

FILED
582-22-0585
2/18/2022 6:39 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Giselle Quintero, CLERK

ACCEPTED
582-22-0585
2/19/2022 8:47:20 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
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SOAH Docket No. 582-22-0585
TCEQ Docket No. 2021-1001-MWD

Application from City of Granbury	§	Before the State Office
Utility, LLC for New Texas	§	
Pollutant Discharge Elimination	§	of
System Permit No.	§	
WQ0015821001	§	Administrative Hearings



Direct Testimony of
 Gordon Cooper
 Wastewater Permitting Section
 Water Quality Division
 Texas Commission on Environmental Quality
 February 18, 2022

Exhibit ED-1

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I. Experience

1 **Q: Please state your name and current place of employment for the record,**
2 **including the address.**

3 A: Gordon Cooper, Texas Commission on Environmental Quality (TCEQ or
4 Commission), 12100 Park 35 Circle, Building F, Austin, Texas 78753.

5 **Q: What is your professional title at TCEQ?**

6 A: It is Environmental Permit Specialist V.

7 **Q: How long have you been with TCEQ?**

8 A: I have been with TCEQ for fourteen years.

9 **Q: In what capacity are you currently employed?**

10 A: I am a permit coordinator for the Municipal Permits Team, Wastewater
11 Permitting Section, Water Quality Division.

12 **Q: What are your job responsibilities at TCEQ?**

13 A: I perform technical evaluations of Texas Pollutant Discharge Elimination System
14 (TPDES) and non-TPDES municipal wastewater permit applications, including
15 applications for Texas Land Application Permits; prepare TPDES and TCEQ draft
16 permits and the fact sheet/statement of basis and Executive Director's
17 preliminary decisions for those permits; participate in public meetings,
18 alternative dispute resolution meetings, and contested case hearings regarding
19 draft permits and permit applications; undertake special projects, such as
20 preparing responses to inquiries related to domestic wastewater discharges;
21 conduct staff training and presentations; and participate in professional
22 training and continuing education courses. I have reviewed approximately 195
23 municipal wastewater discharge permit applications to date.

24 **Q: Please describe your educational background.**

25 A: I have a Bachelor of Science degree in geography—water studies.

26 **Q: What courses have you taken that are related to reviewing a wastewater
27 discharge permit application and drafting a wastewater discharge permit?**

28 A: I have taken the National Pollutant Discharge Elimination System Permit Writer's
29 Training Course and Advanced Wastewater Pollution Control.

30 **Q: Have you prepared a resume describing your experience and education?**

31 A: Yes.

32 **Q: Do you recognize exhibit ED-2?**

1 A: Yes, it is my resume.

2 **Q: Does it accurately reflect your educational and work background?**

3 A: Yes.

II. Application Review

4 **Q: What is a municipal wastewater discharge permit?**

5 A: It is a permit authorizing the discharge of treated domestic wastewater that is
6 issued under chapter 26 of the Texas Water Code.

7 **Q: Which rules, statutes, and guidelines do you apply in your review of a
8 municipal wastewater discharge permit application?**

9 A: I apply the following TCEQ rules, which are found in title 30 of the Texas
10 Administrative Code (30 Tex. Admin. Code):

- 11 • Chapter 30, Subchapter J—Wastewater Operators and Operations
12 Companies
- 13 • Chapter 217—Design Criteria for Domestic Wastewater Systems
- 14 • Chapter 305—Consolidated Permits
- 15 • Chapter 307—Texas Surface Water Quality Standards (Standards)
- 16 • Chapter 309—Domestic Wastewater Effluent Limitation and Plant Siting
- 17 • Chapter 312—Sludge Use, Disposal, and Transportation
- 18 • Chapter 319—General Regulations Incorporated into Permits

19 For statutes, I mainly apply sections 302 and 402 of the federal Clean Water Act
20 and section 26.027 of the Texas Water Code. For guidelines, I use TCEQ's
21 *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010),
22 TCEQ policies, and U.S. Environmental Protection Agency (EPA) guidelines.

23 **Q: Are these statutes and rules generally relied on by Executive Director (ED)
24 staff when reviewing municipal wastewater discharge permit applications?**

25 A: Yes.

26 **Q: Do you recognize exhibit ED-3?**

27 A: Yes, it is a copy of the implementation procedures.

28 **Q: What are the Standards?**

29 A: They are the regulatory standards used by TCEQ to maintain the quality of
30 surface water in the state to protect public health and terrestrial and aquatic
31 life.

- 1 **Q: What happens first when TCEQ receives an application for a municipal**
2 **wastewater discharge permit?**
- 3 A: Initially, the application undergoes an administrative review. This means the
4 application is received and reviewed by the Applications Review and Processing
5 Team for administrative completeness. At the same time, for new permit
6 applications, like the application filed by City of Granbury, a preliminary
7 technical data completeness review is performed by a staff member of the
8 Municipal Permits Team. If the application is declared administratively
9 complete, the applicant is required to publish the Notice of Receipt of
10 Application and Intent to Obtain Permit and place a copy of the application in a
11 public place. For new permit applications, the Office of the Chief Clerk (OCC)
12 also mails this notice to adjacent landowners that were identified in the
13 application.
- 14 **Q: What does it mean for an application to be declared administratively**
15 **complete?**
- 16 A: It means the Applications Review and Processing Team has determined the
17 applicant has submitted the information required in the administrative report
18 portion of the permit application. The team then prepares the Notice of Receipt
19 of Application and Intent to Obtain Water Quality Permit, which is mailed out
20 with its accompanying instructions by OCC.
- 21 **Q: What is the next step in the review process?**
- 22 A: The application undergoes technical reviews by the Water Quality Assessment
23 Section and Municipal Permits Team. If no objections are raised during the
24 technical reviews and the application is found to be technically complete, the
25 Municipal Permits Team prepares a draft permit. For a new permit application,
26 they also prepare a Statement of Basis/Technical Summary and ED's Preliminary
27 Decision.
- 28 **Q: Why does the ED conduct a technical review of a TPDES permit application?**
- 29 A: The purpose of the technical review is to verify the completeness and accuracy
30 of the technical portion of the application. It also provides the opportunity for
31 ED staff to get familiar with the type of facility, site information, treatment
32 system, and receiving waters and conduct their technical analyses.
- 33 **Q: What does it mean for an application to be declared technically complete?**

1 A: The applicant has submitted the information required in the technical reports of
2 the permit application, and ED staff's technical review is finished.

3 **Q: What is typically included in the Statement of Basis/Technical Summary and**
4 **ED's Preliminary Decision?**

5 A: This document includes the ED's recommendation based on its review of the
6 application, the requested permitting action, a description of the treatment
7 facility and its location, the type and quantity of the proposed effluent, the
8 discharge route, a summary of the draft permit requirements, a summary of
9 changes made from what the applicant requested in the application, a summary
10 of the basis for the draft permit requirements, and a description of the
11 procedures for reaching a final decision on the application, including the public
12 participation procedures.

13 **Q: Does the draft permit undergo any type of review?**

14 A: Yes, a copy of the draft permit is sent to the applicant for comment. Draft
15 permits based on new permit applications are also reviewed by the Executive
16 Review Committee (ERC), which includes representatives from the Water Quality
17 Assessment Section, applicable TCEQ regional office, Wastewater Permitting
18 Section, and Environmental Law Division. The purpose of the ERC is to
19 coordinate agency action on permit applications. Comments on the draft permit
20 by the applicant and ERC are evaluated, and the draft permit is revised as
21 needed.

22 **Q: What occurs after this review process is complete?**

23 A: After the applicant has reviewed and approved the draft permit, the permit
24 application and draft permit are filed with OCC. The applicant is then required
25 to publish the Notice of Application and Preliminary Decision and place a copy
26 of the draft permit and ED's preliminary decision along with any changes to the
27 application in a public place. For new and major amendment permit
28 applications, this notice is also mailed to adjacent landowners. For some
29 applicants, copies of the application, draft permit, and other pertinent
30 documents are sent to the EPA Region 6 Office for review. Members of the
31 public can provide comment on the application up until thirty days after the
32 Notice of Application and Preliminary Decision is last published under 30 Tex.
33 Admin. Code chapter 55. If the public provide comments, the ED prepares a

1 response to those comments. Members of the public can also request a public
2 meeting regarding the application, which will be held if the requests meet the
3 applicable requirements.

4 **Q: To the best of your knowledge, was The City of Granbury's application**
5 **processed in this manner?**

6 A: Yes.

III. Permit Development

a. General Information

7 **Q: What is The City of Granbury seeking in its application?**

8 A: The City of Granbury has applied for new TPDES Permit No. WQ0015821001,
9 which would authorize the discharge of treated domestic wastewater into water
10 in the state.

11 **Q: When was the application received by TCEQ?**

12 A: TCEQ received the application on September 19, 2019.

13 **Q: Was the application declared administratively complete?**

14 A: Yes, it was declared administratively complete by the Applications Review and
15 Processing Team on November 12, 2019.

16 **Q: Have you reviewed The City of Granbury's application?**

17 A: Yes, I have.

18 **Q: Which ED staff members participated in the technical review of the**
19 **application?**

20 A: John Onyenobi completed the technical review for the Municipal Permits Team,
21 and I was assigned to the application and assumed responsibility over the draft
22 permit after he retired from TCEQ. Jeff Paull of the Standards Implementation
23 Team performed the water quality standards review, and James Michalk, of the
24 Water Quality Assessment Team, performed the dissolved oxygen modeling.

25 **Q: Did Mr. Paull and Mr. Michalk provide any recommendations based on their**
26 **reviews?**

27 A: Yes, they provided interoffice memoranda that described their
28 recommendations. Exhibit ED-4 is Mr. Paull's memorandum, and exhibit ED-5 is
29 Mr. Michalk's memorandum.

30 **Q: Was the application declared technically complete?**

1 A: Yes, it was declared technically complete on March 18, 2020.

2 **Q: Was a permit drafted based on The City of Granbury's application?**

3 A: Yes.

4 **Q: Was a Statement of Basis/Technical Summary and ED's Preliminary Decision**
5 **prepared for The City of Granbury's draft permit?**

6 A: Yes, it is exhibit ED-6.

7 **Q: Since the time the draft permit was made available for public comment, have**
8 **any changes been made to the permit?**

9 A: No.

10 **Q: Do you recognize exhibit ED-7?**

11 A: Yes, it is a copy of draft TPDES Permit No. WQ0015787001 for The City of
12 Granbury.

13 **Q: What do you mean when you say this is the draft permit?**

14 A: This is the permit the ED prepared based on its administrative and technical
15 reviews and currently recommends the Commission grant to The City of
16 Granbury.

17 **Q: Did EPA review the draft permit?**

18 A: Yes, EPA reviewed the draft permit and approved it on June 5, 2020. I have
19 provided EPA's email as exhibit ED-8.

20 **Q: Was a public meeting held for this application?**

21 A: Yes, OCC held a virtual public meeting on September 10, 2021.

22 **Q: Please provide a brief description of The City of Granbury's proposed**
23 **facility.**

24 A: The City of Granbury East Wastewater Treatment Facility will be a Membrane
25 Bioreactor (MBR) process operated in the continuous flow mode. Treatment
26 units in the Interim phase will include bar screens, grit chamber, fine screens,
27 anaerobic basin, anoxic basin, aeration basin, membrane basins, ultraviolet
28 disinfection system, solid storage tank and solid dewatering system. Treatment
29 units in the Final phase will include mechanical bar screens, manual bar screen,
30 grit chambers, fine screens, anaerobic basins, anoxic basins, aeration basins,
31 membrane basins, ultraviolet disinfection system, solid storage tanks and solid
32 dewatering system. The facility will be located at 3121 Old Granbury Road,
33 Granbury, in Hood County, Texas 76049.

1 **Q: If the draft permit is granted, what type of effluent and flows will The City of**
2 **Granbury be authorized to discharge?**

3 A: The City of Granbury will be authorized to discharge treated domestic
4 wastewater effluent at an annual average flow not to exceed 2,000,000 gallons
5 per day.

6 **Q: Where will discharges to water in the state be allowed?**

7 A: The treated effluent will be discharged to an unnamed tributary of Rucker
8 Creek; thence to Rucker Creek; thence to Lake Granbury in Segment No. 1205 of
9 the Brazos River Basin.

b. Effluent Limits

10 **Q: Will these discharges be subject to any effluent limits?**

11 A: Yes. The thirty-day, or daily average effluent limits in the Interim phase of the
12 draft permit are 5 milligrams per liter (mg/L) five-day carbonaceous biochemical
13 oxygen demand (CBOD₅), 12 mg/L total suspended solids (TSS), 1.6 mg/L
14 ammonia nitrogen, 1.0 mg/L total phosphorus, 126 colony-forming units (CFU)
15 or most probable number (MPN) of *E. coli* per 100 milliliters (mL), and 6.0 mg/L
16 minimum dissolved oxygen. The daily average effluent limits in the Final phase
17 of the draft permit are 5 mg/L CBOD₅, 12 mg/L TSS, 1.0 mg/L ammonia
18 nitrogen, 0.5 mg/L total phosphorus, 126 CFU or MPN of *E. coli* per 100 mL, and
19 6.0 mg/L minimum dissolved oxygen. In both phases, the permittee shall utilize
20 an Ultraviolet Light (UV) system for disinfection purposes., and the pH shall not
21 be less than 6.0 standard units nor greater than 9.0 standard units.

22 **Q: How were these effluent limits determined?**

23 A: The daily average effluent limits for CBOD₅, ammonia nitrogen, and minimum
24 dissolved oxygen for both phases were recommended by Mr. Michalk, as
25 memorialized in his memorandum. The corresponding seven-day average, daily
26 maximum, and single grab effluent limits for CBOD₅ and ammonia nitrogen in
27 the Interim and Final phases are required in 30 Tex. Admin. Code § 309.4 and
28 correspond to the effluent limits for the daily average effluent limits
29 recommended by the WQ Assessment Team's dissolved oxygen assessment. The
30 effluent limits for TSS in the Interim phase and Final phases are required in
31 section 309.4 and are based on best professional judgment in light of the

1 effluent limits for CBOD₅. The pH limits are based on the requirements in 30
2 Tex. Admin. Code § 309.1(b). The *E. coli* bacteria limits are based on 30 Tex.
3 Admin. Code chapter 309, such as section 309.3(h). The daily average effluent
4 limit for total phosphorus for both phases was recommended by Mr. Paull, as
5 memorialized in his memorandum. The corresponding seven-day average, daily
6 maximum, and single grab effluent limits for total phosphorus in the Final
7 phase are the standard effluent limits that correspond to a daily average
8 effluent limit of 1.0 mg/L that have been adjusted down for the 0.5 mg/L
9 effluent limit.

10 **Q: What purpose will the effluent limits in the draft permit serve?**

11 A: The draft permit includes effluent limits, and their accompanying monitoring
12 requirements, to ensure the proposed wastewater treatment plant discharges
13 will meet water quality standards for the protection of surface water quality,
14 groundwater, and human health according to TCEQ rules and policies.

15 **Q: You mentioned effluent limits based on a daily average, seven-day average,
16 daily maximum, and single grab sample. Please explain the difference
17 between these limits.**

18 A: The daily average effluent limit applies to the arithmetic average of all effluent
19 samples, consisting of at least four samples, taken within one calendar month. It
20 is required for effluent monitoring and typically used to design the wastewater
21 treatment facility. The seven-day average effluent limit applies to the arithmetic
22 average of all effluent samples taken within one calendar week. The daily
23 maximum effluent limit applies to the maximum concentration measured on a
24 single day within one calendar month. The single grab effluent limit applies to
25 any grab sample as defined in the Definitions and Standard Permit Conditions
26 section of the draft permit.

27 **Q: How will TCEQ determine whether The City of Granbury is complying with
28 these effluent limits?**

29 A: The draft permit will require The City of Granbury to sample and test its
30 effluent periodically to determine the effluent's pollutant levels. The sampling
31 frequency and type vary depending on the pollutant. The City of Granbury must
32 then report the test results to TCEQ monthly on their discharge monitoring
33 report.

1 **Q: How were the draft permit's sampling frequencies and types determined?**

2 A: The sampling frequencies for flow, CBOD₅, TSS, ammonia nitrogen, chlorine
3 residual, total phosphorus, minimum dissolved oxygen, and pH are based on the
4 rules in 30 Tex. Admin. Code § 319.9(a). The sampling frequencies for bacteria
5 come from section 319.9(b).

c. Compliance History

6 **Q: Is a review of an applicant's compliance history part of the permit**
7 **application review process?**

8 A: Yes.

9 **Q: Was the compliance history for The City of Granbury reviewed?**

10 A: Yes.

11 **Q: Do you recognize exhibit ED-9?**

12 A: Yes, it is the Compliance History Report for The City of Granbury.

13 **Q: When was this compliance history prepared?**

14 A: It was prepared on September 22, 2021.

15 **Q: Please explain what the compliance history entails.**

16 A: The compliance history is a compilation of the applicant's environmental
17 performance. The TCEQ Enforcement Division compiles the compliance history
18 in accordance with the requirements of 30 Tex. Admin. Code chapter 60. The
19 Compliance History Report includes a rating number and a classification of
20 high, satisfactory, unsatisfactory, or unclassified for both the customer
21 (applicant) and the facility site. The site rating is calculated based on both
22 negative and positive components, including enforcement orders, notices of
23 violations, audits, and voluntary pollution reduction programs. The customer
24 rating is determined by averaging the ratings of permitted sites owned or
25 operated by the customer.

26 **Q: What were the compliance history classifications and ratings for The City of**
27 **Granbury and the proposed facility?**

28 A: The customer rating for The City of Granbury is 0.00 for the CN number, which
29 translates to a compliance history classification of high. For the proposed East
30 Wastewater Treatment Facility, there is no numerical rating for the RN number,
31 which translates to a compliance history classification of unclassified.

1 **Q: What conclusions were reached regarding this compliance history?**
2 A: Based on the report, the compliance history is not a factor in the permitting
3 action for this application. No changes were made to the draft permit based on
4 the compliance history.

d. Public Comment

5 **Q: Did TCEQ receive any comments on the draft permit?**

6 A: Yes. Comments were received until the end of the public comment period, which
7 occurred on September 10, 2020.

8 **Q: Was a response to the comments drafted for this permit?**

9 A: Yes.

10 **Q: Do you recognize exhibit ED-10?**

11 A: Yes, it is the ED's Response to Public Comment that was filed for this
12 application.

IV. Referred Issues

a. Referred Issue A—Whether the draft permit complies with applicable requirements to abate odor and control nuisance odors, as set forth in 30 Tex. Admin. Code § 309.13(e).

13 **Q: What are the TCEQ's requirements regarding nuisance odors?**

14 A: Section 309.13(e) requires domestic wastewater treatment facilities to meet
15 buffer zone or other requirements to abate and control nuisance odors. The rule
16 provides three options for applicants to satisfy the nuisance odor abatement
17 and control requirement: own the buffer zone area, obtain a restrictive
18 easement from the adjacent property owner for any part of the buffer zone not
19 owned by the applicant, or provide nuisance odor control.

20 **Q: When reviewing the draft permit, did ED staff take steps to ensure the draft
21 permit adequately addresses nuisance odor?**

22 A: Yes, they did.

23 **Q: What steps did they take to address nuisance odor?**

24 A: The application required The City of Granbury to provide information showing
25 how it would meet the buffer zone requirements. The City of Granbury provided

1 that information in its application that it would meet the requirement by
2 ownership of the required buffer zone area.

3 **Q: Based on all this information, do you believe the draft permit adequately**
4 **addresses nuisance odor?**

5 A: Yes, I do.

b. Referred Issue B—Whether the draft permit is protective of water quality.

6 **Q: When reviewing the application, did ED staff take steps to ensure the draft**
7 **permit will be protective of water quality?**

8 A: Yes, they did.

9 **Q: What steps did they take to protect water quality and the receiving waters'**
10 **uses?**

11 A: ED staff developed the draft permit in accordance with the Standards, which
12 require the discharged effluent to protect, among other things, water quality
13 and the receiving waters' uses. For example, section 307.5(b)(1) provides that
14 "[e]xisting uses and water quality sufficient to protect those existing uses must
15 be maintained." The development of the effluent limits, which I already
16 described and which will be discussed further by Mr. Paull was a major part of
17 seeking to ensure the draft permit, and the facility developed under it, will meet
18 these requirements.

19 **Q: What portions of the application address these requirements?**

20 A: Domestic Administrative Report 1.1, Domestic Technical Reports 1.0 and 1.1,
21 and Domestic Technical Report Worksheet 2.0 address these requirements.

22 **Q: What specific requirements in the draft permit address the potential impacts**
23 **to water quality and uses?**

24 A: The draft permit's main purpose is to protect water quality, so the majority of
25 the permit addresses such potential impacts. For example, Chapter 309,
26 Subchapter A sets forth effluent limit requirements that will maintain water
27 quality in accordance with the Standards. As I discussed earlier, the draft permit
28 includes the effluent limits required by section 309.4. My earlier discussion
29 regarding the draft permit's human health protections also applies here.
30 Essentially, unless a permit provision serves another specific purpose, such as

1 preventing nuisance odor, it works in tandem with the other permit provisions
2 to protect water quality, which in turn protects receiving water uses.

3 **Q: Based on all this information, do you believe the draft permit includes**
4 **adequate provisions to protect water quality?**

5 A: Yes, I do.

c. Referred Issue C—Whether the draft permit is protective of groundwater and wells.

6 **Q: What are TCEQ's requirements regarding groundwater protection?**

7 A: Chapter 26 of the Texas Water Code tasks TCEQ with the responsibility of
8 regulating discharges of pollutants into water in the state. By definition in
9 section 26.001(5), water in the state includes groundwater as well as surface
10 water. The Texas Legislature also explicitly requires TCEQ to protect
11 groundwater in section 26.401 by preventing its degradation and ensuring
12 wastewater discharges do not impair its potential uses. TCEQ's Water Quality
13 Division has determined that if surface water quality will be protected under a
14 draft permit, then groundwater quality in the vicinity will not be impacted by
15 the discharge. TCEQ's rules also contain facility siting requirements in 30 Tex.
16 Admin. Code § 309.13(c) that help ensure a facility will be located a safe
17 distance from any nearby water wells.

18 **Q: When reviewing the permit, did ED staff take steps to ensure the draft permit**
19 **is protective of groundwater?**

20 A: Yes, they did.

21 **Q: What steps did they take?**

22 A: My previous statements regarding the steps ED staff took to protect human
23 health and water quality and ensure the facility will meet TCEQ's siting
24 requirements also apply here. The ED's staff drafted a permit with effluent
25 limits that will meet the requirements of the Standards by maintaining the
26 receiving waters' existing uses and precluding degradation. By doing so, they
27 have also drafted a permit that will protect groundwater.

28 **Q: Based on all this information, do you believe the draft permit is protective of**
29 **groundwater?**

30 A: Yes, I do.

d. Referred Issue D—Whether the draft permit is protective of the health of the requesters and their families, livestock, and wildlife, including endangered species.

1 **Q: When reviewing the application, did ED staff take steps to ensure the draft**
2 **permit includes adequate provisions to protect human health?**

3 A: Yes, they did.

4 **Q: What steps did they take to protect human health?**

5 A: ED staff developed the draft permit in accordance with the Standards, which
6 require the discharged effluent to protect, among other things, human health.
7 For example, section 307.6(b)(3) provides that “[w]ater in the state must be
8 maintained to preclude adverse toxic effects on human health resulting from
9 contact recreation, consumption of aquatic organisms, consumption of drinking
10 water or any combination of the three.” The development of the effluent limits,
11 which I already described and which will be discussed further by Mr. Paull and
12 was a major part of seeking to ensure the draft permit, and the facility
13 developed under it, will meet these requirements.

14 **Q: What portions of the application address these requirements?**

15 A: Section 10 of Domestic Administrative Report 1.0; the buffer zone maps;
16 sections 1, 2.A, 7, and 9–11 of Domestic Technical Report 1.0; and sections 2, 3,
17 6, and 7 of Domestic Technical Report 1.1 address these requirements.

18 **Q: What specific requirements in the draft permit address the potential impacts**
19 **to human health?**

20 A: To ensure the effluent is properly disinfected, the draft permit requires the
21 permittee to utilize an Ultraviolet Light (UV) system for disinfection purposes.
22 Both phases of the draft permit also contain a daily average bacteria limit of 126
23 CFU or MPN of *E. coli* per 100 mL that are required to be sampled and monitored
24 daily, which will further demonstrate that the facility’s disinfection processes
25 are functioning properly. This is in addition to the other effluent limits, which
26 will prevent the effluent from having toxic effects in the receiving waters. Along
27 with the effluent limits, other portions of the draft permit seek to prevent
28 negative impacts to human health. Some examples are Monitoring and
29 Reporting Requirement No. 7 (noncompliance notification); Permit Condition
30 Nos. 2.d (prevent or minimize violations that could adversely affect human

1 health or the environment) and g (no unauthorized discharges) and 6
2 (hazardous waste prohibition); Other Requirement No. 4 (buffer zone
3 requirements); and Sludge Provisions.

4 **Q: Based on all this information, do you believe the draft permit includes**
5 **adequate provisions to protect the requesters' health?**

6 A: Yes, I do.

7 **Q: When reviewing the application, did ED staff take steps to ensure the draft**
8 **permit includes adequate provisions to protect livestock and wildlife?**

9 A: Yes, they did.

10 **Q: What steps did they take to protect livestock and wildlife?**

11 A: The steps ED staff took to ensure the permit would not adversely affect human
12 health also apply to the protection of livestock and wildlife. This was in
13 accordance with the Standards, which require the discharged effluent to protect,
14 among other things, terrestrial life. For example, section 307.6(b)(4) provides
15 that “[w]ater in the state must be maintained to preclude adverse toxic effects
16 on aquatic life, terrestrial life, livestock, or domestic animals, resulting from
17 contact, consumption of aquatic organisms, consumption of water, or any
18 combination of the three.”

19 **Q: Based on the information you discussed above regarding the protection of**
20 **human health, do you believe the draft permit contains adequate provisions**
21 **to protect terrestrial wildlife?**

22 A: Yes, I do.

23 **Q: When reviewing the application, did ED staff take steps to ensure the draft**
24 **permit includes adequate provisions to protect aquatic wildlife?**

25 A: Yes, they did.

26 **Q: What steps did they take to protect aquatic wildlife?**

27 A: ED staff took steps to ensure the draft permit will protect the receiving waters'
28 aquatic life uses, which in turn ensures the draft permit will protect aquatic
29 wildlife. Mr. Paull will testify further about this issue.

e. Referred Issue F Whether the application is accurate and complete.

1 **Q: When reviewing the application, did ED staff take steps to determine whether**
2 **the permit application was accurate and complete ?**

3 A: Yes, they did.

4 **Q: What steps did they take to make those determinations?**

5 A: The application went through both an administrative and technical review.
6 These reviews provided ED staff an opportunity to determine whether the
7 administrative and technical portions of the application were missing any
8 information staff needed to complete their reviews and question any
9 information that was incomplete or inaccurate. ED staff sent The City of
10 Granbury requests for additional information during the reviews.

11 **Q: Where all requests for information fulfilled by The City of Granbury to ED**
12 **staff's satisfaction?**

13 A: Yes, they were. If they were not, ED staff would not have been able to declare
14 the application administratively and technically complete and compose a draft
15 permit.

16 **Q: Based on all this information, do you believe the permit application is**
17 **accurate and complete?**

18 A: Yes, I do.

**f. Referred Issue J- Whether the Commission should deny or alter the terms or
conditions of the draft permit based on the consideration of need under section
26.0282 of the Texas Water Code.**

19 **Q: What are TCEQ's requirements regarding need for an applicant for a new**
20 **wastewater discharge permit?**

21 A: The applicant is required to demonstrate a need for its proposed facility by
22 showing there is not another wastewater treatment facility in the area that could
23 provide service in lieu of the proposed facility. It must also show how its
24 proposed flows were derived by discussing the wastewater sources (residential
25 or commercial), anticipated growth rate in the proposed service area, estimated
26 wastewater generation rate, estimated construction start date for the proposed
27 wastewater treatment facility, estimated start date for effluent disposal, and
28 proposed phasing of the facility.

1 **Q: When reviewing the application, did ED staff take steps to ensure The City of**
2 **Granbury had demonstrated its need for the proposed facility?**

3 A: Yes, they did.

4 **Q: What steps did ED staff take?**

5 A: ED staff reviewed The City of Granbury's responses to section 1 in Domestic
6 Technical Reports 1.0 and 1.1 of the application. This included reviewing the
7 Engineering Feasibility Report, which is Attachment DTR 1.1-1.B.2 of the
8 application.

9 **Q: What did the information provided by The City of Granbury demonstrate**
10 **with regard to another facility providing service in lieu of the proposed**
11 **facility?**

12 A: The City included Attachment DTR 1.1-1.B.3 that contains a list of three
13 domestic wastewater treatment plants with a three-mile radius of the proposed
14 East WWTP. This list identifies the City's own South WWTP, Acton Municipal
15 Utility District (MUD) at De Cordova Bend WWTP, and Shady Grove Sewer System
16 WWTP. The City states that a letter to its own South WWTP is not necessary
17 because it belongs to the City and the proposed East WWTP is to be a satellite
18 facility that will provide additional treatment capacity. The City states that a
19 letter was not sent to Acton MUD at De Cordova Bend WWTP, because it is a
20 facility that was constructed to specifically serve the De Cordova Subdivision
21 and the service area for the proposed East WWTP does not include any portion
22 of the De Cordova Subdivision, and the Acton MUD WWTP does not have the
23 capacity to accept the flow for the proposed East WWTP. The City states that a
24 letter was not sent to Shady Grove Sewer System WWTP because it is a facility
25 that serves a very small area and it is not in the service area for the proposed
26 East WWTP, and the Shady Grove Sewer System WWTP does not have the
27 capacity to accept the flow for the proposed East WWTP.

28 **Q: What did the information provided by The City of Granbury demonstrate**
29 **regarding its proposed facility?**

30 A: The City of Granbury currently operates a facility it owns, but it wants to
31 construct an additional facility that will increase the capacity to serve its
32 customers within its own CCN service area, according to the information
33 submitted by the City of Granbury included an engineering feasibility report

1 (Attachment DTR 1.1-1.B.2 of the application), which includes population and
2 wastewater demand projections, that contains historical and projected data and
3 how much treatment capacity it will need to provide. The requested flows were
4 divided into two phases to represent the facility's development over time.

5 **Q: Based on all this information, do you believe The City of Granbury**
6 **demonstrated its need for the proposed facility?**

7 A: Yes, I do.

g. Referred Issue K - Whether the Applicant's compliance history or technical capabilities raise any issues regarding the Applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit.

8 **Q: When reviewing the application did the ED staff prepare a compliance history**
9 **for the City of Granbury?**

10 A: Yes, as I previously discussed, a compliance history report was generated for
11 the applicant during the permit review process. The TCEQ Enforcement Division
12 compiled the compliance history in accordance with the requirements of 30 Tex.
13 Admin. Code chapter 60. The Compliance History Report includes a rating
14 number and a classification of high, satisfactory, unsatisfactory, or unclassified
15 for both the customer (applicant) and the facility site. The site rating is
16 calculated based on both negative and positive components, including
17 enforcement orders, notices of violations, audits, and voluntary pollution
18 reduction programs. The customer rating is determined by averaging the ratings
19 of permitted sites owned or operated by the customer.

20 **Q: Did the City's compliance history warrant denying or altering the terms of**
21 **the draft permit?**

22 A: No it did not. The Applicant applied for a new TPDES permit for a new facility.
23 The compliance history for this proposed site is considered unclassified
24 because it has not been built and has therefore never been through an
25 inspection by TCEQ Region 4 staff. The compliance rating for the City (the CN
26 number) is on the high end of the Satisfactory rating of 0.10.
27 With regard to the Applicant's other facility, information from the EPA
28 Integrated Compliance Information System queried for the period of September

1 2015 through October 2020 indicates that the permittee submitted all of the
2 required Discharge Monitoring Reports (DMR) information to be compliant with
3 TCEQ and EPA requirements. A review of the permittee's compliance history for
4 the review period of September 01, 2015 to August 31, 2020 does not indicate
5 any violations with regard to not submitting DMR.

h. Referred Issue M- Whether the Applicant substantially complied with applicable public notice requirements.

6 **Q: Did the Applicant substantially comply with all of TCEQ's notice**
7 **requirements?**

8 **A:** Yes, the Applicant met all of the above notice requirements. The NORI was
9 published in English on November 16, 2019, in *The Hood County News* and in
10 Spanish on November 25, 2019, in *La Prensa Comunidad*. The Executive Director
11 completed the technical review of the application on March 18, 2020. The NAPD
12 was published in English on May 9, 2020, in *The Hood County News* and in
13 Spanish on May 11, 2020, in *La Prensa Comunidad*. The Notice of Public Meeting
14 was published on August 5, 2020, in *The Hood County News*. A Public meeting
15 was held on September 10, 2020 via webcast.

i. Referred Issue L-Whether the proposed location for the facility complies with the 100-year flood plain and wetland location standards found in 30 TAC Section 309.13 (a) and (b).

16 **Q: Did you review the proposed facility location with respect to the 100 year**
17 **flood plain and wetland location standards in 30 TAC Section 309.13 (a) and**
18 **(b)?**

19 **A:** Yes, I did. TCEQ rules do not prohibit the location of a wastewater treatment
20 facility in a floodplain as long as the facility design adheres to TCEQ rules. The
21 proposed facility shall be subject to plans and specifications review prior to
22 construction. Part of this review will include adherence to 30 TAC § 217.35,
23 relating to One Hundred-Year Flood Plain Requirements. The draft permit
24 requires that the Facility design must provide protection from inundation
25 during a 100-year flood event. The Applicant has indicated that the proposed
26 facility will be located above the 100 year frequency flood level. The Applicant

1 has indicated that no wetlands or parts of wetlands will be filled during the
2 construction or operation of the proposed project. The Applicant also indicated
3 they have not applied to the US Army Corps of Engineers for a permit to fill
4 wetlands.

5 **Q: Based on this information do you believe the proposed location for the**
6 **facility complies with the 100 year floodplain and wetland location standards**
7 **found in 30 TAC section 309.13 (a) and (b)?**

8 A: Yes, I do.

V. Conclusion

9 **Q: To the best of your knowledge, does the City of Granbury draft permit meet**
10 **all applicable statutes, rules, and other regulations?**

11 A: Yes.

12 **Q: Does this conclude your testimony?**

13 A: Yes, but I reserve the right to amend it at a later date if it becomes necessary.