

#6

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

PROPOSED PERMIT NO. WQ0016074001

APPLICATION. City of Bertram, P.O. Box 1604, Bertram, Texas 78605, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016074001 (EPA I.D. No. TX0142085) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 800,000 gallons per day. The domestic wastewater treatment facility will be located at 2110 State Highway 29 West, Bertram, in Burnet County, Texas 78605. The discharge route will be from the plant site to an unnamed tributary; thence to South Fork San Gabriel River. TCEQ received this application on November 19, 2021. The permit application is available for viewing and copying at Bertram City Hall, 110 East Vaughan Street, Bertram, 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=-98.0836%2C30.7465&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**

*O/A concerning, I, what
would Allen
discharge
effluent into
the South Fork
San Gabriel River*

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 City of Bertram at the address stated above or by calling Mr. Adan Rangel, P.E., Project Manager, Utility Engineering Group, PLLC, at 830-214-0521 Extension: 103

Issuance Date: January 25, 2022

 Listen to Statesman News Network

Austin American Statesman
SERVING OUR COMMUNITY SINCE 1871

LOCAL

Nonprofit plans suit over Liberty Hill wastewater plant

Claire Osborn cosborn@statesman.com

Published 5:20 p.m. CDT Sept. 11, 2020

Texas RioGrande Legal Aid has sent the Liberty Hill mayor a letter giving a 60-day notice that it intends to file a federal lawsuit against the city claiming its wastewater treatment plant has violated the levels of nutrients it can release into the South San Gabriel River 3,108 times since 2015.

The violations and the fact that they have made the river unusable for recreation are violations of the Clean Water Act, the letter said. Each violation per day carries a possible fine of up to \$55,800, according to the letter.

Liberty Hill Mayor Rick Hall did not respond to a request for comment and neither did Wayne Bonnet, the city's director of public works. The letter, sent on Sept. 4, gives Hall 20 days from the time of receipt to negotiate to avoid a lawsuit.

Bonnet has previously said the plant was "using the best technology we can obtain to make sure we are doing the best we can as far as the environment."

The letter said the lawsuit would be filed on behalf of Stephanie Morris, who lives with her family by the river about a quarter-mile downstream from where the Liberty Hill plant discharges treated wastewater into the river.

Morris said in August that the river was "clogged with mats of algae in various stages of growth and rotting."

She said if she walked in the water near her property "my boots disappear in the gelatinous beige muck and a bubbling stench rises with a black cloud of water." She said her family cannot swim or wade in the part of the river that runs past their own house.

"We have to hop in the car, drive, park and hike like everyone else to enjoy the same river that runs across our own lot," Morris said.

Amy Johnson, a lawyer for the Texas RioGrande Legal Aid nonprofit, said the goal of the lawsuit was not to “extract as much money as possible” but to get the plant to clean up the discharge and/or stop it.

Liberty Hill has a permit that allows it to discharge up to 1.2 million gallons of treated wastewater effluent a day into the South San Gabriel River. The permit also allows the city to expand its plant so it can discharge 4 million gallons a day into the river in the future.

“Due to the city’s discharge of phosphorus and nitrogen-rich wastewater effluent into the river, the receiving water is often choked with algae and aquatic vegetation,” the letter from Texas RioGrande Legal Aid said.

It said the wastewater treatment plant’s violations included exceeding total phosphorus permit limits for at least 994 days from Nov. 1, 2015, through July 31, 2020, according to the city’s worksheets and online enforcement and compliance reports from the Environmental Protection Agency.

Violations also included exceeding ammonia nitrogen permit limits for at least 1,070 days from Nov. 29, 2015, to Feb. 29, 2020 and also exceeding total suspended solids permit limits for 321 days from Dec. 1, 2015 through Feb. 28, 2018.

The letter also said Liberty Hill made errors reporting the testing results of the treatment plant’s discharge, including calculating daily averages incorrectly by using a zero on days when no samples were taken.

“This has led to repeated and absurdly low incorrect reported measurements for many of the limits for which Liberty Hill is required to sample,” according to the letter.

The Texas Commission on Environmental Quality has investigated Liberty Hill and the South Fork San Gabriel River several times, the letter said.

“However, TCEQ has acted slowly in its enforcement, and, even when it has gone through with an agreed order, has failed to deal with many of the relevant violations,” according to the letter.

The TCEQ said it has investigated Liberty Hill’s wastewater treatment plant in 2018 and 2019 in response to complaints and has issued orders for the plant to follow about violations the state agency has documented.

The agency also hosted a public meeting on Aug. 17 to gather comments on Liberty Hill’s proposed renewal of its discharge permit.

Ryan King, a biology professor at Baylor University, recently shot a drone video of the South San Gabriel River. “View this drone footage for sad lesson in how to ruin a stream,” he tweeted. “The ,

video ends just upstream of the discharge, providing glimpse of how river should look.”