

TPDES PERMIT NO. WQ0016624001

**APPLICATION BY SANGER LAGUNA
AZURE LLC AND JAMES N. HORN
FOR NEW TPDES PERMIT NO.
WQ0016624001**

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**BEFORE THE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by Sanger Laguna Azure LLC and James N. Horn (Applicants) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016624001, and the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments.

The Office of the Chief Clerk received timely comments from the individuals listed in the Response and Appendices A-S. This response addresses all timely public comments received, whether or not withdrawn.

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

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

¹ TEX. WATER CODE § 5.115(a-1)-(2)(B).

I. BACKGROUND

A. Description of Facility

The Sanger Laguna Azure LLC and James N. Horn (Applicants) submitted an application to TCEQ for a new permit, TPDES Permit No. WQ0016624001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 950,000 gallons per day. The Applicant proposes to operate the Sanger Laguna Azure Wastewater Treatment Facility, which will be an activated sludge process plant operated in the complete mix mode. Treatment units in the Interim I phase will include a bar screen, two aeration basins, a final clarifier, a sludge digester, and a chlorine contact chamber. Treatment units in the Interim II phase will include a bar screen, three aeration basins, a final clarifier, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase will include a bar screen, seven aeration basins, three final clarifiers, six sludge digesters, three chlorine contact chambers, and a dechlorination basin. The proposed facility has not been constructed.

If the permit is issued, the facility will be located approximately 0.77 miles northwest of the intersection of Farm-to-Market Road 2153 and Farm-to-Market Road 2164, near the City of Sanger, Denton County, Texas 76266. Geographic coordinates of the proposed outfall location in decimal degrees are provided in Table 1.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	33.345087 N	97.131546 W

If the permit is issued, the treated effluent will be discharged to an unnamed tributary, then to another unnamed tributary, then to Clear Creek, then to Lewisville Lake, then to Lewisville Lake in Segment No. 0823 of the Trinity River Basin. The designated uses for Segment No. 0823 are primary contact recreation, public water supply, and high aquatic life use. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions. The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow, are expressed in [million gallons per day (MGD) / gallons per day (gpd)]. The two-hour (2-hr) peak flow is expressed in gallons per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per

liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL).

Table 2. Interim I Phase Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow	0.15 MGD (2-hour peak - 417 gpm)				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	12	10	15	25	35
Total Suspended Solids (TSS)	19	15	25	40	60
Ammonia Nitrogen (NH ₃ -N)	3.7	3	6	10	15
<i>E. coli</i> (CFU or MPN/100 mL)	N/A	126	N/A	N/A	399
pH	6.0-9.0 SU				

Table 3. Interim II Phase Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow	0.95 MGD (2-hour peak - 833 gpm)				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	25	10	15	25	35
Total Suspended Solids (TSS)	38	15	25	40	60
Ammonia Nitrogen (NH ₃ -N)	7.5	3	6	10	15
<i>E. coli</i> (CFU or MPN/100 mL)	N/A	126	N/A	N/A	399
pH	6.0-9.0 SU				

Table 4. Final Phase Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow	0.95 MGD-(2-hour peak - 2,639 gpm)				
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	79	10	75	15	35
Total Suspended Solids (TSS)	119	15	25	40	60
Ammonia Nitrogen (NH ₃ -N)	24	3	6	10	15
<i>E. coli</i> (CFU or MPN/100 mL)	N/A	126	N/A	N/A	399
pH	6.0-9.0 SU				

B. Procedural Background

The permit application was received on September 16, 2024, declared administratively complete on October 9, 2024, and declared technically complete on April 24, 2025. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on October 26, 2024, in the *Denton Record Chronicle* in English, and on October 30, 2024, in *Al Dia* in Spanish. The Notice of Application and Preliminary Decision (NAPD) was published on July 12, 2025, in the *Denton Record Chronicle* in English, and on July 9, 2025, in *Al Dia* in Spanish. A Notice of Public Meeting was published on July 12, 2025, in the *Denton Record Chronicle* and on July 9, 2025, in *Al Dia*. A public meeting was held on August 14, 2025, at the Denton Civic Center in Denton, Texas. The public comment period ended at the close of the meeting on August 14, 2025.

This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted SB 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

C. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website: <https://www.sos.state.tx.us/>;
- TCEQ rules in 30 TAC: https://texas-sos.appianportalsgov.com/rules-and-meetings?interface=VIEW_TAC&part=1&title=30 ;
- Texas statutes: <https://statutes.capitol.texas.gov/>;
- Federal rules in Title 40 of the Code of Federal Regulations: <https://www.ecfr.gov/current/title-40>; and
- Federal environmental laws: <https://www.epa.gov/laws-regulations>.

Commission records for this application are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director's preliminary

decision, and Draft Permit are available for viewing and copying at the following location: Freeport Branch Library, 410 North Brazosport Boulevard, Freeport, Texas.

II. COMMENTS AND RESPONSES

A. General Opposition

COMMENT 1:

The Groups, Organizations, and Individuals listed in Appendix A expressed general opposition to the application and proposed Draft Permit.

RESPONSE 1:

The Executive Director acknowledges these comments.

COMMENT 2:

Abigail Shirley, Catherine Gurganus, Erin Devany, James Hallford, Jaye Walker, and Jerardo Martinez expressed opposition regarding the new development near the Clear Creek Natural Heritage Center.

RESPONSE 2:

The Executive Director acknowledges these comments.

B. Concerns related to Water Quality

COMMENT 3:

Individuals in Appendix B expressed concern that the proposed wastewater treatment facility will impact groundwater. Additionally, individuals in Appendix C expressed concerns that the proposed wastewater treatment facility will impact private wells in the area.

RESPONSE 3:

TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water. 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 Tex. Admin. Code, Chapters 305 and 307.

The proposed Draft Permit was developed in accordance with the Texas Surface Water Quality Standards (TSWQS) to be protective of water quality, provided that the Applicants operate and maintain 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.²

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. This level of surface water protection would also ensure protection of groundwater quality and its known uses.

As part of the application review process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. 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.

The Executive Director has preliminarily determined that the Draft Permit's effluent limitations are consistent with the Texas Surface Water Quality Standards and are therefore protective of surface water quality, human health, and the environment. This level of surface water protection would also ensure protection of groundwater quality and its known uses. Also, TCEQ's rules in 30 Tex. Admin. Code § 309.13(c) require 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.

For additional information about water quality, see TCEQ's publication, [*Preserving & Improving Water Quality*](#) (GI-351).³ Public water supply systems in Texas are regulated by TCEQ's Water Supply Division. If you have any questions related to public water supply systems, contact the Water Supply Division at 512-239-4691 for more information. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. Private well owners should take steps to have their water quality routinely tested. Wells should be tested more often if under the influence of nearby surface water, or if contamination is suspected. For more information on testing private water wells, please see the National

² The Texas Surface Water Quality Standards are in 30 TEX. ADMIN. CODE, Ch. 307.

³ Available on TCEQ's website at: <https://www.tceq.texas.gov/downloads/publications/gi/gi-351.pdf>.

Ground Water Association website at: wellowner.org/resources/water-quality/water-testing. If your well tests positive for fecal coliform bacteria, please see the TCEQ's publication, [Disinfecting Your Private Well](#) (GI-432).⁴

COMMENT 4:

Individuals in Appendix D expressed concern that the discharge of the proposed wastewater treatment facility will affect nearby drinking water sources.

RESPONSE 4:

TCEQ's rules do not require that domestic wastewater be treated to potable standards before it is discharged to water in the state. State and federal regulations require that treated effluent maintain the existing uses of the receiving waters as designated within the Texas Surface Water Quality Standards at 30 Tex. Admin. Code, Chapter 307. Lewisville Lake has a designated drinking water use, but this is outside of the zone of the estimated impact.

COMMENT 5:

Individuals in Appendix E expressed concern that the proposed wastewater treatment facility will cause algal blooms due to excessive nutrients that could impact the receiving waters. Additionally, Scott McNeely Hutchins and Kelli Alexander requested a phosphorous effluent limit of 1 mg/L.

RESPONSE 5:

The Executive Director's staff in the Water Quality Division reviewed the potential for a discharge to create instream eutrophic conditions using the methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs) (RG-194).⁵ The IPs define the factors considered when determining nutrient limits. For this application, a typical nutrient screening was conducted during the review. The variables considered were flow, water clarity, instream dilution, substrate type, stream geomorphology, stream flow, consistency with permits in the area, vegetation, and listings on the Texas Integrated Report (Section 303(d) List). Based on the nutrient screening conducted, total phosphorus effluent limits were not

⁴ Available on TCEQ's website at: <https://www.tceq.texas.gov/downloads/drinking-water/preparedness-resources/gi-432.pdf>.

⁵ The current IPs are available on TCEQ's website at: <https://www.tceq.texas.gov/downloads/permitting/water-quality-standards-implementation/june-2010-ip.pdf>.

warranted for this permit action. As written, the Draft Permit will sufficiently control nutrient levels of the proposed discharge.

COMMENT 6:

Autumn Oehlschlager expressed concern that the proposed wastewater treatment facility will have an impact on the water body and depletion of dissolved oxygen levels.

RESPONSE 6:

The effluent limitations in the Draft Permit were developed to maintain and protect the existing instream uses and comply with the TSWQS.⁶ The proposed Draft Permit contains 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 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 regarding dissolved oxygen levels. Critical low-flow, as defined in 30 Tex. Admin. Code § 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 Texas Surface Water Quality Standards⁷ are applicable even during critical low-flow; therefore, critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge.

The Executive Director’s staff in the Water Quality Division has performed a dissolved oxygen modeling review based on the information provided in the Application. Based on these model results, the proposed effluent set of 10 mg/L CBOD₅, 3 mg/L NH₃-N and 4.0 mg/L dissolved oxygen (DO) for all three phases, is predicted to be adequate to maintain the dissolved oxygen criteria stipulated by the Standards Implementation Team for first unnamed tributary (2.0 mg/L), second unnamed tributary (3.0 mg/L) and Clear Creek (5.0 mg/L). Also, according to these model results, the dissolved oxygen levels in receiving water bodies would consistently meet or exceed the dissolved oxygen criteria.

⁶ 30 TEX. ADMIN. CODE, Chapter 307.

⁷ 30 TEX. ADMIN. CODE, Chapter 307.

COMMENT 7:

Individuals in Appendix F raised comments related to pathogens and bacteria that could be present in the wastewater that will be discharged from the facility. Additionally, Maria Falls requested to change the disinfection method to Ultraviolet Light or less disruptive alternatives.

RESPONSE 7:

The Executive Director's staff in the Water Quality Division has prepared a Draft Permit, which the Executive Director has preliminarily determined complies with the Texas Surface Water Quality Standards, which ensure that the proposed discharge is protective of aquatic life, human health, and the environment. TCEQ's rules in 30 Tex. Admin. Code § 309.3(g)(1) further require that disinfection of domestic wastewater must be protective of both public health and aquatic life; however, the rules do not require a specific method of disinfection. A permittee may disinfect domestic wastewater through chlorination, ultra-violet light, or an equivalent method of disinfection with prior approval of the Executive Director.

For this facility, the Applicant has chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms. Chlorine is the one of the most practical and effective means of disinfection because it can kill disease-causing bacteria and nuisance organisms and can eliminate certain noxious odors during disinfection.⁸ The permit limitation for maximum total chlorine residual is 4.0 mg/L and must be monitored five times per week.⁹

Additionally, 30 Tex. Admin. Code § 217.37 requires a disinfection system to include a backup power system capable of providing sufficient power to operate continuously during all power outages. The Draft Permit also includes limits for bacteria and monitoring requirements to verify proper disinfection. Under the Draft Permit, the treated effluent is required to meet a daily average bacteria limit of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* per 100 ml. Further, the effluent must be sampled for bacteria once per month by grab sample.

The Executive Director has preliminarily determined the Draft Permit satisfies the applicable disinfection requirements through chlorine disinfection to protect both

⁸ U.S. EPA *Wastewater Technology Fact Sheet- Chlorine Disinfection* (EPA 832-F-99-062) https://www.epa.gov/sites/default/files/2015-06/documents/disinfection_small.pdf.

⁹ Draft Permit, Effluent Limitations and Monitoring Requirements, page 2; *see also* 30 TEX. ADMIN. CODE § 309.3(g)(2).

public health and the environment. If the Applicant decides to change the disinfection method, the Draft Permit will be updated appropriately.

COMMENT 8:

Individuals in Appendix G expressed concern regarding soil erosion. Additionally, Jim Parks added a comment with concerns about runoff from the proposed facility.

RESPONSE 8:

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

COMMENT 9:

Austin Longueville, Debbra Aiken, Josheph Langley, Rachel Weaver, and Rhealee Boydston expressed concern regarding potential devastation of the Black Land Prairie and the Riparian Forest.

RESPONSE 9:

TCEQ strives to protect our state's public health and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste. The proposed Draft Permit was developed in accordance with the Texas Surface Water Quality Standards to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements.

COMMENT 10:

Individuals in Appendix H expressed concerns regarding contamination of the surface water by the proposed discharge.

RESPONSE 10:

TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water. TCEQ has a legislative

responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Tex. Water Code, Chapter 26, and 30 Tex. Admin. Code, Chapters 305, 307 and 309, including specific statutes regarding wastewater treatment systems under 30 Tex. Admin. Code, Chapters 217 and 309.

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

As part of the application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. To achieve the goal of maintaining a sufficient level of water quality 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 Tex. Admin. Code § 307.5 and the IPs, an antidegradation review of the receiving waters was performed. In accordance with 30 Tex. Admin. Code § 307.5 and the IPs, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the Draft Permit for the conventional effluent parameters (i.e. CBOD₅, Ammonia-Nitrogen, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

C. Concerns regarding Human Health

COMMENT 11:

Catherine Gurganus, David Millican, Jeannie Naylor, Kara Walx, Mariela Alvarez, and Rachel Weaver expressed concern that the proposed wastewater treatment facility will impact human health. Additionally, Andrew Satterfield, Arandena Leh'mara, Ashley Kelley, Dawn Byrd, Eric Portele, Keith Wilde, Sam Alexander, and Suzanne West made comments regarding the recreational use of the protected area.

RESPONSE 11:

Under the Texas Surface Water Quality Standards (TSWQS), discharges into surface water may not degrade the water quality of the receiving waters or result in situations that impair existing, attainable or designated uses.¹⁰ Further, surface waters may not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.¹¹

In this case, the designated uses for Segment 0823 are primary contact recreation, public water supply, and high aquatic life use. 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. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

The ED's staff in the Water Quality Division has prepared the Draft Permit, with effluent limits that were developed to maintain and protect the existing instream uses. The ED has made a preliminary determination that the Draft Permit, if issued, meets all statutory and regulatory requirements.

D. Concerns regarding Wildlife

COMMENT 12:

Individuals in Appendix I expressed concerns about potential impacts to wildlife in the area. Additionally, Autumn Oehlschlager and Jeannie Naylor expressed concerns

¹⁰ 30 TEX. ADMIN. CODE, Chapter 307.

¹¹ 30 TEX. ADMIN. CODE § 307.6(b)(4).

about the impact on aquatic species. Joseph Langley expresses concern about the impacts on mussels.

RESPONSE 12:

The Texas Surface Water Quality Standards (TSWQS) in 30 Tex. Admin. Code, 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 effluent limits in the Draft Permit are set to maintain and protect the existing instream uses.

The proposed Draft Permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (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.

As part of the application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. To achieve the goal of maintaining a sufficient level of water quality 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.

The Executive Director has made a preliminary determination that the Draft Permit, if issued, meets all statutory and regulatory requirements.

COMMENT 13:

Individuals in Appendix J expressed concerns about potential impacts to endangered species and their habitat.

RESPONSE 13:

As provided in the Procedures to Implement the State Surface Water Quality Standards (June 2010) the Executive Director reviewed the application for potential impacts to aquatic or aquatic-dependent federally listed endangered or threatened species. The discharge from this permit action is not expected to have any effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

The United States Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) were afforded an opportunity to review the permit application and proposed permit. Neither of these agencies expressed concern about the discharge effects on wildlife in the area.

E. Concerns about Odors**COMMENT 14:**

Individuals in Appendix K expressed concerns related to the proposed facility will emit strong odors.

RESPONSE 14:

All wastewater treatment facilities have the potential to generate odors. To control and abate odors, TCEQ's rules require domestic WWTFs to comply with buffer zone requirements for the abatement and control of nuisance odors.¹² The Applicant can comply with these buffer zone requirements through: 1) ownership of the buffer zone area; 2) obtaining a restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor controls.¹³

¹² 30 TEX. ADMIN. CODE § 309.13(e).

¹³ 30 TEX. ADMIN. CODE § 309.13(e).

According to its application, the Applicant intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line. This requirement is incorporated in the Draft Permit. Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the Draft Permit. The Executive Director's staff in the Water Quality Division has incorporated this requirement into the Draft Permit.

Further, the Applicant proposes in its application that The Sanger Laguna Azure Wastewater Treatment Facility will be an activated sludge process plant operated in the complete mix mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the complete mix mode variation has been known to produce highly treated effluent with low biosolids production. When properly treated by the proposed wastewater treatment process, the effluent is not expected to have an offensive odor. Therefore, if the proposed facility is operated in compliance with TCEQ's rules and the Draft Permit's terms, then nuisance odors related to the permitted activities are not expected to occur.

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

If anyone experiences nuisance odor conditions, or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints.

F. Concerns regarding the Application

COMMENT 15:

Joseph E. Stockard stated that he did not receive a notice of receipt of application for the proposed permit. He mentioned that the letter was sent to his deceased mother Eloise Stockard.

RESPONSE 15:

Listed landowner names and addresses were sourced from the parcel ownership information on file with the Denton County Central Appraisal District. Ownership of parcel 20 in map Attachment 5 from Denton County Central Appraisal District record was at the time of application and is currently listed as Eloise Stockard.

COMMENT 16:

Individuals in Appendix L alleged that the information in the application (Public Involvement Plan Form) was incorrect or untrue. Additionally, Joseph Gerard Langley mentioned that there was no information provided in the application regarding sewage lagoons and he asked why the answer was “N/A” (not applicable).

RESPONSE 16:

A Notice of Deficiency (NOD) was sent to the applicant on February 20, 2025, requesting the complete Public Involvement Plan that was missing information, a letter of response was received with the complete form on March 6, 2025.

This proposed facility has not yet been constructed which means the facility operator and disposal site are to be determined (TBD). No sludge disposal authorization is requested in this permit. In addition, this facility will not include sewage sludge lagoons.

COMMENT 17:

Maria Falls commented on a potential discrepancy on the application under “Domestic Wastewater Permit Application Administrative Report 1.0” Section 13, “Original full-size USGS Topographic Map with the following information:”. Ms. Falls states that Domestic Wastewater Permit Application Worksheet 2.0. Section 1 “Domestic Drinking Water Supply” should be mark as YES due to the limestone basis of underlying rock structures and Woodbine Aquifer recharge zones throughout the property that utilizes several deep wells for all water uses of several homes and other sites Receiving Waters. Section 4. B.” Flow characteristics” should be amended to Perennial Pools, Section 4. D.E, and Section 5 B should be amended to YES.

RESPONSE 17:

No Surface water intake for domestic drinking water supply is located within five miles downstream from the point of proposed point of discharge. Regarding the

receiving water body, the unnamed tributary to Clear Creek, is an intermittent stream that is dry for at least one week during most years.

The Water Quality Assessment Team (WQA) reviewer looked further downstream which stated, to an unnamed tributary > 0.33 mi. > second unnamed tributary > 1.2 mi. > Clear Creek > + 10 mi. > Segment 0823. WQA assessed the initial unnamed tributary as intermittent and then the second unnamed tributary as intermittent with pools. To make this assessment, the WQA team used USGS topographical maps, aerial photos, Google Street View, and pictures from the application when appropriate.

COMMENT 18:

Haley Salazar, Dennis Qualls, John Anderson, Nancy Candace Stevens, and Susan Moushegian made comments regarding the lack of justification in the application.

RESPONSE 18:

A Notice of deficiency (NOD) was sent to the applicant on February 2, 2025, for missing information on the application. On March 6, 2025, a response to the NOD was received. The Applicant provided sufficient information regarding anticipated future wastewater needs and explained the timing of the proposed phase.

At full build-out, the primary residential development to be served by the wastewater treatment plant is projected to have approximately 2,700 connections. Wastewater flows were projected in Chapter 217, Table B.1, related to residential units, hotel, and restaurant categories.

After reviewing this information, the ED determined that the Applicant sufficiently demonstrated the need for the requested flow.

COMMENT 19:

Abigail Beck, Dennis Qualls, Haley Salazar, John Anderson, Susan Moushegian, and an unnamed resident raised concerns related to regionalization. Additionally, Maria Falls, Susan Moushegian, and Toni Rask asked if a cost analysis has been submitted by the Applicant. Sammy Alexanders asked for clarity regarding the length of time required to wait after reaching out to cities, and why they did not give the cities 30 days to respond.

RESPONSE 19:

The State's regionalization policy is enumerated in Texas Water Code § 26.081, which provides that this policy is to "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state." In furtherance of that policy, Tex. Water Code § 26.0282 authorizes 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.

Within the application, Domestic Technical Report 1.1 requires applicants to provide information related to regionalization of wastewater treatment plants.¹⁴ Applicants requesting a new TPDES 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 or sewer collection lines within the area that the permittee can utilize. Further, TCEQ requires Applicants to contact those facilities to inquire if they currently have the capacity or are willing to expand to accept the proposed volume of wastewater. If an existing wastewater facility does have the capacity and is willing to accept the proposed wastewater, the applicant must submit an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within three miles relative to the cost of the proposed facility or expansion. Finally, applicants must provide copies of all correspondence with the owners of existing plants within three miles of the proposed plant regarding regionalization with their system.

On September 12, 2024, the Applicant mailed certified letters requesting service to the City of Sanger, Permit No. WQ0014372001, and the City of Denton, Permit No. WQ0016632001, and on May 13, 2025, a following letter was sent to the City of Sanger, Permit No. WQ0014372001, as a reminder. The letters were sent to facilities located within a 3-mile radius of the proposed WWTF. The applicant provided 30 days to respond during TCEQ review of the application. On June 17, 2025, the City of Sanger responded to the request with an agreement to provide service. On August 7, 2025, a final letter was sent to the City of Sanger requesting written assurance to provide

¹⁴ Domestic Technical Report 1.1 (TCEQ Form 10054), Section 1, Item B, page 21.

wastewater services without imposing annexation requirements or other development restrictions. The City responded on September 3, 2025, but did not provide such assurance regarding annexation. According to TCEQ RG-632 *Evaluating Regionalization for Proposed Wastewater Systems*, Step 2, if service is offered with special conditions, such as annexation, the applicant can proceed with submitting a new permit application.

COMMENT 20:

Dennis Qualls, General Manager of the City of Denton, stated that the City of Denton did not receive a letter requesting service.

RESPONSE 20:

A capacity request letter was sent to the City of Denton Public Works Department via Certified Mail on September 12, 2024, and was received on September 16, 2024. Proof of delivery to the City of Denton with proof of signature was provided as requested to TCEQ on March 6, 2025.

COMMENT 21:

Individuals in Appendix M raised concerns related to wetlands in the area.

RESPONSE 21:

TCEQ's rules in 30 Tex. Admin. Code, Chapter 309, Subsection B, describe the applicable unsuitable site characteristics. Under 30 Tex. Admin. Code § 309.13, a wastewater treatment plant unit may not be located in wetlands; however, this prohibition is not applicable to constructed wetlands.¹⁵

As part of the Executive Director's technical review of the Application, the Standards Implementation Team reviewed the initial portion of the discharge route as described in the Application, aerial imagery using GIS, and the submitted USGS topographical map.

According to the information provided, the discharge route is to an unnamed tributary, thence to a second unnamed tributary, thence to Clear Creek, thence to Lewisville Lake in Segment 0823 of the Trinity River Basin. This proposed discharge should have no significant impact on nearby wetlands.

¹⁵ 30 TEX. ADMIN. CODE § 309.13(b).

COMMENT 22:

Angela Williams asked if a full inspection of the land was made prior to drafting the permit.

RESPONSE 22:

A full inspection of the land was not performed by TCEQ staff before drafting the permit, as this is not a required component in the permitting process. The site was walked by the applicant and photos were taken of the site and discharge location prior to submittal of the application.

G. Concerns regarding the Proposed Facility

COMMENT 23:

Individuals in Appendix N expressed concerns related to flooding occurring due to the discharge of wastewater on the unnamed tributaries.

RESPONSE 23:

TCEQ does not have the authority under Tex. Water Code, Chapter 26, to address issues related to flooding in the TPDES permitting process.¹⁶ The scope of the permitting process is limited to controlling the discharge of pollutants into (or adjacent to) 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, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions as specified in the proposed permit at all times, including during flooding conditions.

Also, 30 Tex. Admin. Code § 309.13 does specify certain limitations related to the location of wastewater treatment plant units. Under 30 Tex. Admin. Code § 309.13(a), a wastewater treatment plant unit may not be located within a 100-year flood plain unless the plant unit is protected from inundation and damage that may occur during that flood event.

The Executive Director's staff in the Water Quality Division performed a technical review of the Application and developed the Draft Permit to ensure that effluent runoff, seepage, surfacing, and pooling does not occur.

¹⁶ See TEX. WATER CODE § 26.011.

For any flooding concerns or additional information related to floodplain management, the commenters may wish to contact the Denton County Development Services at (940) 349-2990 or by visiting its website at: <https://www.dentoncounty.gov/1504/Floodplain-Management>. TCEQ's Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling 512-239-4691. Also, the Texas Water Development Board (TWDB) recently adopted its 2024 State Flood Plan. TWDB's 2024 State Flood Plan and additional information related to floodplains are available on its website at: <http://www.twdb.texas.gov/flood/planning/sfp/index.asp>. Further, the Federal Emergency Management Agency (FEMA) has programs designed to mitigate damage caused by flooding. The commenters may wish to contact FEMA Region 6 for additional information at 940-898-5399 or by visiting FEMA's website at: <https://www.fema.gov/about/contact>.

COMMENT 24:

Tracy A. Guidry and David Millican expressed concerns related to the proposed facility having potential spills.

RESPONSE 24:

The Draft 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.¹⁷ In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ.¹⁸ All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 Tex. Admin. Code § 305.132, the Applicant will be required to report an unauthorized discharge to TCEQ within 24 hours.¹⁹ Should the Applicant fail to comply, they will be subject to potential enforcement action.

Further, the issuance of the proposed permit would not limit anyone's ability to seek legal remedies from the Applicant regarding any potential trespass, nuisance, or

¹⁷ 30 TEX. ADMIN. CODE § 217.36.

¹⁸ Draft Permit, Other Requirements, Item 6, page 34; *see also* 30 TEX. ADMIN. CODE § 217.6(d).

¹⁹ Draft Permit, Monitoring and Reporting Requirements, Item 7, page 7.

other cause of action in response to the proposed facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property.

If you would like to make an environmental complaint, you may call TCEQ Environmental Complaint Line at 1-888-7773186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at [tceq.texas.gov/compliance/complaints](https://www.tceq.texas.gov/compliance/complaints). For additional information regarding TCEQ's compliance and enforcement processes, please visit TCEQ's website:

<https://www.tceq.texas.gov/compliance/enforcement>.

COMMENT 25:

Tracy A. Guidry and David Millican expressed concerns related to the leaking, leaching of wastewater on the nearby wells and soil.

RESPONSE 25:

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."²² 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."²³

The Executive Director has determined that the Draft Permit's effluent limitations are consistent with the Texas Surface Water Quality Standards and are therefore protective of surface water quality, human health, and the environment. This level of surface water protection would also ensure protection of groundwater quality and its known uses. While soil quality is not part of the TPDES review process, no significant degradation to soil quality is expected as a result of this discharge.

TCEQ's rules in 30 Tex. Admin. Code § 309.13(c) require that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. Public water supply systems in Texas are regulated by TCEQ's Water Supply Division. Please contact the Water Supply Division at 512-239-4691 for more information.

TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. Private well owners

should take steps to have their water quality tested routinely tested. Wells should be tested more often if under the influence of nearby surface water, or if contamination is suspected. For more information on testing private water wells, please see the National Ground Water Association website at wellowner.org/resources/water-quality/water-testing. If your well tests positive for fecal coliform bacteria, please see the TCEQ publication titled [*Disinfecting Your Private Well*](#) (GI-432).

COMMENT 26:

Joseph Stockard, Sammy Alexander, and Susan Maoushegian made comments related to the use of private property.

RESPONSE 26:

TCEQ has delegated authority to issue TPDES permits for the discharge of waste or pollutant into or adjacent to water in the state.⁴⁰ 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. 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 do interfere with the normal use and enjoyment of animal life, vegetation, or property.

As the bed and banks of all waterways within the State of Texas belong to the State. TCEQ has the authority to authorize a discharge of treated domestic wastewater into water in the state through granting of a TPDES permit. Therefore, the holder of a TPDES permit does not need permission from downstream landowners to use the watercourse running through their property so long as they are doing so in accordance with the requirements of said permit.

COMMENT 27:

Joseph Stockard made comments related to the applicant not providing information about the amount of wastewater that will cross his land and a map of the exact path that the wastewater will take.

RESPONSE 27:

The treated effluent discharge path description can be found on page 8 of form 10053, Domestic Administrative Report 1.0, and page 3 of attachment 7, Supplemental Permit Information Form, of the discharge permit application. The treated effluent discharge path is included in the discharge permit application on map attachments 4.1, 5, and 10.1. Sanger Laguna Azure LLC and James N. Horn submitted an application to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 950,000 gallons per day. If the permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to another unnamed tributary, thence to Clear Creek, thence to Lewisville Lake, thence to Lewisville Lake in Segment No. 0823 of the Trinity River Basin.

H. Concerns regarding the Draft Permit**COMMENT 28:**

Kelli Alexander, Samuel Alexander, and Suzanne West requested more stringent effluent limitations to the permit. Kelli Alexander and Suzanne believe that effluent limitation of 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 mg/l total phosphorous to be more consistent with drinking water. Maria Falls requested effluent limitations of 8 mg/L five-day carbonaceous biochemical oxygen demand (CBOD₅), 10 mg/L total suspended solids (TSS), 2 mg/L ammonia-nitrogen (NH₃-N) and 3.0 mg/L for dissolved oxygen. Toni Rask requested more frequent *E. coli* monitoring, suggesting an increase from once per month to twice per month.

RESPONSE 28:

TCEQ's rules do not require that domestic wastewater be treated to potable standards before it is discharged to water in the state. State and federal regulations require that treated effluent maintain the existing uses of the receiving waters as designated within the Texas Surface Water Quality Standards at 30 Tex. Admin. Code, Chapter 307.

Monitoring requirements are based on 30 Tex. Admin. Code § 319.9. The monitoring frequencies in the Draft Permit can be increased or decreased based on the Applicant's ability to demonstrate compliance with the permitted effluent limitations.

COMMENT 29:

Maria Falls requested the total flow to be increased from 0.95 MGD to 1 MGD to increase the quality of treated wastewater.

RESPONSE 29:

TCEQ does not have the authority to mandate the proposed flow for wastewater discharges, if the applicant's proposal comply with the requirements under Tex. Water Code, Chapter 26, and 30 Tex. Admin. Code, Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." The preliminary engineering report from Sanger Laguna Azure LLC and James N. Horn provided justification for the requested flows, which is essential for TCEQ's review process.

COMMENT 30:

Suzanne West mentioned in a comment that the applicant has another LLC called Bellagio Laguna Azure LLC that had in the past a moderate violation for "failing to design, install, and maintain effective erosion and sediment controls to minimize the discharge of pollutants TPDES General Permit No. TXR150000." She also mentioned that the facility will use a large amount of chlorine that could be harmful to humans and wildlife.

RESPONSE 30:

According to the Application, the Applicants for this permit are Sanger Laguna Azure LLC and Mr. James Horn. This permit application meets statutory and regulatory requirements in place by TCEQ.

The rules in 30 Tex. Admin. Code § 309.3(g)(1) require that disinfection of domestic wastewater must be protective of both public health and aquatic life, however the rules do not require a specific method of disinfection. For this facility, the Applicants have chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms. Whichever form is used, the design criteria for chemical disinfection by chlorine, including safety requirements, in 30 Tex. Admin. Code, Chapter 217, Subchapter K, shall be observed.

The ED has 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. Therefore, the permit limits given in the Draft Permit intended to maintain the existing uses of the surface

waters and preclude degradation also include the residual chlorine concentration in the treated effluent. The permit limitation for maximum total chlorine residual is 4.0 mg/L to be monitored. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process.⁸

COMMENT 31:

Angela Williams, Sammy Alexander, and Suzanne West expressed concerns regarding emergency response. Additionally, Kimberly Tyler requested an emergency spill/bypass notification plan with immediate alerts.

RESPONSE 31:

Wastewater treatment plants are required to submit engineering plans and specifications for new wastewater treatments systems or for improvements to existing systems to ensure each system is capable of meeting water quality standards. The plans must be reviewed before construction can begin. The plans are required to include emergency preparedness provisions as provided in 30 Tex. Admin. Code § 217.36, which specify the requirement for an audiovisual alarm system, via auto-dialer system, a Supervisory Control and Data Acquisition (SCADA) system, or a telemetering system connected to a continuously monitored location.

COMMENT 32:

Kimberly Tyler expressed concerns about potential equipment failure in the event of a power outage.

RESPONSE 32:

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.²⁰ In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ.²¹ All of these permit provisions are designed to help prevent discharges of raw sewage. Except as allowed

²⁰ 30 TEX. ADMIN. CODE § 217.36.

²¹ 30 TEX. ADMIN. CODE § 217.5.

by 30 Tex. Admin. Code § 305.132, the Applicant will be required to report an unauthorized discharge to TCEQ within 24 hours.⁶³ The Applicant will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

COMMENT 33:

James Hallford made comments inquiring who will enforce the effluent limitation, inspection, and maintenance of the wastewater facility.

RESPONSE 33:

TCEQ issues permits that describe the conditions under which the wastewater facility must operate. All facilities must be designed, operated, and maintained consistently with applicable TCEQ rules. For this facility, the permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 Tex. Admin. Code, Chapter 30, Occupational Licenses and Registrations, and in particular 30 Tex. Admin. Code, Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. The Region 4 office is required to conduct a mandatory comprehensive compliance investigation (CCI) at minor facilities (facilities with permitted flow less than 1 million gpd) 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 TCEQ and is based on self-reported effluent violations.

If the facility is found to be out of compliance with the terms or conditions of the permit, the Applicant may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these by calling the TCEQ Environmental Complaint Line at 1-888-7773186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints. If the Applicant fails to comply with all requirements of the permit, it may be subject to enforcement action.

COMMENT 34:

John Anderson expressed concern regarding the facility operator and the disposal site, neither of which was submitted in the application.

RESPONSE 34:

This proposed facility has not yet been constructed, which means the facility operator and disposal site are to be determined. The Draft Permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. For this facility, the permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 Tex. Admin. Code, Chapter 30, Occupational Licenses and Registrations, and in particular 30 Tex. Admin. Code, Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

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. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

COMMENT 35:

James Hallford expressed concern regarding what plans are in place to address potential future injured parties.

RESPONSE 35:

The scope of TCEQ's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his or her property. Additionally, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 37:

Kelli Alexander expressed dissatisfaction with the fact that a Public Meeting was held only when it was requested by a legislator. Ms. Alexander mentioned that over 100 comments should have been enough to hold a Public Meeting.

RESPONSE 37:

The Executive Director acknowledges this comment. Under Tex. Water Code § 5.554, the Executive Director “shall hold a public meeting if a meeting is requested by a legislator representing the area where the facility is proposed; or the Executive Director determines that there is a significant degree of public interest in the application.” This statutory requirement is also found in TCEQ’s rules in 30 Tex. Admin. Code § 55.154.

While the receipt of numerous public comments may indicate significant community engagement and concern, there is no specific numerical threshold that automatically triggers a public meeting. Instead, TCEQ evaluates whether the nature and content of the comments indicate substantial public interest or raise significant environmental or regulatory issues relevant to the permit review. However, when a legislator submits a request for a public meeting, TCEQ is statutorily required to hold one under Tex. Water Code § 5.554.

The purpose of a TCEQ public meeting is to provide information about the permitting process, allow interested parties to ask questions, and receive formal comments for the record. These comments are then reviewed and addressed as part of the final permit decision-making process.

I. Concerns Beyond the Scope of the TPDES Application Process

COMMENT 38:

Jim Parks and Philip Lynch expressed concern that the proposed wastewater treatment facility will impact the air quality in the local area.

RESPONSE 38:

TCEQ is the state agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere, and that human health and the environment will be protected. According to TCEQ’s rules in 30 Tex. Admin.

Code § 106.532, wastewater treatment plants have undergone this review and are permitted by rule, provided the wastewater treatment plant only performs the functions listed in the rule.

In its Application, the Applicant indicated that the treatment process of the proposed wastewater treatment facility would use the activated sludge process. This treatment process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's (THSC) Texas Clean Air Act § 382.057 and § 382.05196 and therefore permitted by rule.

COMMENT 39:

Individuals in Appendix O expressed concern that the proposed wastewater treatment facility will not treat pharmaceuticals and other chemicals of emerging concerns. Brooke Goodgame expressed concern regarding the presence of PFAs from the wastewater treatment plant.

RESPONSE 39:

TCEQ has not investigated the potential effects of contaminants of emerging concern (CECs), including pharmaceuticals, in wastewater treatment effluent. Further, neither EPA nor TCEQ has promulgated applicable federal or state effluent limits for CECs. Removal of some CECs have been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. EPA is currently investigating CECs and potential adverse human health impacts from CECs in the environment.

For additional information relating to CECs, please visit EPA's website at: <https://www.epa.gov/wqc/contaminants-emerging-concern-including-pharmaceuticals-and-personal-care-products>.

COMMENT 40:

The Individuals in Appendix P expressed concern about the current drought situation in the state and the contribution of the proposed wastewater treatment plant to it.

RESPONSE 40:

This permit application is for a water quality permit for a domestic wastewater treatment facility. TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction

to consider drought when determining whether to approve or deny a permit application.

The effluent limitations in the Draft Permit will maintain and protect the existing instream uses and comply with the Texas Surface Water Quality Standards in 30 Tex. Admin. Code, Chapter 307. 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.

J. Concerns Outside TCEQ's Jurisdiction

COMMENT 41:

Beverly McDaniel, Jim E. Moore, Sharon Wilson, and Susan Moushegian have concerns related to property values being adversely impacted by the proposed facility. David Millican expressed concern regarding the impact on the economy that the proposed facility will have in the area.

RESPONSE 41:

The water quality permitting process is limited to controlling the discharge of pollutants into or adjacent to water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. TCEQ does not have the authority to address concerns about the impact of the facility on the economy, businesses, tourism, or resale of homes as part of the wastewater permitting process. The scope of TCEQ's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his or her property. Additionally, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 42:

The Individuals in Appendix Q expressed general opposition and concerns about aesthetics, traffic, noise, light pollution, air pollution, and the amount of impervious cover at the proposed development.

RESPONSE 42:

TCEQ does not have the authority under Tex. Water Code, Chapter 26, and the applicable wastewater regulations to consider these issues during its review of TPDES applications. The construction process of the development may be subject to stormwater construction permitting, which is authorized by a separate, county-specific process.

In November 2024, TCEQ published “Issues Outside the Jurisdiction: Answers to Public Comments We Receive” on its website, to provide the public with additional information regarding the concerns outside of the Commission’s jurisdiction. This publication is available on TCEQ’s website at:

www.tceq.texas.gov/downloads/agency/decisions/participation/gi-650-issues-outside-tceqs-jurisdiction-x.pdf.

Issuance of this permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property, or that may interfere with the normal use and enjoyment of property. For concerns, please contact local law enforcement or the Williamson County Sheriff’s Office at 512-943-1300 to inquire if there are ordinances in your area.

COMMENT 43:

The Individuals in Appendix R made comments regarding if an environmental impact study has been performed. Additionally, Kimberly Tyler asked if a hydrological assessment has been performed.

RESPONSE 43:

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare detailed statements which include an Environmental Assessment and either a Finding of No Significant Impact or Environmental Impact Statement. However, these requirements pertain to a proposed *federal* action. An environmental impact statement and compliance with NEPA are not required as part of the TPDES wastewater permitting process.

For additional information about NEPA and Environmental Impact Statements, EPA’s website has a page about NEPA and how to request information at:

www.epa.gov/nepa and www.epa.gov/nepa/forms/contact-us-about-national-environmental-policy-act.

As described in Section I.A. (Description of Facility), the Executive Directors' staff in the Water Quality Division performed a technical review of the Application and prepared the Draft Permit. The Draft Permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary determination that this permit, if issued, meets all statutory and regulatory requirements.

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

No changes were made to the Draft Permit in response to public comments.

Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

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Executive Director

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Office of Legal Services

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REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on the July 14, 2026, the “Executive Director’s Response to Public Comment” for Permit No. WQ0016624001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.



Fernando Salazar Martinez,
Staff Attorney
Environmental Law Division
State Bar No. 24136087

APPENDIX

Appendix A

Groups & Organizations

Rainbow Valley Agricultural Coop, Stop the Stink.

Individuals

Ainsley Smith, Allison Hughes, Allison Whaley, Ashlyn Locke, Elida Alonzo, Ellie Alonzo, Fallon Brazell, Harold Tanner, Ilan Scheinman, Isabella Smith, Jerry Langley, Jonah Lancaster, Jonathan Smith, Joseph Langley, Kara McGinnis, Kara Walx, Laura Dromgoole, Leila Othman, Nathan Vassar, Octavian Small, Pamela Garcia, Rachel Seets, Sam Alexander, Steve Garcia, Susanna Strange, Valentine Myers, and William Rakkar.

Appendix B

Austin Longueville, David Millican, James Hallford, Jim E. Moore, John Anderson, Kellis Ruiz, Kimberly Tyler, and Linda Hartman.

Appendix C

Angela Williams, Arandena Leh'mara, David Millican, Jim E. Moore, Jim Parks, Kathryn Dodd, Kelli Alexander, Kimberly Tyler, Linda Hartman, Mark Faerman, Nancy Candace Stevens, Sam Alexander, Scott McNeely Hutchins, Susan Moushegian, Toni Rask, and Wanetta Leigh Wilde.

Appendix D

Arandena Leh'mara, Bailey Biggs, David Millican, Jeannie Naylor, Josh Pitre, Kellis Ruiz, Mark Faerman, Rachel Weaver, Randy Ivener, and Sarah Jay.

Appendix E

Abigail Beck, Autumn Oehlschlager, Eric Portele, Jim Parks, Joseph (Jerry) Langley, Philip Lynch, Scott McNeely Hutchins, Susan Moushegian, Suzanne West, and Toni Rask.

Appendix F

Austin Longueville, Autumn Oehlschlager, Eric Portele, John Anderson, Kelli Alexander, Kellis Ruiz and Toni Rask.

Appendix G

Austin Longueville, Bailey Biggs, Christine Salmon, David Millican, Dawn Byrd, Debbra Aiken, Eric Portele, James Hallford, Jaye Walker, Jeannie Naylor, Jim Parks, John Anderson, Joseph (Jerry) Langley, Kenneth Brattain, Mark Faerman, Rhealee Boydston, and Sarah Jay.

Appendix H

Ashley Kelley, David Millican, Fallon Brazell, Haley Salazar, Ilan Scheinman, Jaye Walker, Jim E. Moore, Jim Parks, Kathryn Ray, Keith Wilde, Kenneth Brattain, Kristen Anne Robinson, Kristine Chung, Larry Graham, Randy Ivener, Ryne White, and Susan Moushegian.

Appendix I

Abigail Beck, Alyssa Grimley, Arandena Leh'mara, Austin Longueville, Autumn Oehlschlager, Bailey Biggs, Cassian Grantham, Catherine Gurganus, Charles A. DeBolt,

David Millican, Dawn Byrd, Eric Portele, Ian Campbell, Jaye Walker, Jerardo Martinez, Jim Parks, Jocelyn Kendall, Kara Walx, Kathryn Ray, Larry Graham, Mariela Alvarez, Mark Faerman, Mike Pharis, Philip Lynch, Rachel Weaver, Randy Ivener, Robin Meyer, Sam Alexander, Sarah Jay, Scott McNeely Hutchins, Sharon Wilson, and Tracy A. Guidry.

Appendix J

Charles A DeBolt, Eric Portele, Joseph (Jerry) Langley and Susan Moushegian

Appendix K

Catherine Gurganus, David Millican, Jim Parks, Kelli Alexander, Kimberly Tyler, Sharon Wilson, Sammy Alexander, Susan Moushegian, Suzanne West, Tracy A. Guidry, and William Lascor.

Appendix L

Angela Williams, Dennis Qualls, Haley Salazar, John Anderson, Kelli Alexander, Sammy Alexander and Susan Moushegian.

Appendix M

Alyssa Grimley, Arandena Leh'mara, Bailey Biggs, Jeannie Naylor, Kristine Chung, Mark Faerman, Randy Ivener, and Sarah Jay.

Appendix N

Angela Williams, Arandena Leh'mara, Austin Longueville, Cassian Grantham, David Millican, Jeannie Naylor, Jim Parks, John Anderson, Joseph E Stockard, Joseph Gerard Langley, Kenneth Brattain, Mike Pharis, Rachel Weaver, Robin Meyer, Sarah Jay, Susan Moushegian, and Suzanne West.

Appendix O

Catherine Gurganus, James Hallford, Jim Parks, Joseph (Jerry) Langley, Joseph E. Stockard, Kathryn Ray, Linda Hartman, Maria Falls, Naomi Carrasco, Philip Lynch, Sammy Alexander, Susan Moushegian, Suzanne West, and Tracy A. Guidry.

Appendix P

Austin Longueville, Jeannie Naylor, Ryne White, Susan Moushegian, and Wanetta Leigh Wilde.

Appendix Q

Beverly Mcdaniel, Bridget Milone, Catherine Gurganus, Jim E. Moore, Jim Parks, Kathryn Ray, Kelli Alexander, Mike Pharis, Philip Lynch, Sammy Alexander, Sharon Wilson, Susan Moushegian, Suzanne West, and Tracy Guidry.

Appendix R

Alyssa Grimley, Austin Longueville, Brice Praslicka, Catherine Gurganus, Erin Devany, Ian Campbell, Jason Mayne, Jeannie Naylor, Kristen Anne Robinson, Larissa Diane Ulbrich, Mark Faerman, Matthew Wilson, Unnamed resident, Rebecca Sanford, and Tyler Dunne.

Appendix S

Angela Williams, Arandena Leh'mara, David Millican, Jim E. Moore, Jim Parks, Kathryn Dodd, Kelli Alexander, Kimberly Tyler, Mark Faerman, Nancy Candace Stevens, Sam Alexander, Scott McNeely Hutchins, Susan Moushegian, and Wanetta Leigh Wilde.