

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 7, 2023

TO: All interested persons.

RE: Corix Utilities (Texas) Inc.
TPDES Permit No. WQ0013977001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Bastrop Public Library, 1100 Church Street, Bastrop, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an "**affected person.**" An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
Corix Utilities (Texas) Inc.
TPDES Permit No. WQ0013977001**

The Executive Director has made the Response to Public Comment (RTC) for the application by Corix Utilities (Texas) Inc. for TPDES Permit No. WQ0013977001 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0013977001) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Bastrop Public Library, 1100 Church Street, Bastrop, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

7 de agosto de 2023

TO: Todas las personas interesadas.

RE: Corix Utilities (Texas) Inc. Alice
TPDES Permiso No. WQ0013977001

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de Bastrop, 1100 Church Street, Bastrop, Texas.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una "**persona afectada**". Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser

reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/erg

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
Corix Utilities (Texas) Inc. Alice
TPDES Permiso No. WQ0013977001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Corix Utilities (Texas) Inc. Alice del permiso de TPDES No. WQ0013977001. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0013977001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de Bastrop, 1100 Church Street, Bastrop, Texas.

MAILING LIST / LISTA DE CORREO

for / para

Corix Utilities (Texas) Inc.

TPDES Permit No. WQ0013977001 / TPDES Permiso No. WQ0013977001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Darrin Baker, President
Corix Utilities (Texas) Inc.
P.O. Box 140164
Austin, Texas 78714

Austin Clements, P.E.
Integrated Water Services, Inc.
4001 North Valley Drive
Longmont, Colorado 80504

Troy Hotchkiss, P.E.
Integrated Water Services, Inc.
4001 North Valley Drive
Longmont, Colorado 80504

Robert Hicks
Corix Utilities (Texas) Inc.
1812 Centre Creek Drive, Suite 100
Austin, Texas 78754

INTERESTED PERSONS /
PERSONAS INTERESADAS:

See attached list.

FOR THE EXECUTIVE DIRECTOR / PARA
EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Aubrey Pawelka, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Deba Dutta, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /
PARA ABOGADOS DE INTERÉS PÚBLICO
via electronic mail /
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL
via electronic mail
por correo electrónico:

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

TCEQ DOCKET NO. WQ0013977001

APPLICATION BY	§	BEFORE THE
	§	
CORIX UTILITIES (TEXAS) INC.	§	TEXAS COMMISSION ON
	§	
FOR TPDES PERMIT	§	ENVIRONMENTAL QUALITY
	§	
NO. WQ0013977001		

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the Corix Utilities (Texas) Inc.'s application and ED's preliminary decision for major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013977001. As required by 30 Texas Administrative Code (TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. TCEQ received comments from Steve Box on behalf of Environmental Stewardship, Kermit D. Heaton, Brian M. Keegan, Miriam Hall, Lauren Demates, Mary Ceallaigh, Laurie Mason, Neal Herbert Cook, Becky Smith, Stan Gerdes, Charles Schwertner, Melanie Pavlas, Carl Altman-Kaough, Natasha Martin on behalf of the Management Committee of the Lost Pines Groundwater Conservation District Board of Directors, Michael C. Macleod, Karen Sterling, Andrew Wier, Chapman Edward Ambrose, Mike Novak, Lynda Macleod, Bruce Jerpseth, Mark Mayfield, Skip Connett, Sean Mason, Darrell Bartley, Michael Mills, Charles S. Teeple, Linda Curtis, Amy and Richard Krause, Charlotte Gilman, Renate Suitt, and Shirley H. Adams. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Participation and Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at <https://www.tceq.texas.gov/>

I. BACKGROUND

(A) Description of Facility

The Corix Utilities (Texas) Inc., P.O. Box 140164, Austin, Texas 78714, has applied to the TCEQ for a major amendment to TPDES Permit No. WQ0013977001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 0.05 million gallons per day (MGD) to a daily average flow not to exceed 0.51 MGD. The draft permit, if issued, will authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.05 MGD in the Interim I phase, 0.25 MGD in the Interim II phase, and 0.51 MGD in the Final phase. The existing wastewater treatment facility serves the McKinney Roughs Learning Center and the Bastrop ISD Cedar Creek High School. The service area increase is intended to accommodate approximately 2,082 living unit equivalents (LUE) of mixed use residential and commercial properties.

The plant site is located approximately 1,500 feet northeast of the intersection of Hyatt Lost Pines Road and State Highway 71 West, in Bastrop County, Texas 78612. The existing McKinney Roughs Wastewater Treatment Facility is an activated sludge process plant operated in conventional mode. Treatment units in the existing phase include a bar screen, an aeration basin, a final clarifier, a sludge digester, a sludge holding tank, and a ultraviolet light (UV) disinfection channel. The proposed treatment facility will be an MBR system activated sludge process plant operated in conventional mode. Treatment units in the Interim II phase will include a primary fine screen, an equalization tank, a secondary fine screen, an anoxic tank, an aeration basin, an aeriated MBR tank, a sludge holding tank, and a UV disinfection system. Treatment units in the Final phase will include a primary fine screen, two equalization tanks, two anoxic tanks, two aeration basins, two aeriated MBR tanks, two secondary fine screens, a sludge holding tank, and a UV disinfection system. The facility is currently operating in the existing 0.05 MGD phase. The existing 0.05 MGD phase facilities will be decommissioned and removed upon completion of the Interim II phase facilities.

The effluent limitations in the draft permit, based on a 30 day average, are 5 mg/l five-day carbonaceous biochemical oxygen demand (CBOD₅), 5 mg/l total suspended solids (TSS), 2 mg/l ammonia nitrogen (NH₃-N), 1.0 mg/l Total Phosphorous (TP), 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml, and 6.0 mg/l minimum dissolved oxygen (DO). The permittee shall utilize an UV system for disinfection purposes, and shall not exceed a daily average 126 CFU or MPN of *E. coli* per 100 ml.

The treated effluent is discharged to an unnamed tributary, thence to the Colorado River Below Lady Bird Lake/Town Lake in Segment No. 1428 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary. The designated uses for Segment No. 1428 are primary contact recreation, public water supply, and exceptional aquatic life use.

(B) Procedural Background

The permit application for a major amendment was received on July 29, 2022, and declared administratively complete on August 31, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English in the *Austin American Statesman* on September 13, 2022. ED staff completed the technical review of the application on December 16, 2022, and prepared a draft permit. The Notice of Application and Preliminary Decision (NAPD) was published in English in *Bastrop Advertiser* on February 10, 2023. The public meeting notice was published in English in *Bastrop Advertiser* on April 26, 2023. A public meeting was held on June 1, 2023, which was the end of public comment period.

This application was administratively complete on or after September 1, 2015. Therefore, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and Senate Bill 709, 84th Legislature, 2015.

(C) Access to Rules, Statutes, and Records

- Secretary of State website for all Texas administrative rules:
<http://www.sos.state.tx.us/texreg/index.shtml>
- TCEQ rules in title 30 of the Texas Administrative Code:
<http://www.sos.state.tx.us/tac/index.shtml> (select “View the current *Texas Administrative Code*,” then “Title 30 Environmental Quality”)
- Texas statutes: <https://statutes.capitol.texas.gov/>
- TCEQ website: <http://www.tceq.texas.gov> (for downloadable rules in portable document format, select “Rules and Rulemaking,” then “Download TCEQ Rules”)
- Federal rules in title 40 of the Code of Federal Regulations: <http://www.ecfr.gov>
- Federal environmental laws: <https://www.epa.gov/laws-regulations>

TCEQ records for this application are available at the TCEQ’s Office of the Chief Clerk (OCC) until the TCEQ takes final action on the application. Some documents located at the OCC may also be located in the TCEQ Commissioners’ Integrated Database at www.tceq.texas.gov/goto/cid. The application, draft permit, and Statement of Basis/Technical Summary and ED’s Preliminary Decision are also available for viewing and copying at Bastrop Public Library, 1100 Church Street, Bastrop, Texas. If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 11 Office directly at 512-339-2929. Citizen complaints may also be filed by sending an email to complaint@tceq.texas.gov or online at the TCEQ web site (select “Reporting,” then “Make an Environmental Complaint”). If the facility is found to be out of compliance, it may be subject to an enforcement action.

II. COMMENTS AND RESPONSES

COMMENT 1:

Herbert Neal Cook, Renate Suitt, and Chapman Ambrose express a general opposition to the draft permit.

RESPONSE 1:

The TCEQ acknowledges the comments.

COMMENT 2:

Charles Teeple, Michael Mills, Shaun Mason, Mark Mayfield, and Bruce Jerpseth express their support for the draft permit.

RESPONSE 2:

The TCEQ acknowledges the comments.

COMMENT 3:

Miriam Hall, Lauren Demates, Charlotte Gilman, Laurie Mason, Chapman Ambrose, Environmental Stewardship, and Carl Altman-Kaough express concern about water quality resulting from the increased discharge. Mary Ceallaigh expresses concern about the discharges impact on eco-communities and states that regenerative approaches and solutions must be explored and discussed on behalf of best alignment and ethical practice. Melanie Pavlas expresses concern about the discharges impact on the Colorado River and the communities along it. Environmental Stewardship is concerned about the overall ecological health of the Colorado River, its tributaries, and the aquifers of the region. Environmental Stewardship asks whether it is appropriate for TCEQ to allow wastewater to be disposed into this segment of the river where the McKinney Roughs treatment plant is located. Michael MacLeod requests that the Commission carefully consider the ramifications of the proposed amendment. Michael MacLeod asks if the temperature of the waste stream will harm the ecology of the river. Chapman Ambrose expresses concern about the wider impact on the river area from numerous discharges. Chapman Ambrose states that we need to take responsibility for the condition of the river.

RESPONSE 3:

The treated effluent is discharged to an unnamed tributary, thence to the Colorado River Below Lady Bird Lake/Town Lake in Segment No. 1428 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary. The designated uses for Segment No. 1428 are primary contact recreation, public water supply, and exceptional aquatic life use. The sewage water will be treated and disinfected as required by the draft permit, regulations, and effluent limits prior to discharge to protect human health and wildlife. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. These effluent limits satisfy the requirements of the Colorado River Watershed Protection Rule (30 TAC Chapter 311, Subchapter E).

In accordance with 30 TAC § 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Colorado River Below Lady Bird Lake/Town Lake, which has been identified as having exceptional aquatic life use. Existing uses will be maintained and protected.

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.

The TCEQ Water Quality Division has determined that the draft permit is in accordance with the TSWQS, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The ED determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations. The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to its issuance.

COMMENT 4:

Environmental Stewardship comments that their member residents down river from the McKinney Roughs WWTP, are concerned about potential contamination of their groundwater wells as a result of continuing degradation of the water quality in the river that can result in contamination of shallow aquifers by under-regulated chemical compounds often found in municipal and industrial wastewater. The Management Committee of the Lost Pines Groundwater Conservation District (District) comments that Corix's proposed major amendment to Permit No. WQ0013977001 will have an adverse effect on the interests of the District and everyone that uses groundwater in the District. The District further comments that given the sensitive geologic site, the TCEQ ED has not demonstrated that groundwater will be protected. The District comments that due to the Colorado River providing recharge to the aquifers in the vicinity of Corix, groundwater and surface water interaction or communication must be addressed by TCEQ. Michael MacLeod comments that he has a water well in the Recklaw/Queen City Aquifer and has an interest in maintaining the water wealth of the region, including the health of the Colorado River. Carl Altman-Kaough expresses concern about the adjacent aquifer and states that his water well lies within the alluvial aquifer.

RESPONSE 4:

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

The ED has determined that the draft permit is in accordance with the TSWQS, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The ED has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit are intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well, nor 250 feet from a private water well. The Ground Water Rule does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and are, therefore, not subject to TCEQ regulation. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. It is the responsibility of the private well owner to take steps to have his or her water quality tested at least annually for possible constituents of concern—or more often if the well is thought to have a surface water connection.

COMMENT 5:

Environmental Stewardship asks whether the Executive Director's antidegradation review was accurate, e.g., proper evaluation of the current state of pollutants in, and impairments of, the Colorado River downstream of the discharge, proper use of the historic measuring period for evaluation of degradation and proper evaluation of the degradation standard. ES asks whether impairments in Segment 1428, AUID: 1428_0 have been timely field studied using biological metrics, monitored, and assessed by TCEQ, based on TCEQ, TPWD, or LCRA data collected since originally assessed in 2006 to determine if the segment should be on the 303(d) list based on impairment of fish and microbenthic communities, nitrogen, and phosphorus, or whether removal of these causes for impairment were justifiably based on best-available science. The District questions whether the draft permit complies with applicable antidegradation requirements. Environmental Stewardship asks that TCEQ provide copies of the anti-degradation reviews on the receiving waters (Tier 1 and 2), and the studies that underlay these reviews. Environmental Stewardship further requests that this determination be reexamined and modified after appropriate studies have been conducted to determine the current status of impaired fish and macrobenthic

communities resulting from nitrogen, phosphates, and other impairments in the segments 1428, including the level of PFAS contamination. The Simsboro Aquifer Water Defense Fund (SAWDF) requests that the Commissioners not proceed with the permitting process until completing a review of the integrated assessments for Segment 1428 of the Colorado River, and the preliminary tier 1 antidegradation determinations are reexamined. SAWDF states that the current integrated assessment for Segment 1428 and the antidegradation reviews do not acknowledge the unique geology in this portion of the Colorado River. SAWDF states that the antidegradation reviews must include updated science regarding the intersection of the Carrizo-Wilcox Aquifer and the Colorado River because the Colorado will eventually contribute to the aquifer due to increased pumping and groundwater may be contaminated.

RESPONSE 5:

In accordance with 30 Texas Administrative Code § 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Colorado River Below Lady Bird Lake/Town Lake, which has been identified as having exceptional aquatic life use. Existing uses will be maintained and protected. The TSWQS in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.

Regarding ES's comment regarding whether impairments of Segment 1428 have been studied, the Texas Integrated Report's Index of Water Quality Impairments is compiled every two years and contains waterbodies classified as Category 4 or Category 5. Category 4 waterbodies (also known as the 305(b) list) are water bodies for which a Total Maximum Daily Load (TMDL) project has already been adopted, or for which other management strategies are underway to improve water quality. Category 5 waterbodies comprise the 303(d) list and is comprised only of impaired waters for which the state plans to develop a TMDL. TMDL projects are conducted on water bodies that have been found to be impaired for a specific constituent or other water quality-related parameter. Segment No. 1428 is not currently listed as impaired.

Regarding ES's comment regarding whether studies have been conducted to determine the current status of impaired fish and macrobenthic communities resulting from nitrogen, phosphates, and other impairments in the segments 1428, including the level of PFAS contamination, the Texas Administrative Code 307.5(c)(2)(B) with regard to the Tier 2 antidegradation review requires that the highest water quality sustained since November 28, 1975 define baseline conditions for determining degradation. Therefore, the permit was crafted to be protective of exceptional aquatic life uses in the receiving stream. If studies determined that the segment is currently achieving a lower aquatic life use, it would be a violation of our antidegradation rules to craft a

permit to that lower aquatic life use.

Additionally, The Surface Water Quality Monitoring program of the TCEQ conducts an updated assessment of water quality in water bodies throughout the state (including Segment No. 1428) every two years, comparing observed water quality from sampling data against various applicable water quality criteria.

COMMENT 6:

Laurie Mason expresses concern regarding human health. Environmental Stewardship asks whether the proposed discharge will adversely impact the health of the members of Environmental Stewardship and their families, as a result of contact with the waters of the Colorado River downstream of the discharge, e.g., exposure during access to the River from McKinney Roughs Park to chemicals in the discharge. Additionally, Environmental Stewardship asks whether the proposed discharge will adversely impact the health of the members of Environmental Stewardship and their families, as a result of consumption of fish caught in the Colorado River, e.g., exposure to PFAS and other toxic chemical in the discharge. Additionally, Environmental Stewardship asks whether the proposed discharge will adversely impact the health of the members of Environmental Stewardship and their families or their agricultural operations, e.g., exposure to contaminants that enter the alluvial and related aquifers during times of recharge from the River and subsequent pumping from members wells for drinking water and irrigation. Environmental Stewardship asks whether the draft permit includes all appropriate and necessary requirements to protect the public health; and the environment, e.g. monitoring, record keeping and reporting to allow the Commission and the public to access the data needed to evaluate the impacts over time. Michael MacLeod comments on PFAS and comments that TCEQ should determine whether the increase waste streams will contribute to even higher levels of these super toxicants. Chapman Ambrose expresses concern about the discharges effect on downstream residents and businesses. Michael Macleod expresses concern that TCEQ does not know about the concentration of certain toxicants within the water.

See also, Response 21.

RESPONSE 6:

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards to be protective of water quality, provided that Corix Utilities operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

The TSWQS provide that surface waters cannot be toxic to aquatic or terrestrial organisms. While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of cattle or wildlife.

The Executive Director has determined that the proposed draft permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life. As part of the application process, TCEQ determined the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with 30 TAC § 307.5 and the IPs, an antidegradation review of the receiving waters was performed. Please see response 5 for the antidegradation review.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. BOD₅, TSS, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

The effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the TSWQS and 30 TAC §§ 307.1 - 307.10. The proposed draft permit includes effluent limitations and monitoring requirements to ensure that the proposed wastewater treatment plant meets water quality standards for the protection of surface water quality, even during periods of low flow, according to TCEQ rules and policies.

The draft permit includes all appropriate and necessary requirements to protect the public health; and the environment, e.g. monitoring, record keeping and reporting to allow the Commission and the public to access the data needed to evaluate the impacts over time. Sampling, analysis, and reporting for compliance of the permit provisions shall be performed in accordance with the Monitoring and Reporting Requirements section and the Definitions and Standard Permit Conditions section of the draft permit.

For PFAS, please see Response 7.

COMMENT 7:

Environmental Stewardship and Kermit D. Heaton comment that Environmental Stewardship has sampled eleven locations in this segment of the river and has detected per- and polyfluoroalkyl substances (PFAS) at levels that need to be investigated before the permit is finalized. Kermit Heaton further comments that PFAS compounds are linked to human health problems and bioaccumulate in the tissues of fish and other aquatic animals. Environmental Stewardship asks whether the proposed discharge will adversely impact: the environment, fish and other aquatic life, and

wildlife, including endangered or threatened species, e.g., excess nutrients, chlorine, and PFAS. Environmental Stewardship comments that PFAS compounds should be limited in this wastewater permit to the extent possible and that the applicant be required to identify sources of these compounds, monitor, and determine whether treatment technology is available to remove them from the discharge. Michael Macleod expresses concern about PFAS in drinking water, which is 4 ppt. Michael Macleod comments that all of the sites monitored in this section of the river are 6-20 times the EPA level. Renate Suitt asks if aquatic life is safe from the discharge. Mike Novak expresses concern that through our inability to do adequate studies and know the impact of the discharge, that TCEQ would negatively impact wildlife such as bald eagles.

RESPONSE 7:

The TCEQ has not investigated the potential effects of emerging contaminants, in effluent. Neither the TCEQ nor the EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. The EPA is investigating emerging contaminants and has stated that scientists have not found evidence of adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants. So, while the EPA and other agencies continue to study the presence of emerging contaminants, there is currently no clear regulatory regime available to address the treatment of emerging contaminants in domestic wastewater. Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants.

The TCEQ also submitted the draft permit to the EPA Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of the permit application.

No priority watershed of critical concern has been identified in Segment No. 1428. However, the Houston toad (*Bufo houstonensis Sanders*), an endangered species, is known to occur in Bastrop County. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the TPDES (TPDES; September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion.

COMMENT 8:

The District comments that LPGCD insists on the most stringent effluent limits

possible taking into consideration the sensitivity of the discharge location and other factors. Charlotte Gilman asks whether the proposed major plan expansion project will meet the highest standards of treatment so that exceptional standards will be met.

RESPONSE 8:

In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the draft permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters. The effluent limitations in the draft permit, based on a 30 day average, are 5 mg/l CBOD₅, 5 mg/l TSS, 2 mg/l NH₃-N, 1 mg/l TP, 126 CFU or MPN of *E. coli* per 100 ml, and 6.0 mg/l minimum DO. Effluent limitations in the draft permit are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP). These effluent limits satisfy the requirements of the Colorado River Watershed Protection Rule (30 TAC 311, Subchapter E). The existing McKinney Roughs Wastewater Treatment Facility will be upgraded to an MBR system activated sludge process plant operated in conventional mode. Treatment units will include primary fine screen, equalization tank, secondary fine screen, anoxic tank, aeration basin, aeriated MBR tank, sludge holding tank, and UV disinfection system.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that Corix Utilities operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements.

COMMENT 9:

The District comments that TCEQ may not issue a permit unless existing uses are maintained, and must prevent the degradation of waters, both surface water and groundwater.

RESPONSE 9:

In accordance with 30 Texas Administrative Code § 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Colorado River Below Lady Bird Lake/Town Lake, which has been identified as having exceptional aquatic life use. Existing uses will be maintained and protected.

The TSWQS in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.

The ED has determined that the draft permit is in accordance with the TSWQS, which

ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The ED has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well.

COMMENT 10:

Environmental Stewardship asks whether the treatment facilities and discharge will be operated and maintained to avoid nuisance conditions, e.g., odors from the operations, sludge management or ponding of waste waters at the facilities or in the discharge ditch or ditches or the unnamed stream. ES states that a Corix spokesperson agreed with one of their members that the sulfur odor was a concern and that was an indication that the facility is operating at over-capacity. Skip Connett comments on the loud sounds from the facility and the odor.

RESPONSE 10:

The existing McKinney Roughs Wastewater Treatment Facility will be upgraded to an MBR system activated sludge process plant operated in conventional mode. Treatment units will include primary fine screen, equalization tank, secondary fine screen, anoxic tank, aeration basin, aeriated MBR tank, sludge holding tank, and UV disinfection system.

Maintaining an adequate dissolved oxygen concentration in the early stages of wastewater treatment helps to minimize sulfide generation, which is the most common cause of odor. The treatment process proposed by Corix Utilities supplies oxygen from the air into the wastewater for biodegradation of the organic contaminants in the wastewater through aeration. Oxygen also turns the sulfide compounds into odorless sulfates.

To control and abate odors, the TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e). The required buffer zone requirement is 150 feet for all treatment units. According to its application, Corix Utilities intends to comply with the requirement to abate and control nuisance of odor by ownership of the required the buffer zone. This requirement is incorporated in the draft permit. The buffer zone will mitigate the spread of odor, if it occurs, to entities outside of the buffer zone.

TCEQ does not have jurisdiction to address nuisance noise.

The TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. If Corix utilities is reported to be in violation of any

applicable state or federal rules, the TCEQ Region 11 office is required to conduct comprehensive compliance investigation (CCI). If the facility is found to be out of compliance with the terms or conditions of the permit, Corix Utilities may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 11 Office in Austin at 512-339-2929. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 11:

Miriam Hall expresses concern about the increased discharges effect on recreational uses of the stream such as swimming and kayaking. Skip Connett comments that people fish and swim right at the outfall.

RESPONSE 11:

The treated effluent is discharged to an unnamed tributary, thence to the Colorado River Below Lady Bird Lake/Town Lake in Segment No. 1428 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary. The designated uses for Segment No. 1428 are primary contact recreation, public water supply, and exceptional aquatic life use. The sewage water will be treated and disinfected as required by the draft permit, regulations, and effluent limits prior to discharge to protect human health and wildlife. The effluent limits in the draft permit are set to maintain and protect the existing instream uses. These effluent limits satisfy the requirements of the Colorado River Watershed Protection Rule (30 TAC 311, Subchapter E). The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations.

The TSWQS in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The ED has determined that the draft permit is in accordance with the TSWQS, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment.

COMMENT 12:

Environmental Stewardship states that there are statements in the draft permit summary regarding impairments to the Colorado River that are contrary to the information collected by the state over two decades. For example, he states that TCEQ asserts that Segment No. 1428 where the treated wastewater will be discharged is not currently listed on the State's inventory of impaired or threatened waters. Environmental Stewardship states that this segment has the highest aquatic and recreational use standards available in the state. Environmental Stewardship comments that in reviewing the 2020 Texas Integrated [Assessment] Report for the Colorado

River (Basin 14), impaired fish and macrobenthic communities in these segments of the river are not only currently impaired, but many of these impairments are carried forward from the 2010 report "due to inadequate data for this method of assessment" that covers the 2000-2009 period. Environmental Stewardship comments that Segment 1428 is impaired and should be on the 303(d) list of impaired streams.

RESPONSE 12:

The Index of Water Quality Impairments from the 2020 & 2022 Integrated Reports are comprised of segments that fall under one of two categories, Category 4 or Category 5. Category 4 includes impaired waters for which Total Maximum Daily Loads (TMDLs) have already been adopted or for which other management strategies are underway to improve water quality. Category 5 comprises the 303(d) list and includes impaired waters for which TMDLs or other management strategies are planned. Segment No. 1428 is not currently listed in Index of Water Quality Impairments of the Texas Integrated Report as either Category 4 or 5. This list can be viewed here:

<https://www.tceq.texas.gov/downloads/water-quality/assessment/integrated-report-2022/2022-imp-index.pdf>

Segment No. 1428 is listed in the Water Bodies with Concerns for Use Attainment and Screening Levels index of the 2022 Texas Integrated Report:

<https://www.tceq.texas.gov/downloads/water-quality/assessment/integrated-report-2022/2022-concerns.pdf>

The Concerns for Use and Attainment List has Segment No. 1428 listed for impaired fish community and impaired macrobenthic community in water in Assessment Unit (AU) 1428_01 and for nitrate in water and total phosphorus in water in AUs 1428_01 & 1428_02. Regarding the impaired fish community and impaired macrobenthic community in water, these listings were added in 2010 based on concern for near-nonattainment of the TSWQS based on numeric criteria.

COMMENT 13:

Environmental Stewardship comments that it would be more appropriate that this wastewater should be consolidated in a regional facility somewhere off of the McKinney Roughs Park property. ES believes that there is a need for regionalization to reduce the number of fragmented systems that are springing up in this segment of the river. Skip Connett states this facility should be regionalized. Environmental Stewardship asks whether fragmentation of wastewater treatment facilities in the region will be adequately addressed.

RESPONSE 13:

Texas Water Code § 26.081 establishes the state's regionalization policy. Section 26.081 states that the policy should "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and

maintain and enhance the quality of the water in the state.” In furtherance of that policy TWC § 26.0282 authorizes the TCEQ, when considering the issuance of a permit to discharge waste, to deny or alter the terms and conditions of a proposed permit based on need and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems.

Domestic Technical Report 1.1 of the application requires information concerning regionalization of wastewater treatment plants. Applicants requesting a new permit or certain major amendments are required to review a three-mile area surrounding the proposed facility to determine if there is a wastewater treatment plant (WWTP) or sewer collection lines within the area that the permittee can utilize. Applicants are required to contact those facilities to inquire if they currently have the capacity or are willing to expand to accept the volume of wastewater proposed. If an existing WWTP does have the capacity and is willing to accept the proposed wastewater, the applicant must submit an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within three miles versus the cost of the proposed facility or expansion. Finally, applicants are required to provide copies of all correspondence with the owners of existing plants within three miles of the proposed plant regarding regionalization with their system.

Per information provided in the application, there are two WWTPs within a 3-mile radius of the proposed plant: Double Eagle Ranch WWTP (WQ0014833001), and Windmill Ranch WWTP (WQ0014303001). Those facilities are owned by Corix Utilities; however, neither of those facilities currently has the capacity to accept or are willing to expand to accept the volume of wastewater proposed in this application. This information was verified using the TCEQ wastewater treatment facility locator database by the TCEQ staff during the review process.

COMMENT 14:

Environmental Stewardship asks whether the Application, and all representations contained therein, are complete and accurate and were provide and evaluated by a qualified person.

The District states that the application fails to address the sensitivity of the discharge location and is arguably incomplete. They state that according to the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (the "IPs"), the TCEQ must consider the sensitivity of a site when setting certain effluent parameters. The District states that additional information must be submitted for the TCEQ to conduct additional screening in the IPs and to ensure the Corix discharge will not adversely impact groundwater quality.

RESPONSE 14:

This application was received on July 29, 2022. TCEQ staff performed an administrative review of the application, upon receipt, to ensure that all required information is provided therein. TCEQ determined that the application is administratively complete.

The Water Quality Division has also performed a technical review of the application to ensure that the applicant adequately addressed all required technical issues to show that wastewater from the facility will be treated to required standards and to effluent limits that will ensure protection of existing uses for the receiving water bodies. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. TCEQ staff reviewed the treated wastewater proposed discharge route, the designated uses and dissolved oxygen criteria of the receiving water bodies, antidegradation analysis of the discharges, and identification of any endangered species that may be present in the receiving water bodies. Based on review and analysis, TCEQ established effluent limits and conditions designed to maintain the receiving water body's designated uses and protect human health and aquatic life. TCEQ determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment.

COMMENT 15:

Environmental Stewardship asks whether the Applicant substantially complied with applicable public notice requirements, e.g., whether the landowner list is correct for mailed notice and proper and timely notice was issued in the appropriate newspaper(s). Amy Krause and Deborah Richard comment that there was limited to no notification to landowners along the river, in the community, or users of the McKinney Rough Park. Charlotte Gilman expresses concern that she didn't learn until this week that the project was underway, since she lives adjacent to the park.

RESPONSE 15:

There are two public notices regarding this permit action, the Notice of Receipt of Application and Intent to Obtain a Wastewater Permit (NORI) and the Notice of Application and Preliminary Decision (NAPD). The TCEQ's notice rules require applicants to provide public notices for wastewater permits by publishing the NORI in a "newspaper of largest circulation in the county in which the facility is located or proposed to be located. After the Office of the Chief Clerk has mailed the preliminary decision and the NAPD to the applicant, they are required to publish the NAPD "at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and, in each county, affected by the discharge."

Additionally, the TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. All landowners were notified by the TCEQ Chief Clerk's Office as per the landowners' list submitted by Corix Utilities. In addition, any

persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

In accordance with TCEQ's notice rules, two public notices were published for the submitted application. The NORI was published in English in the *Austin American Statesman* on September 13, 2022, and the NAPD for was published in English in *Bastrop Advertiser* on February 13, 2023. The public meeting notice was published in English in *Bastrop Advertiser* on April 26, 2023.

COMMENT 16:

Michael MacLeod comments that there is little or no publicly available information with which to determine potential dangers. He asks what toxicants are potentially in the waste stream, especially in the industrial wastewater produced by the Boring, Co. Mr. Macleod asks what measures the Applicant will take to reduce such pollutants. Michael Macleod comments that this segment of the Colorado has been classified as "exceptional" in terms of aquatic life use, recreational use, and drinking water use. Michael Macleod asks what data supports this assertion. Mr. Macleod asks why this data is not publicly available. Mr. Macleod states that the quality of the river has degraded significantly over the last decade. Environmental Stewardship comments that TCEQ should provide any such data that is available that would justify their determination that this segment is, or is not, meeting the Exceptional Aquatic Use standards. Environmental Stewardship asks whether the Commission has been transparent as is necessary to provide the public adequate, complete, and timely notice of proposed actions and whether TCEQ timely and efficiently provided the information and documents necessary for the public interest to be able to review and respond to such proposed actions without delays.

RESPONSE 16:

The Applicant has complied with all notice requirements. The permit application was received by TCEQ on July 29, 2022. TCEQ staff performed an administrative review of the application, upon receipt, to ensure that all required information is provided therein. TCEQ determined that the application is administratively complete on August 31, 2022. TCEQ Chief Clerk's Office mailed the NORI, and the same was published in English in *Austin American Statesman* on September 13, 2022. Since then, the permit application was made available for viewing and copying at Bastrop Public Library, 1100 Church Street, Bastrop, Texas. ED staff completed the technical review of the application on December 16, 2022, and prepared a draft permit. The NAPD was published in English in *Bastrop Advertiser* on February 13, 2023. At the same time, the permit application, Statement of Basis/Technical Summary and Executive Director's Preliminary Decision, and the draft permit were made available for viewing and copying at Bastrop Public Library, 1100 Church Street, Bastrop, Texas.

Regarding ES's comment about the Boring Company, this is a municipal permit that will not include industrial wastewater. The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that Corix operates and maintains the proposed facility according to TCEQ rules and the

proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Regarding Mr. Macleod's comment about the segment, Texas Administrative Code 307.5(c)(2)(B) with regard to the Tier 2 antidegradation review, requires that the highest water quality sustained since November 28, 1975 define baseline conditions for determining degradation. Therefore, the permit was crafted to be protective of exceptional aquatic life uses in the receiving stream. If studies determined that the segment is currently achieving a lower aquatic life use, it would be a violation of our antidegradation rules to craft a permit to that lower aquatic life use.

TCEQ records for this application are also available at the TCEQ's Office of the Chief Clerk until the TCEQ takes final action on the application. Some documents located at the Office of the Chief Clerk may also be located in the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid.

COMMENT 17:

Environmental Stewardship comments that Corix has already been cited by TCEQ for numerous violations under the original permit. The District comments that Corix has a history of non-compliance at the same plant where it now seeks to increase its discharge volume, specifically in 2014 and 2018. The District further states that given this background, there is no guarantee that Corix will operate in compliance with the Draft Permit, an issue that impacts the District and must be reviewed by the ED before any permit is issued. The District urges TCEQ to consider whether additional monitoring, reporting, and lower effluent limits are required to obtain compliance or mitigate risk if Corix does not comply. The District urges TCEQ to consider whether Corix can comply with the effluent limits necessary to protect the Colorado River and the aquifers. The District questions whether the draft permit should be amended or denied in light of the Applicant's history of non-compliance with permitted effluent limits. Chapman Ambrose expresses concern about the Applicant's compliance history.

RESPONSE 17:

During the technical review of the application, the TCEQ reviewed Corix Utility's compliance history according to the rules in 30 TAC Chapter 60. The compliance history is reviewed for the company and site for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance.

This permit application was received after September 1, 2002, and the company and site have been rated and classified pursuant to 30 TAC Chapter 60. A company and

site may have one of the following classifications and ratings:

1. a **high** performer classification, has a rating of fewer than 0.10 points and is considered to have an above-satisfactory compliance record;
2. a **satisfactory** performer classification, has a rating between 0.10 points to 55 points and is considered to generally comply with environmental regulations; or
3. an **unsatisfactory** performer classification, has a rating above 55 points and is considered to perform below minimal acceptable performance standards established by the commission.

This site has a rating of **1.88** and a classification of **satisfactory**. The company rating and classification, which is the average of the ratings for all sites the company owns, is 0.98 and satisfactory.

Since Corix Utilities has had an administrative order issued in the past five years from the date the application was received, this matter was reviewed by the TCEQ's Water Quality Division Executive Review Committee on November 28, 2022. Following feedback from Corix Utilities, staff from TCEQ's Region 11, and the Office of Compliance and Enforcement, no further action was required.

COMMENT 18:

Environmental Stewardship asks if there will be new subdivisions and where they will be located. Amy Krause and Deborah Richard asks what entities will be served by the expansion.

RESPONSE 18:

Per the information provided in the application, the existing wastewater treatment facility serves the McKinney Roughs Learning Center and the Bastrop ISD Cedar Creek High School. The facility has been planned to increase the service area to accommodate approximately 2,082 living unit equivalents (LUE) of mixed use residential and commercial properties.

COMMENT 19:

Environmental Stewardship further asks whether they dispose of only treated domestic waste or is it commingled with industrial waste.

RESPONSE 19:

Corix Utilities has applied to the TCEQ to authorize the discharge of treated domestic wastewater. The draft permit, if issued, will authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.05 MGD in the Interim I phase, 0.25 MGD in the Interim II phase, and 0.51 MGD in the Final phase. The application did not propose comingling domestic wastewater with industrial waste.

COMMENT 20:

Environmental Stewardship asks whether the evaluation of impacts properly considers current conditions and complies with applicable regulations to ensure the draft permit is protective of water quality, including utilizing accurate assumptions and inputs, e.g., proper evaluation of the current state of pollutants in and impairments of the Colorado River and its tributaries downstream of the discharge in a manner that considers the total loading on the river. Environmental Stewardship asks whether the impacts of the explosion of gravel mining operations and associated stormwater permits in this segment of the river have been properly considered and enforced relative to the silt load being deposited into the river. Environmental Stewardship asks whether the 10-fold increase in discharge is an appropriate ecological aquatic life use of the tributary. Environmental Stewardship states that TCEQ should conduct, prior to making a final decision regarding this permit, such biological assessment studies as are necessary to not only adequately assess, but to take remedial actions where needed to reverse the degradation of this segment of the river. Additionally, Charlotte Gilman, Renate Suitt, Skipp Connett, and Andrew Weir asks whether the appropriate studies have been done for Segment 1428. Andrew Weir suggests postponement for at least one year until the science that LCRA will produce will determine if Segment 1428 is impaired. Environmental Stewardship comments that due to lack of scientific studies, TCEQ is not able to make an affirmative statement regarding the ecological health of this segment of the Colorado River. Environmental Stewardship states that the only thing TCEQ can say about this segment is that it's not on the 303(d) list of impaired waters, but there is not data. Chapman Ambrose comments that it can't be the citizens every time who step up to get the data. Michael Macleod expresses concern that if TCEQ studies nitrates and phosphate levels, whether they also studying the lower-level compounds such as arsenic, heavy metals, and PFAS. Mike Novak comments that at some point we need to start relying on data instead of guesswork. Lynda Macleod asks if the permit can be delayed due to potential negative impacts on the river and children who play in the river.

RESPONSE 20:

The ED has determined that the draft permit is in accordance with the TSWQS, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

The permit was crafted in accordance with our TSWQS and antidegradation rules to meet an exceptional aquatic life use in the Colorado River. The 2022 Texas Water Quality Inventory indicates that Segment 1428 is currently not impaired. If it was found to be impaired, crafting a permit to meet an exceptional aquatic life use as was

done, would help to reverse impairments or degradation in the waterbody.

Regarding ES's request to conduct a study, Texas Administrative Code 307.5(c)(2)(B) with regard to the Tier 2 antidegradation review requires that the highest water quality sustained since November 28, 1975 define baseline conditions for determining degradation. Therefore, the permit was crafted to be protective of exceptional aquatic life uses in the receiving stream. If studies determined that the segment is currently achieving a lower aquatic life use, it would be a violation of our antidegradation rules to craft a permit to that lower aquatic life use.

Segment No. 1428 is not currently listed on the State's inventory of impaired and threatened waters (the 2022 Clean Water Act Section 303(d) list). Please see the response No. 12 for more details information.

COMMENT 21:

Michael MacLeod asks what toxicants will be monitored routinely, and who will be paying for the testing. Karen Sterling comments that this area is already subject to "forever chemical" contamination. Ms. Sterling states that TCEQ should exercise due diligence in make sure all effluents are thoroughly tested before emitting them into the water table. Chapman Ambrose expresses concern about the lack of recent river quality testing and ecosystem monitoring. Chapman Ambrose expresses concern about the lack of real-time river monitoring. Skip Connett comments that the monitoring needs to be stringent because of Applicant's compliance history. Lynda Macleod recommends regular reviews of the river. Environmental Stewardship commented that the Sunset Commission recently found that TCEQ's oversight of water could better protect the state's scarce resources (Issue 3). ES further believes that the above issue fits into this finding and that this matter needs to be reviewed and corrected before a permit is issued.

RESPONSE 21:

The effluent limitations in the draft permit, based on a 30 day average, are 5 mg/l CBOD₅, 5 mg/l TSS, 2 mg/l NH₃-N, 1 mg/l TP, 126 CFU or MPN of *E. coli* per 100 ml, and 6.0 mg/l minimum DO.

Per Other Requirement No. 1 of the draft permit, this Category C facility must be operated by a chief operator or an operator holding a Class C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week.

Corix Utilities is required to do sampling, analysis, and reporting for compliance of the permit provisions in accordance with the Monitoring and Reporting Requirements section and the Definitions and Standard Permit Conditions section of the draft permit. Corix Utilities may collect and analyze the effluent samples itself, or it may contract with a third party for either or both the sampling and analysis. In addition, they may operate the facility itself or contract with an individual operator, company,

and other entity to operate the facility.

The TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. The Region 11 office is required to conduct a mandatory comprehensive compliance investigation (CCI) at minor facilities (facilities with permitted flow of less than 1 MGD) once every five fiscal years. Additional mandatory investigations can be required if the facility is categorized as significant noncompliance (SNC). SNC is determined by the Compliance Monitoring Section of the TCEQ, and is based on self-reported effluent violations.

If Corix utilities is reported to be in violation of any applicable state or federal rules, the TCEQ Region 11 office is required to conduct CCI. If the facility is found to be out of compliance with the terms or conditions of the permit, Corix Utilities may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 11 Office in Austin at 512-339-2929. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 22:

Environmental Stewardship asks whether the draft permit includes all appropriate and necessary requirements to comply with Texas law, TCEQ rules and policies, and whether the discharge and permit include the required biomonitoring. Environmental Stewardship asks whether the burden of proof has rightfully been placed on the Applicant and the Commission to prove that concerns and issues brought up before the Commission are in accordance with the federal laws that have been delegated to the State.

RESPONSE 22:

The TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific statutes regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that Corix Utilities operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Also, please see Response No. 20.

COMMENT 23:

Environmental Stewardship asks whether the draft permit includes all appropriate and necessary requirements to assure it can be enforced, e.g., are the facilities, the discharge location and monitoring stations clearly identified so that TCEQ, TPWD, and Bastrop County could inspect and sample the discharge and sources clearly reported to assure proper evaluation of any effluent or impacts. Michael MacLeod asks when there are spills, who will be responsible for the cleanup.

RESPONSE 23:

The TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. The Region 11 office is required to conduct a mandatory CCI at minor facilities (facilities with permitted flow less than 1 MGD) once every five fiscal years. Additional mandatory investigations can be required if the facility is categorized as significant noncompliance (SNC). SNC is determined by the Compliance Monitoring Section of the TCEQ and is based on self-reported effluent violations.

If Corix utilities is reported to be in violation of any applicable state or federal rules, the TCEQ Region 11 office is required to conduct CCI. If the facility is found to be out of compliance with the terms or conditions of the permit, Corix Utilities may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these to the TCEQ by calling the toll-free number, 1-888-777-3186, or the TCEQ Region 11 Office in Austin at 512-339-2929. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

The proposed permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements. For example, a permittee must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater. In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ. All these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, Corix Utilities will be required to report an unauthorized discharge to the TCEQ within 24 hours. Finally, Corix Utilities will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

COMMENT 24:

Environmental Stewardship asks whether the effluent limitations and conditions of 30 TAC Chapter 311: Watershed Protection; Subchapter E: Colorado River Watershed, have been updated to include best-available technology-based treatment to meet the exceptional aquatic use standard. Environmental Stewardship comments that TCEQ should provide a review of best-available wastewater treatment technology necessary to meet the exceptional aquatic life use, recreational, and drinking water standards that apply to Segment 1428 of the Colorado River, and to require such standards be used in this permit. Environmental Stewardship comments that consideration of centralized, decentralized and water resource recovery options should be included in cooperation with the City of Bastrop and Bastrop County. Environmental Stewardship asks whether the existing facility will be decommissioned and new technology, plus a sulfur abatement plan mentioned in the permit will adequately address the issues raised. Michael MacLeod asks whether the discharge facility utilizes the best-available treatment technologies, as it would seem absolutely necessary in order to maintain and/or rebuild the health of the segment.

RESPONSE 24:

The proposed effluent limits in the draft permit satisfy the requirements of the Colorado River Watershed Protection Rule (30 TAC 311, Subchapter E).

Per the information provided in the application, the existing wastewater treatment facility serves the McKinney Roughs Learning Center and the Bastrop ISD Cedar Creek High School. Facility has been planned to increase the service area to accommodate approximately 2,082 living unit equivalents (LUE) of mixed use residential and commercial properties.

The existing Wastewater Treatment Facility will be upgraded to an MBR system activated sludge process plant operated in conventional mode. Treatment units in the existing Interim I phase include a bar screen, an aeration basin, a final clarifier, a sludge digester, a sludge holding tank, and a UV disinfection channel. Treatment units in the Interim II phase will include a primary fine screen, an equalization tank, a secondary fine screen, an anoxic tank, an aeration basin, an aeriated MBR tank, a sludge holding tank, and an UV disinfection system. Treatment units in the Final phase will include a primary fine screen, two equalization tanks, two anoxic tanks, two aeration basins, two aeriated MBR tanks, two secondary fine screens, a sludge holding tank, and a UV disinfection system. The facility is operating in the existing 0.05 MGD phase. The existing 0.05 MGD phase facilities will be decommissioned and removed upon completion of the Interim II phase facilities.

COMMENT 25:

Environmental Stewardship asks whether this amendment application should be considered a new permit application and located where it can serve the regional needs of the community avoiding the trend toward fragmentation of wastewater services in this segment.

RESPONSE 25:

Corix Utilities applied for a major amendment to the existing TPDES Permit No. WQ0013977001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 0.05 MGD to a daily average flow not to exceed 0.51 MGD. Per TCEQ rules 30 TAC Chapter 305 Section 305.62 (C), the application was qualified as a major amendment.

Please see Response 13 for regionalization policy.

COMMENT 26:

Kermit Heaton asks how additional wastewater permits can be considered until the existing problem has been resolved. Renate Suitt states that the Colorado does not look like a healthy river and asks how TCEQ can justify wastewater discharges into the river, when water levels are already extremely low.

RESPONSE 26:

The effluent limits proposed in the draft permit satisfy the requirements of the Colorado River Watershed Protection Rule (30 TAC 311, Subchapter E).

The potential impact of the proposed discharge on instream dissolved oxygen levels is evaluated under hot and dry, low-flow summertime conditions, which are typically the most restrictive conditions in regard to dissolved oxygen levels. Critical low-flow, as defined in 30 TAC § 307.3(a)(16), is a “low-flow condition that consists of the seven-day, two-year flow (7Q2),” which is the lowest seven-day average discharge with a recurrence interval of two years. The criteria of the TSWQS (30 TAC Chapter 307) are applicable even during critical low-flow, therefore critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge.

The effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the TSWQS and 30 TAC §§ 307.1 - 307.10. The proposed draft permit includes effluent limitations and monitoring requirements to ensure that the proposed wastewater treatment plant meets water quality standards for the protection of surface water quality, even during periods of low flow, according to TCEQ rules and policies.

Sampling, analysis, and reporting for compliance of the permit provisions shall be performed in accordance with the Monitoring and Reporting Requirements section, and the Definitions and Standard Permit Conditions section of the draft permit.

COMMENT 27:

Amy Krause and Deborah Richard ask whether the Applicant owns the land up to the tributary, and if not, is LCRA getting compensated based on the amount of discharge. Amy Krause and Deborah Richard ask if LCRA is getting compensated, is this what LCRA expected to happen or whether the property sold to Corix will service the high school and the Hyatt entities.

RESPONSE 27:

The TCEQ was given the authority to issue TPDES permits for the discharge of waste or pollutant into or adjacent to water in the state. If the permit is issued, it does not grant the permittee the right to use private or public property for the conveyance of wastewater along the discharge route. Also, the permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire all property rights necessary to use the discharge route. Also, the draft permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects on human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

However, because the State is authorized to use the bed and banks to transport water, and the TCEQ has the authority to authorize a discharge of treated domestic wastewater into water in the state through a TPDES permit, the applicant for a TPDES permit does not need permission from downstream landowners to use the watercourse running through their property, nor do downstream landowners have to be paid because of a permitted discharge.

COMMENT 28:

Skip Connett states that paid users of the park should have standing as affected parties.

RESPONSE 28:

The TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. The affected landowners list does not include individuals who visit the park.

COMMENT 29:

Linda Curtis comments that a recent bill regarding TCEQ's complaint process was passed that is completely unnecessary and is a degradation of TCEQ's process. Linda Curtis comments that this impacts all of us and we need to figure out what we are going to do about it. Linda Curtis comments that we need to find a way to work outside the confines of what we are restricted to in the public meeting, to take action that is real and that allows us to have real community input that is heard that would allow for affordable housing but would also protect our resources.

RESPONSE 29:

TCEQ acknowledges the comments.

COMMENT 30:

Skip Connett states that LCRA and Corix have written documents that state the facility will never be expanded, he wants this in writing if that's the case. Mike Novak expresses concern about the never-ending increase.

RESPONSE 30:

Mr. Connett may request these documents from the Applicant. The draft permit, if issued, meets all statutory and regulatory requirements. Additionally, TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to its issuance.

COMMENT 31:

Chapman Ambrose expresses concern about the effectiveness of the proposed facility.

RESPONSE 31:

Please see Response 29. If the permit is issued, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ. Prior to construction of the new treatment facilities, the permittee shall submit plans and specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Pages 2a and 2b of the draft permit.

COMMENT 32:

Amy Krause, Deborah Richard, and Environmental Stewardship ask whether a different location could be considered. Skip Connett comments that since the facility is outdated, this would have been a good opportunity to remove the discharge from this facility and look at other options. Skip Connett asks whether Corix has exhausted all other site options and doesn't use cost as the sole determining factor.

RESPONSE 32:

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." The TCEQ does not have jurisdiction over zoning. The applicant has met these requirements.

If Corix Utilities updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

COMMENT 33:

Environmental Stewardship expresses concern about the 10-fold increased flow into the unnamed tributary will cause erosion of the banks and streambed, leading to further siltation of the river, destruction of the natural streambed, degrading the natural ecology, and thereby also degrading the park experience. Environmental Stewardship further comments that they are already noticing shoaling of silt along the reach of the river where the Hwy 969 boat ramp is located under the bridge. ES states that boaters are saying that this is making the ramp difficult, if not impossible/impractical, to use. Charlotte Gilman states that the proposed increase is not acceptable because of the potential flooding and erosion issues. Skip Connett comments on existing erosion in the river, he suggests putting in a pipe in to reduce the erosion.

RESPONSE 33:

The TCEQ does not have jurisdiction to regulate flooding or erosion in the context of a wastewater discharge permit. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. However, to the extent that an issue related to flooding also involves water quality, Corix Utilities is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at (512) 239-4691. For Bastrop County Floodplain Administrator, please call at 512-581-7159.

COMMENT 34:

Linda Curtis, on behalf of the League of Independent Voters, comments that they adopt the statements submitted by Charlotte Gilman, Steve Box on behalf of Environmental Stewardship, Skip Connett, Andy Weir, and Chapman Ambrose.

RESPONSE 34:

TCEQ acknowledges the comment.

III. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

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