

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

PROPOSED PERMIT NO. WQ0016003001

APPLICATION. Restore the Grasslands LLC and Harrington/Turner Enterprises, LP, 4801 West Lovers Lane, Dallas, Texas 75209, have applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001 (EPA I.D. No. TX0141381) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 200,000 gallons per day. The domestic wastewater treatment facility will be located approximately 0.4 mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive, in Collin County, Texas 75002. The discharge route will be from the plant site to Maxwell Creek; thence to Muddy Creek; thence to Lake Ray Hubbard. TCEQ received this application on May 26, 2021. The permit application is available for viewing and copying at Rita & Truett Smith Public Library, 300 Country Club Road, #300, Wylie, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.616388%2C33.041666&level=12>

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

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

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

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

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

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

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

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

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

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

their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Restore the Grasslands LLC and Harrington/Turner Enterprises, LP, at the address stated above or by calling Ms. Ashley Broughton, P.E., Project Manager, LJA Engineering, Inc., at 713-380-4431.

Issuance Date: August 25, 2021

COMMENTS FILED BY ATTORNEY FOR CITY OF PARKER

The undersigned represents the City of Parker, Texas (“City” or “Parker”) regarding the above-referenced TPDES permit application (“Application”). Please accept this letter as the City’s notice of its opposition to the Application submitted by Harrington/Turner Enterprises, LP and Restore the Grasslands, LLC (“Applicants”). The City hereby requests a public meeting and a contested case hearing on the Application. In accordance with the Notice of Receipt of Application and Intent to Obtain Water Quality Permit, the City provides the following information:

1. Your name, address, phone number:
The City may be notified of any developments in this case by providing notice to:
Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
2. Applicants’ information:
Harrington/Turner Enterprises, LP and Restore the Grasslands, LLC for Proposed Permit No. WQ0016003001.
3. The location and distance of your property/activities relative to the proposed facility:
The property to be served by the proposed WWTP is approximately 1/2 mile to the City’s collection system. The served property is within the City’s extraterritorial jurisdiction and adjacent to the City’s corporate limits.
4. Specific description of how you would be adversely affected by the facility in a way not common to the general public:
The City has a contract with North Texas Municipal Water District (“District”) wherein the District accepts and treats wastewater collected by the City. The City’s current contract with the District would allow flows from the Applicants’ property to be collected by the City and the District without the necessity of another point source of pollution in the area.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicants’ plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heightened importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public’s ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will impact negatively the health and welfare of residents near the facility.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The City believes Applicants' proposed discharge is in direct violation of the Texas Water Code. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities near the development which can easily, economically, and reasonably be connected to a centralized system already in existence. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP. Further, the City is concerned with the veracity of the statements made in the application.

The discharge authorization being sought by Applicants will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

The City has sufficiently demonstrated that it is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

5. The City requests a public meeting and a contested case hearing on the Application.

The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.



SENATOR ANGELA S. PAXTON
DISTRICT 8

September 24, 2021

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

Re: Proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001

Dear Ms. Gharis,

I have received the notice from the Texas Commission on Environmental Quality (TCEQ) regarding a proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001 as applied for by Restore the Grassland LLC and Harrington/Turner Enterprises LP. This proposed permit is for a wastewater treatment facility to be located near the northwest corner of the intersection of North Murphy Road and Rolling Ridge Drive in Collin County.

I am requesting the TCEQ hold a public meeting regarding this permit in the community with TCEQ representatives in attendance.

Thank you for your consideration of this request. You may contact Kelly Griggs-Bell or Randy Samuelson in my Capitol office if you have questions.

Blessings,

A handwritten signature in black ink that reads "Angela S. Paxton".

Angela Paxton
Texas State Senator, District 8

cc: Intergovernmental Relations Division via e-mail

CAPITOL OFFICE:
P. O. Box 12068 • SUITE 38.3
AUSTIN, TEXAS 78711
(512) 463-0108 • FAX: (512) 463-7579

COMMITTEES:
VICE-CHAIRMAN, NOMINATIONS
BUSINESS AND COMMERCE
EDUCATION
HIGHER EDUCATION
LOCAL GOVERNMENT
REDISTRICTING
angela.paxton@senate.texas.gov

DISTRICT OFFICE:
604 SOUTH WATERS ROAD, SUITE 100
ALLEN, TEXAS 75013
(972) 908-3424 • FAX: (972) 908-3361



CANDY NOBLE

STATE REPRESENTATIVE, DISTRICT 89

REVIEWED

SEP 20 2021

By

pm

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2021 SEP 20 AM 10:11
CHIEF CLERKS OFFICE

September 15, 2021

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

Re: Proposed Texas Pollutant Discharge Elimination (TPDES) Permit No. WQ0016003001

Dear Ms. Gharis,

I am in receipt of the Texas Commission on Environmental Quality (TCEQ) notice that Restore the Grassland LLC and Harrington/Turner Enterprises, LP, has applied for the above referenced permit for a waste water treatment facility to be located approximately 0.4 mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive in Collin County.

As the state representative for the affected area, I would like to request that a public meeting be held in the community, with representatives from TCEQ in attendance.

Thank you for your consideration of this request. Please let me know if I may answer any questions.

Sincerely,

Candy Noble

Candy Noble
State Representative, District 89