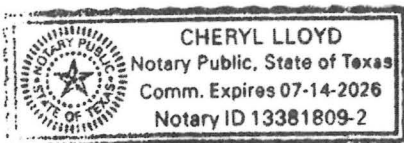
Subscribed and sworn to before me this the 16 day of may,  
2024, to certify which witness my and seal of office.

(Seal)

Cheryl Lloyd  
Notary Public in and for the State of Texas

Cheryl Lloyd  
Print or Type Name of Notary Public

My Commission Expires 07-14-2026





**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Receipt of Application and**  
**Intent to Obtain a Water Quality Permit**  
**(NORI)**

All applicants must complete this page.

Applicant Name: Rainbows End Park

Site or Facility Name: Escapes WWTP

Water Quality Permit Number: WQ00 16513-001

Regulated Entity Number: RN 111 947 768 Customer Number: CN 606 247 534

**PUBLIC VIEWING LOCATION**

I certify that a copy of the complete water quality application, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the NORI until the end of the designated comment period. I further understand that the copy will be updated with any revisions to the application.

Name of Public Place: Livingston Municipal Library

Address of Public Place: 707 N Tyler Ave  
Livingston, TX 77351

Applicant or Applicant Representative Signature: [Signature]

Title: Owner Date: 5/20/24



## Juliet Varra

---

**From:** Enrique Vasquez Jr  
**Sent:** Friday, May 24, 2024 4:24 PM  
**To:** PROOFS  
**Subject:** FW: NORI for PERMIT NO.WQ0016513001  
**Attachments:** NORI - Public viewing location.PDF; publishers affidavit.pdf

---

**From:** Willie Chastain <[willie@fairbanksandassociates.net](mailto:willie@fairbanksandassociates.net)>  
**Sent:** Thursday, May 23, 2024 8:56 AM  
**To:** Enrique Vasquez Jr <[Enrique.Vasquez@tceq.texas.gov](mailto:Enrique.Vasquez@tceq.texas.gov)>  
**Cc:** Len Fairbanks <[Len@fairbanksandassociates.net](mailto:Len@fairbanksandassociates.net)>  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Here you go Enrique.

Willie Chastain  
254-723-8840

---

**From:** Enrique Vasquez Jr <[Enrique.Vasquez@tceq.texas.gov](mailto:Enrique.Vasquez@tceq.texas.gov)>  
**Sent:** Wednesday, May 22, 2024 1:25 PM  
**To:** Willie Chastain <[willie@fairbanksandassociates.net](mailto:willie@fairbanksandassociates.net)>  
**Cc:** Len Fairbanks <[Len@fairbanksandassociates.net](mailto:Len@fairbanksandassociates.net)>  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Yes this works! All that is missing is the TCEQ Publishers Affidavit and the Public Notice Verification form I sent to you.

Thank you,

*Enrique Rick Vasquez  
License and Permit Specialist  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Main Number: 512-239-3300  
Direct Number: 512-239-3345  
Fax Number: 512-239-3311*

---

**From:** Willie Chastain <[willie@fairbanksandassociates.net](mailto:willie@fairbanksandassociates.net)>  
**Sent:** Monday, May 20, 2024 2:41 PM  
**To:** Enrique Vasquez Jr <[Enrique.Vasquez@tceq.texas.gov](mailto:Enrique.Vasquez@tceq.texas.gov)>  
**Cc:** Len Fairbanks <[Len@fairbanksandassociates.net](mailto:Len@fairbanksandassociates.net)>  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Hello Enrique, I'm working on your requests. Would the link below be good enough for item #3?

<https://polkcountyenterprise.column.us/search?activeNotice=0BGyHw2FF4VqaovB9uYn-0>

## Public Notice

Published in Polk County Enterprise on May 16, 2024

### Location

Polk County, Texas

### Notice PDF

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



#### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016513001

**APPLICATION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas, 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001 (BPA ID: No. TX0145858) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 30,000 gallons per day. The domestic wastewater facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the city of Livingston, in Polk County, Texas 77351. The discharge route will be from the plant site to a roadside ditch, thence to an unnamed tributary of Copeland Creek, thence to Copeland Creek, thence to the Trinity River. TCEQ received this application on March 29, 2024. The permit application will be available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas prior to the date this notice is published in the newspaper. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.  
<https://gisweb.tceq.texas.gov/LocationMapper/?marker=94.87206,30.63917&level=18>

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision** will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county.

If you wish to be placed on the permanent and county mailing list, clearly specify which district(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** All public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/> or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co CEO, at 888-580-8444.

Issuance Date: May 3, 2024

## Enrique Vasquez Jr

---

**From:** Willie Chastain <willie@fairbanksandassociates.net>  
**Sent:** Monday, May 20, 2024 2:41 PM  
**To:** Enrique Vasquez Jr  
**Cc:** Len Fairbanks  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Hello Enrique, I'm working on your requests. Would the link below be good enough for item #3?

<https://polkcountyenterprise.column.us/search?activeNotice=0BGyHw2FF4VqaovB9uYn-0>

Willie Chastain  
254-723-8840

**From:** Enrique Vasquez Jr <Enrique.Vasquez@tceq.texas.gov>  
**Sent:** Monday, May 20, 2024 2:24 PM  
**To:** Willie Chastain <willie@fairbanksandassociates.net>  
**Cc:** Len Fairbanks <Len@fairbanksandassociates.net>  
**Subject:** RE: NORI for PERMIT NO.WQ0016513001

Dear Willie Chastain,

Thank you for the recently received documents for WQ0016513001 Rainbows End Park, Inc. However, there are a few issues with what you have submitted:

1. The TCEQ Publisher's Affidavit you submitted is incorrect. I have attached the correct TCEQ Publisher's affidavit that requires signature, date, and notarization by a newspaper representative.
2. Secondly, the TCEQ Public Notice Verification that was sent to you is the wrong version as well. I have attached the correct form. Please complete the form and sign at the bottom.
3. And lastly, we will need a copy (scanned, photo, or online digital) of the actual newspaper/ publication that includes the header of the newspaper showing the name of the paper, date of publication, and the permit notification listing.

You may send those items back directly to me or to the PROOFS Inbox, so I can complete your Proof of Publish process.

Please do not hesitate to contact me via email or telephone if you have any questions.

Thank you,

**From:** Willie Chastain <willie@fairbanksandassociates.net>  
**Sent:** Thursday, May 16, 2024 3:37 PM  
**To:** PROOFS <PROOFS@tceq.texas.gov>  
**Cc:** Len Fairbanks <Len@fairbanksandassociates.net>  
**Subject:** NORI for PERMIT NO.WQ0016513001

Please see attached.

Willie Chastain  
254-723-8840

137372

TCEQ-Waste Permits Division  
MC-126  
PO Box 13087  
Austin, TX 78711-3087

Applicant Name: Rainbow's End Park, Inc  
Registration No. W00016513001  
Notice of Application

**Example A**  
**Affidavit of Publication**  
**for Municipal Solid Waste Registration Applications**

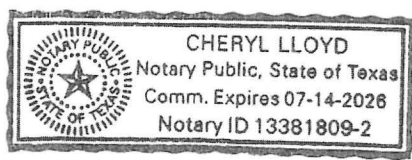
STATE OF TEXAS §  
COUNTY OF Polk §

Before me, the undersigned authority, on this day personally appeared Kelli Barnes  
\_\_\_\_\_ (name of newspaper representative), who being by me duly sworn, eposes and  
says that (s)he is the Publisher (name of newspaper representative) of  
the Polk County Enterprise (name of newspaper), that said  
newspaper is regularly published in Polk County, Texas, and is the  
newspaper of largest circulation that is published in Polk County;  
and that the attached notice was published in said newspaper on the following date(s):

\_\_\_\_\_ by Kelli Barnes (newspaper representative's signature)

Subscribed and sworn to before me this the 16 day of May, 2024 to  
certify which witness my hand and seal of office.

(Notary's Seal)



Cheryl Lloyd  
Notary Public in and for the State of Texas  
Cheryl Lloyd  
Print or Type Name of Notary Public  
07-14-2026  
My Commission Expires



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Receipt of Application and**  
**Intent to Obtain a Water Quality Permit**  
**(NORI)**

**All applicants must complete this page.**

Applicant Name: Rainbow's End Park

Site or Facility Name: Escapes WWTP

Water Quality Permit Number: WQ00 16513001

Regulated Entity Number: RN \_\_\_\_\_ Customer Number: CN \_\_\_\_\_

---

**PUBLIC VIEWING LOCATION**

---

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the until the commission has taken action on the applicant or the commission refers the issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: Livingston Municipal Library

Address of Public Place: 707 N Tyler Ave

Livingston TX 77351

Applicant or Applicant Representative Signature: 

Title: Owner Date: 5/16/24

**AFFIDAVIT OF PUBLICATION**

See Proof on Next Page

**Polk County Enterprise**  
**PO Box 1276**  
**(936) 327-4357**

Before me, the undersigned, Notary Public in the County of Polk, State of Texas, personally appeared Kelli Barnes, known to me, who after being duly sworn by me, on her oath, deposes and says that she is the Publisher of the Polk County Enterprise, a newspaper published in said county, that a Legal Notice, a copy of which is attached, was published in said newspaper for

**PUBLICATION DATES:**

May 16, 2024

**Notice ID:** 0BGyHw2FF4VqaovB9uYn

**Notice Name:** Escapees WWTP

**PUBLICATION FEE:** \$385.34



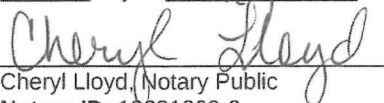
\_\_\_\_\_  
Kelli Barnes, Publisher

**VERIFICATION**

STATE OF TEXAS  
COUNTY OF POLK

Signed or attested before me on this

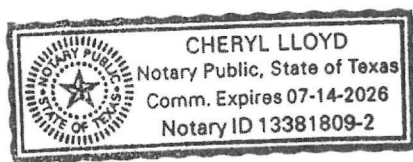
16 day of May, A.D. 2024.



Cheryl Lloyd, Notary Public

**Notary-ID:** 13381809-2

**My Commission Expires:** July 14, 2026





## INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Polk County Enterprise** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(936) 327-4357**.

Notice ID: 0BGyHw2FF4VqaovB9uYn | **Proof Updated: May. 10, 2024 at 09:56am CDT**  
 Notice Name: Escapees WWTP

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

**FILER**

willie chastain  
 willie@fairbanksandassociates.net  
 (254) 723-8840

**FILING FOR**

Polk County Enterprise

**Columns Wide:** 3

**Ad Class:** Legals

05/16/2024: Display Ad	370.34
Affidavit	10.00

Subtotal	\$380.34
Tax %	0
Processing Fee	\$0.00
<b>Total</b>	<b>\$380.34</b>

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016513001

**APPLICATION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas, 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001 (EPA I.D. No. TX0145858) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 30,000 gallons per day. The domestic wastewater facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the city of Livingston, in Polk County, Texas 77351. The discharge route will be from the plant site to a roadside ditch, thence to an unnamed tributary of Copeland Creek, thence to Copeland Creek, thence to the Trinity River. TCEQ received this application on March 29, 2024. The permit application will be available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas prior to the date this notice is published in the newspaper. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.87206,30.63917&level=18>

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application.** That notice will contain the deadline for submitting public comments.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

Expected print dimensions of advertisement:  
Width: 5.06 in., Height: 11.21 in.

Newspaper page size: Width: 10.25 in., Height: 20.56 in.  
Publisher may wrap or break notice between pages.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** All public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co-CEO, at 888-580-8444.

Issuance Date: May 3, 2024



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Receipt of Application and  
Intent to Obtain a Water Quality Permit  
(NORI)

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: Rainbows End Park

Site or Facility Name: Escapades WWTP

Water Quality Permit Number: WQ00 16513001

Regulated Entity Number: RN \_\_\_\_\_ Customer Number: CN \_\_\_\_\_

ALTERNATIVE LANGUAGE EXEMPTION

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

- ☒ A newspaper or publication could not be found in any of the alternative languages in which notice is required.
- ☐ The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: \_\_\_\_\_

Language: \_\_\_\_\_

Applicant or Applicant Representative Signature: [Signature]

Title: owner Date: 5/16/24

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



### NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016513001

**APPLICATION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas, 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001 (EPA I.D. No. TX0145858) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 30,000 gallons per day. The domestic wastewater facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the city of Livingston, in Polk County, Texas 77351. The discharge route will be from the plant site to a roadside ditch, thence to an unnamed tributary of Copeland Creek, thence to Copeland Creek, thence to the Trinity River. TCEQ received this application on March 29, 2024. The permit application will be available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas prior to the date this notice is published in the newspaper. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=94.87206,30.63917&level=18>

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application.** That notice will contain the deadline for submitting public comments.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** All public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co-CEO, at 888-580-8444.

Issuance Date: May 3, 2024

## Juliet Varra

---

**From:** Willie Chastain <willie@fairbanksandassociates.net>  
**Sent:** Thursday, May 16, 2024 3:37 PM  
**To:** PROOFS  
**Cc:** Len Fairbanks  
**Subject:** NORI for PERMIT NO.WQ0016513001  
**Attachments:** column\_affidavit\_0BGyHw2FF4VqaovB9uYn.pdf; notice\_0BGyHw2FF4VqaovB9uYn\_proof.pdf; NORI - alternate language exemption.PDF; NORI - Public viewing location.PDF

Please see attached.

Willie Chastain  
254-723-8840

Senate Bill 709 (84th Legislative Session, 2015) amended the Texas Water Code by adding new Section 5.5553, which requires the Texas Commission on Environmental Quality (TCEQ) to provide written notice to you at least thirty (30) days prior to the TCEQ's issuance of draft permits for applications that are located in your district.

Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas, 77351, has applied to the TCEQ for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0016513001 (EPA I.D. No. TX0145858) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 30,000 gallons per day. The domestic wastewater facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the city of Livingston, in Polk County, Texas 77351. The discharge route will be from the plant site to a roadside ditch, thence to an unnamed tributary, thence to Copeland Creek, thence to Trinity River Below Lake Livingston in Segment No. 0802 of the Trinity River Basin. TCEQ received this application on March 29, 2024. The permit application will be available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.87206,30.63917&level=18>

TCEQ is preparing the initial draft permit. At the time the draft permit is issued, the applicant will be required to publish notice in a newspaper of general circulation, and the TCEQ will provide a copy of the notice of draft permit to persons who have requested to be on a mailing list.

Questions regarding this application may be directed to Mr. Deba Dutta by calling 512-239-4608.

Issuance Date: May 23, 2024



## WQ STANDARD MAIL LIST

**APPLICANT:**

MR LEN FAIRBANKS  
FAIRBANKS & ASSOCIATES  
677 GREER RD  
LIVINGSTON, TX 77351-0438

**Other Applicant Representatives:**

PERMIT #: WQ0016513001

**BASIN:**

**REGION:** 10

**COUNTY:** POLK

**PERMITTEE:**

RAINBOWS END PARK INC

**TO BE PUBLISHED BY:**

MR LEN FAIRBANKS

**DATE NOTICE MAILED:** 05/07/2024

**CCO #:** 137372

**NOTICE TECH INITIALS:** JLEVISEU

EVELYN ROSBOROUGH  
USEPA REGION 6  
1445 ROSS AVE STE 1200  
MAIL CODE 6WQ  
DALLAS TX 75202-2733  
[rosborough.evelyn@epa.gov](mailto:rosborough.evelyn@epa.gov)

(Rosborough only gets notices with TPDES language.)

CYRUS REED PHD  
LONE STAR CHAPTER SIERRA CLUB  
PO BOX 4998  
AUSTIN TX 78765  
[cyrus.reed@sierraclub.org](mailto:cyrus.reed@sierraclub.org)

MYRON J HESS  
1705 MARGARET ST  
AUSTIN TX 78704  
[myron@myronhess.com](mailto:myron@myronhess.com)

AMANDA FULLER  
NATIONAL WILDLIFE FEDERATION  
505 E HUNTLAND DR STE 485  
AUSTIN TX 78752  
[fullera@nwf.org](mailto:fullera@nwf.org)

ANNE ROGERS  
COASTAL FISHERIES DIVISION – FPP  
TEXAS PARKS AND WILDLIFE  
**INTERAGENCY MAIL**  
[wqnotice@tpwd.state.tx.us](mailto:wqnotice@tpwd.state.tx.us)

SARA THORNTON  
LLOYD GOSSELINK ROCHELLE & TOWNSEND  
816 CONGRESS AVE STE 1900  
AUSTIN TX 78701  
[sthornton@lglawfirm.com](mailto:sthornton@lglawfirm.com)

RAILROAD COMMISSION OF TEXAS  
TECHNICAL PERMITTING, ENVIRONMENTAL SUPPORT  
**INTERAGENCY MAIL**

DONNA MCCARVER  
ARCHEOLOGY DIVISION  
TEXAS HISTORICAL COMMISSION  
**INTERAGENCY MAIL**  
[donna.mccarver@thc.texas.gov](mailto:donna.mccarver@thc.texas.gov)

NICHOLE SAUNDERS  
ENVIRONMENTAL DEFENSE FUND  
5400 MUSKET RDG  
AUSTIN, TX 78759  
[nsaunders@edf.org](mailto:nsaunders@edf.org)

DAVID T VILLARREAL PH.D.  
ENVIRONMENTAL QUALITY PROGRAM  
TEXAS DEPARTMENT OF AGRICULTURE  
**INTERAGENCY MAIL**

HEIDI BOJES PH.D.  
TEXAS DEPARTMENT OF STATE HEALTH SERVICES  
**INTERAGENCY MAIL**  
[heidi.bojes@dshs.state.tx.us](mailto:heidi.bojes@dshs.state.tx.us)  
(Bojes gets IHW, MSW, and WQ notices.)

LESLIE KOZA  
GRANT PROGRAM AND SUPPORT DIVISION  
COASTAL RESOURCES PROGRAM  
TEXAS GENERAL LAND OFFICE  
**INTERAGENCY MAIL**  
[federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov)  
(KOZA only gets notices with CMP language.)

MICHAEL BOOTH  
5701 W SLAUGHTER A130-404  
AUSTIN TX 78749

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 3, 2024

Mr. Len Fairbanks, P.E.  
Owner  
Fairbanks & Associates  
677 Greer Road  
Livingston, Texas 77351

RE: Declaration of Administrative Completeness  
Applicant Name: Rainbow's End Park, Inc. (CN606247534)  
Permit No.: WQ0016513001 (EPA I.D. No. TX0145858)  
Site Name: Rainbow's End WWTP (RN111947768)  
Type of Application: New

Dear Mr. Fairbanks:

The executive director has declared the above referenced application, received on March 29, 2024 administratively complete on May 3, 2024.

You are now required to publish notice of your proposed activity and make a copy of the application available for public review. The following items are included to help you meet the regulatory requirements associated with this notice:

- Instructions for Public Notice
- Notice for Newspaper Publication
- Public Notice Verification Form
- Publisher's Affidavits

You must follow all the directions in the enclosed instructions. The most common mistakes are the unauthorized changing of notice, wording, or font. If you fail to follow these instructions, you may be required to republish the notices.

The following requirements are also described in the enclosed instructions. However, due to their importance, they are highlighted here as well.

1. Publish the enclosed notice within **30 calendar days** after your application is declared administratively complete. (See this letter's first paragraph for the declaration date.) **You may be required to publish the notice in more than one newspaper, including a newspaper published in an alternative language, to satisfy all of the notice requirements.**
2. On or before the date you publish notice, place a copy of your permit application in a public place in the county where the facility is or will be located. This copy must be accessible to the public for review and copying, must be updated to reflect changes to the application, and must remain in place throughout the comment period.
3. For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **30 calendar days** after notice is published in the newspaper.

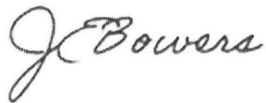
Mr. Len Fairbanks, P.E.  
Page 2  
May 3, 2024  
Permit No. WQ0016513001

4. Return the original enclosed Public Notice Verification and the Publisher's Affidavits to the Office of the Chief Clerk within **30 calendar days** after the notice is published in the newspaper.

If you do not comply with **all** the requirements described in the instructions, further processing of your application may be suspended, or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of Legal Services at (512) 239-0600. If you have any questions regarding the content of the notice, please contact Rachel Ellis at (512) 239-4658 or [rachel.ellis@tceq.texas.gov](mailto:rachel.ellis@tceq.texas.gov).

Sincerely,



Jennifer E. Bowers  
Section Manager, Water Quality Division Support  
Office of Water  
Texas Commission of Environmental Quality

JEB/re

Enclosures

# **Texas Commission on Environmental Quality**

## **Instructions for Public Notice for a Water Quality Permit**

### **Notice of Receipt of Application and Intent to Obtain a Permit (NORI)**

Your application has been declared administratively complete. You must comply with the following instructions. There are seven (7) steps involved in publishing notice. Complete each step.

#### **1. REVIEW THE NOTICE FOR ACCURACY**

**Read the enclosed notice carefully and notify the Application Review and Processing Team at 512-239-4671 immediately if it contains any errors or omissions.** You are responsible for ensuring the accuracy of all information published. Do not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application.

#### **2. PUBLISH THE NOTICE IN THE NEWSPAPER**

**You must publish the enclosed notice as soon as possible, but no later than 30 days from the date of administrative completeness.** Refer to the cover letter for the date of administrative completeness.

You must publish the enclosed notice at your expense, at least once in the newspaper of largest circulation within each county where the facility and discharge point are located or will be located. If the facility and discharge point are located or will be located in a municipality, the enclosed notice must be published at least once in a newspaper of general circulation in the municipality. These requirements may be satisfied by one publication if the newspaper meets all of the above requirements.

The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may require re-notice.

#### **3. PUBLISH THE NOTICE IN AN ALTERNATIVE LANGUAGE**

**You must publish notice in an alternative language IF:** either the elementary or middle school nearest to the facility or proposed facility is required to provide a "bilingual education program" (BEP) as required by Texas Education Code (TEC), Chapter 29, Subchapter B, and 19 Tex. Admin. Code §89.1205(a) AND one of the following conditions is met:

- students are enrolled in a program at that school;
- students from that school attend a bilingual education program at another location; or
- the school that otherwise would be required to provide a bilingual education program has been granted an exception from the requirements to provide the program as provided for in 19 Tex. Admin. Code §89.1207(a).

A "bilingual education program" is different from an "English as a second language program" (ESL). An ESL program alone, will not require public notice in an alternative language.

If triggered, you must publish the notice in a newspaper or publication primarily published in the alternative language taught in the bilingual education program. Publication in an alternative language section or insert within a large publication which is not printed primarily in that

alternative language does not satisfy these requirements. The newspaper or publication must be of general circulation in the county in which the facility and discharge point are located or proposed to be located. If the facility and discharge point are located or proposed to be located in a municipality, and there exists a newspaper or publication of general circulation in the municipality, you must publish the notice only in the newspaper or publication in the municipality.

You must demonstrate a good faith effort to identify a newspaper or publication in the required language. If there is no general circulation newspaper or publication printed in such language, then publishing in that language is not required. You have the burden to demonstrate compliance with these requirements.

If you are required to publish notice in Spanish, you must translate the site-specific information in the notice that is specific to your application, at your own expense. You may then insert the Spanish translation of your site-specific information into a Spanish template developed by the TCEQ. The Spanish templates are available on the TCEQ website at [www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish\\_napd.html](http://www.tceq.texas.gov/permitting/wastewater/review/napd/wqspanish_napd.html). If you are required to publish notice in a language other than Spanish, you must translate the entire public notice, at your own expense.

#### **4. PUT THE APPLICATION IN A PUBLIC PLACE**

**You must put a copy of the following documents in the public place identified in the enclosed notice:**

- the complete application,
- the executive director's preliminary decision as contained in the technical summary and fact sheet,
- the draft permit, and
- any subsequent revisions to these documents.

This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

For confidential information contained in the application, you must indicate which specific portions of the application cannot be made available to the public. These portions of the application must be accompanied with the following statement:

"Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087."

#### **5. PROVIDE PROOF OF PUBLICATION**

**For each newspaper in which you published, you must submit proof of publication.**

Proof of publication must include the following:

- a completed Publisher's Affidavit (enclosed); and
- a copy of the published notice which shows the notice, the date published, and the newspaper name. The copy must be on standard-size 8½ x 11" paper and must show the actual size of the published notice. Do not reduce the image when making copies.

Published notices longer than 11" must be copied onto multiple 8½ x 11" pages. Or you can submit the original newspaper clipping.

If you are required to publish notice in an alternative language and are unable to do so, complete and submit the Alternative Language Exemption form (enclosed).

**6. PROVIDE PROOF OF APPLICATION VIEWING LOCATION**

**You must submit a completed Public Notice Verification Form (enclosed)**, which certifies that the administratively complete application was placed at the public place identified in the enclosed notice.

**7. SUBMIT PROOFS TO TCEQ**

You must submit the proof of publication documents (Step 5) and the completed Public Notice Verification Form (Step 6) to TCEQ **within 30 days of publication**.

**Scan and email to: PROOFS@tceq.texas.gov;**

Or Mail to:

TCEQ  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

**Additional Information**

**If you fail to publish the notice or submit proofs within the timeframes noted above, the TCEQ may suspend further processing on your application or take other actions in accordance with 30 Tex. Admin. Code §39.405(a).**

If you have any questions regarding publication requirements, please contact the Office of Legal Services at 512-239-0600. If you have any questions regarding the content of the notice, please contact the Application Review and Processing Team at 512-239- 4671. When contacting TCEQ regarding this application, please refer to the permit number at the top of the enclosed notice.

If you wish to obtain an electronic copy of the notice, please visit our web site at [www.tceq.texas.gov/agency/decisions/cc/cc\\_db.html](http://www.tceq.texas.gov/agency/decisions/cc/cc_db.html) or [www.tceq.texas.gov/agency/decisions/cc/eda.html](http://www.tceq.texas.gov/agency/decisions/cc/eda.html). Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016513001

**APPLICATION.** Rainbow's End Park, Inc., 100 Rainbow Drive, Livingston, Texas, 77351, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016513001 (EPA I.D. No. TX0145858) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 30,000 gallons per day. The domestic wastewater facility will be located at approximately 0.33 miles southwest of the intersection of Care Center Drive and Highway 146, in the city of Livingston, in Polk County, Texas 77351. The discharge route will be from the plant site to a roadside ditch, thence to an unnamed tributary of Copeland Creek, thence to Copeland Creek, thence to the Trinity River. TCEQ received this application on March 29, 2024. The permit application will be available for viewing and copying at Livingston Municipal Library, Front Desk, 707 North Tyler Avenue, Livingston, Texas prior to the date this notice is published in the newspaper. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-94.87206,30.63917&level=18>

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who**



submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a **contested case hearing**. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** All public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll



Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Rainbow's End Park, Inc. at the address stated above or by calling Mr. Travis Carr, Co-CEO, at 888-580-8444.

Issuance Date: May 3, 2024



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**Public Notice Verification Form**  
**Notice of Receipt of Application and**  
**Intent to Obtain a Water Quality Permit**  
**(NORI)**

**All applicants must complete this page.**

Applicant Name: \_\_\_\_\_

Site or Facility Name: \_\_\_\_\_

Water Quality Permit Number: WQ00 \_\_\_\_\_

Regulated Entity Number: RN \_\_\_\_\_ Customer Number: CN \_\_\_\_\_

---

**PUBLIC VIEWING LOCATION**

---

I certify that a copy of the complete water quality application and draft permit, and all revisions, were placed at the following public place for public viewing and copying. I understand that the copy will remain available at the public place from the 1<sup>st</sup> day of publication of the until the commission has taken action on the applicant or the commission refers the issues to the State Office of Administrative Hearings (SOAH).

Name of Public Place: \_\_\_\_\_

Address of Public Place: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Public Notice Verification Form  
Notice of Receipt of Application and  
Intent to Obtain a Water Quality Permit  
(NORI)

Complete this page only if you are required to publish in an alternative language and are not able to do so.

Applicant Name: \_\_\_\_\_

Site or Facility Name: \_\_\_\_\_

Water Quality Permit Number: WQ00 \_\_\_\_\_

Regulated Entity Number: RN \_\_\_\_\_ Customer Number: CN \_\_\_\_\_

---

**ALTERNATIVE LANGUAGE EXEMPTION**

---

I certify that I have conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located or proposed to be located and was unable to publish the notice in the required alternative language because:

☐

A newspaper or publication could not be found in any of the alternative languages in which notice is required.

☐

The publishers of the newspapers listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located or proposed to be located.

Newspaper Name: \_\_\_\_\_

Language: \_\_\_\_\_

Applicant or Applicant Representative Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
P.O. BOX 13087  
AUSTIN, TX 78711-3087

APPLICANT NAME: \_\_\_\_\_  
PERMIT NO.: \_\_\_\_\_  
NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN WATER QUALITY PERMIT

**PUBLISHER'S AFFIDAVIT  
FOR WATER QUALITY PERMITS**

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_; that this newspaper is  
*(name of newspaper)*

a newspaper of largest circulation in \_\_\_\_\_ County, Texas,  
*(name of county)*

or is a newspaper of general circulation in \_\_\_\_\_ Texas,  
*(name of municipality)*

and that the enclosed notice was published in said newspaper on the following date(s):

\_\_\_\_\_  
*(date or dates, of publication in the newspaper)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_\_, to certify which witness my and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_

TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
P.O. BOX 13087  
AUSTIN, TX 78711-3087

APPLICANT NAME: \_\_\_\_\_  
PERMIT NO.: \_\_\_\_\_  
NOTICE OF RECEIPT OF APPLICATION AND  
INTENT TO OBTAIN WATER QUALITY PERMIT

### ALTERNATIVE LANGUAGE PUBLISHER'S AFFIDAVIT

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_; that this newspaper is  
*(name of newspaper)*

generally circulated in \_\_\_\_\_ County, Texas,  
*(same county as proposed facility)*

and is published primarily in \_\_\_\_\_ language;  
*(alternative language)*

and that the enclosed notice was published in said newspaper on the following date(s):

\_\_\_\_\_  
*(date or dates, of publication in the newspaper)*

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_, to certify which witness my and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_

Rainbow's End Park Inc  
100 Rainbow Dr  
Livingston, TX 77351

Escapees Inc  
100 Rainbow Dr  
Livingston, TX 77351

Joy E. Sharbutt  
PO BOX 541  
San Antonio, FL 33576

George Sanzenbacher  
3012 East Perkins Ave.  
Sandusky, OH 44870

Bruce & Anne Carlson  
255 Rainbow Dr #15592  
Livingston, TX 77399

Robert L Hobbs  
209 Rainbow DR PMB 10960  
Livingston, TX 77399

Jennifer Guerra Prats  
PO Box 723  
Goodrich, TX 77335

Harry & Lois Bussie  
107 Rainbow DR PMB 771  
Livingston, TX 77339

Rosemarie Newbould  
205 Rainbow Dr #10545  
Livingston, TX 77351

Mortgage Assets Management LLC  
1 Mortgage Way  
Mount Laurel, NJ 08054

Phillip J & Mary Summy co trustee revo  
trust  
125 Culbertson Lp  
Livingston, TX 77351

Paul A Schmid  
144 Rainbow DR PMB #4433  
Livingston, TX 77351

Clennis & Cathryn Life Estate  
134 Woodpecker  
Livingston, TX 77351

Dan & Carolee Day  
255 Rainbow Dr #12511  
Livingston, TX 77351

Frederick & Barbara Myers  
202 Rainbow Dr #10219  
Livingston, TX 77351

David R Bradshaw  
193 Rainbow Dr #9364  
Livingston, TX 77399

Nelva Jo Davis Trust  
595 Pearl Thomas Rd  
Livingston, TX 77351

Larry B & Tracy Redden  
546 Myrow Rd  
Livingston, TX 77351

Cheryl Teel Life Estate  
618 Myrow Rd  
Livingston, TX 77351

Josh & Katherine Smith  
790 Pearl Thomas Rd  
Livingston, TX 77351

Tamarack Timberco TX LP  
31 Inverness Center Pkwy STE 200  
Birmingham, AL 35242

Reuter Timberlands LLC  
126 Whippoorwill Dr  
Livingston, TX 77351

Michael & Jessica Ainsworth  
4171 US Hwy 190 West  
Livingston, TX 77351

Steve Denham  
614 Myrow Rd  
Livingston, TX 77351

Q0016513001

L/O

5/3/2024

00082

THE HONORABLE ROBERT NICHOLS  
TEXAS SENATE  
DISTRICT ROOM E1.704  
TEXAS STATE CAPITOL  
Robert.nichols@senate.texas.gov

Q0016513001

STATE

5/3/2024

00083

CITY OF LIVINGSTON  
HEALTH OFFICIAL  
200 W CHURCH ST  
LIVINGSTON TX 77351-3213

CITY OF LIVINGSTON  
MAYOR  
200 W CHURCH ST  
LIVINGSTON TX 77351-3213

CITY

ANGELINA & NECHES RIVER AUTHOR  
2901 N JOHN REDDITT DR  
LUFKIN TX 75904-1628

SUPERINTENDENT  
BIG THICKET NATIONAL PRESERVE  
6044 FM 420 RD  
KOUNTZE TX 77625-7841

DEEP EAST TEXAS COUNCIL OF GOV  
1405 KURTH DR  
LUFKIN TX 75904-1929

POLK COUNTY HEALTH AUTHORITY  
219 EASTWOOD AVE  
LIVINGSTON TX 77351-3342

POLK COUNTY JUDGE  
COUNTY COURTHOUSE  
101 W CHURCH ST  
LIVINGSTON TX 77351-3248

PUBLIC HEALTH REGION 4/5  
TEXAS DEPARTMENT OF STATE HEAL  
2521 W FRONT ST  
TYLER TX 75702-7708

US ARMY CORPS OF ENGINEERS  
2000 FORT POINT RD  
GALVESTON TX 77550-3211

FIELD SUPERVISOR  
US FISH & WILDLIFE SERVICE  
17629 EL CAMINO REAL STE 211  
HOUSTON TX 77058-3051

GARY ASHMORE MANAGER  
LOWER TRINITY GROUNDWATER CONS  
602 E CHURCH ST STE 150  
LIVINGSTON TX 77351-4231

GLENN C CLINGENPEEL  
TRINITY RIVER AUTHORITY OF TEX  
5300 S COLLINS ST  
ARLINGTON TX 76018-1710

COUNTY

CALEB AVILA  
EL PERICO SPANISH NEWSPAPER  
PO BOX 276  
PORT NECHES TX 77651-0276

ARLENE & HARRY TRACY LOTT  
24390 FM 942 # 315  
CORRIGAN TX 75939-7824

WILLIE A PARKER  
RR 1 BOX 297  
CORRIGAN TX 75939-9762

SAL SOLIS  
PO BOX 398  
HOUSTON TX 77001-0398

SAL GIOVANNI SOLIS  
PO BOX 920648  
HOUSTON TX 77292-0648

000110513001

IP/PROT

5/3/2024

00084



## Jessie Levisieur

---

**From:** Rachel Ellis  
**Sent:** Friday, May 3, 2024 11:26 AM  
**To:** OCC-WQ  
**Subject:** JL - NORI PACKET FOR RENEWAL PERMIT NO.WQ0016513001  
**Attachments:** NORI Instructions Combined.pdf; wq0016513001-nori-eng.pdf; wq0016513001-nori-letter.pdf; wq0016513001-contact-routing-sheets.pdf; wq0016513001-labels.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Permit No. WQ0016513001

Applicants are required to publish the Notice of Receipt of Application and Intent to Obtain a Water Quality Permit within 30 days of the application being declared administratively complete.

Attached is:

- Letter of Declaration of Administrative Completeness
- Instructions of Public Notice
- Notice of Receipt of Application and Intent to Obtain a Water Quality Permit
- Affidavit of Publication
- Public Notice Verification Form
- Notice of Receipt of Application and Intent to Obtain a Water Quality Permit in Spanish Language (if applicable)

Thank you,

*Rachel Ellis*

Texas Commission on Environmental Quality  
Water Quality Division  
Application Review & Processing Team  
[Rachel.Ellis@tceq.texas.gov](mailto:Rachel.Ellis@tceq.texas.gov)



