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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 12, 2024

John A. Alvarez II, PE
Quiddity Engineering, LLC.
6330 West Loop South, Suite 150
Bellaire, TX 77401

Re: Ashton Gray Development LLC
Polishing Ponds to Serve Ashland WWTP
Permit No. WQ0016176-001
WWPR Log No. 1223/010
CN606024818, RN111511218
Brazoria County

Dear Mr. Alvarez:

Texas Commission on Environmental Quality (TCEQ) received the project summary transmittal letter dated November 16, 2023, and the subsequent submittal of additional project information.

The rules which regulate the design, installation and testing of domestic wastewater projects are found in 30 TAC, Chapter 217, of the Texas Commission on Environmental Quality (TCEQ) rules titled, Design Criteria for Wastewater Systems.

The project includes construction of polishing ponds to serve the Ashland Wastewater Treatment Plant (WWTP), which is regulated under TPDES Permit No. WQ0016176001. The polishing ponds project scope includes construction of two polishing ponds, outfall piping from the WWTP to the first pond, transfer piping between the two ponds, outfall control structure between the second pond and the receiving stream, and site work. The two polishing ponds will include a 3-foot-thick clay liner and will have a combined surface area of approximately 270,713 square feet and a side water depth of 6 ft at the normal surface water elevation. The ponds will utilize embankment slopes of 1.0 vertical to 3.0 feet horizontal due to limitations in available land area for the ponds relative to the existing ditch the ponds will discharge to on the east side of the property and the existing easements surrounding the property.

The Summary Transmittal Letter also contained a request for variance from the requirements of Chapter 217 regarding the minimum width of 10 feet for the top of an embankment in §217.203(f)(1) for the polishing ponds. The engineer indicates that in order to maintain adequate clearances from the existing ditch that the ponds will discharge to on the east side of the property and from the existing easements surrounding the property, smaller widths at the tops of the berms are proposed. A width of five feet at the top of the embankment is proposed on the northeast side of Polishing Pond 1 (north) and a width of ten feet at the top of the embankment is proposed on the other three sides of the pond. A width of eight feet at the top of

the embankment is proposed on all sides of Polishing Pond 2 (south). The engineer indicates that they have designed and constructed ponds with widths of five feet at the top of the embankments in the past and find them suitable for use in the design of the proposed pond embankments based on the features of this project. The engineer request that a minimum width of five feet at the top of the embankment on the northeast side of Polishing Pond 1 (north) and a width of eight feet at the top of the embankment on all sides of Polishing Pond 2 (south) be approved for this project. Upon review, TCEQ is granting conditionally this variance.

TCEQ has completed the review of the submitted information. Based on the results of our review, TCEQ is conditionally approving the Polishing Ponds to Serve Ashland WWTP project. The condition is that all work be completed to the requirements of 30 TAC Chapter 217. This approval is for the Polishing Ponds project only. The design project for the Ashland WWTP was approved previously by TCEQ on October 13, 2023 (Reference WWPR Log No. 0623/053).

You must keep certain materials on file for the life of the project and provide them to TCEQ upon request. These materials include an engineering report, test results, a summary transmittal letter, and the final version of the project plans and specifications. These materials shall be prepared and sealed by a Professional Engineer licensed in the State of Texas and must show substantial compliance with Chapter 217. All plans and specifications must conform to any waste discharge requirements authorized in a permit by the TCEQ. Certain specific items which shall be addressed in the engineering report are discussed in §217.6(d). Additionally, the engineering report must include all constants, graphs, equations, and calculations needed to show substantial compliance with Chapter 217. The items which shall be included in the summary transmittal letter are addressed in §217.6(d)(1)-(9).

Any deviations from Chapter 217 shall be disclosed in the summary transmittal letter and the technical justifications for those deviations shall be provided in the engineering report. Any deviations from Chapter 217 shall be based on the best professional judgement of the licensed professional engineer sealing the materials and the engineer's judgement that the design would not result in a threat to public health or the environment.

Within 60 days of the completion of construction, an appointed engineer shall notify both the Wastewater Permits Section of the TCEQ and the appropriate Region Office of the date of completion. The engineer shall also provide written certification that all construction, materials, and equipment were substantially in accordance with the approved project, the rules of the TCEQ, and any change orders filed with the TCEQ. All notifications, certifications, and change orders must include the signed and dated seal of a Professional Engineer licensed in the State of Texas.

Please be reminded of 30 TAC §217.7(a) of the rules which states, "Approval given by the executive director or other authorized review authority does not relieve an owner of any liability or responsibility with respect to designing, constructing, or operating a collection system or treatment facility in accordance with applicable commission rules and the associated wastewater permit".

John A. Alvarez II, PE
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If you have any questions, or if we can be of any further assistance, please call me at (512) 239-4924.

Sincerely,

A handwritten signature in black ink, appearing to read "Baltazar", written in a cursive style.

Baltazar Lucero-Ramirez, P.E.
Wastewater Permits Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

cc: TCEQ, Region 12 Office