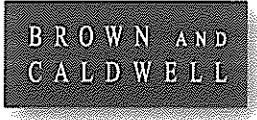


1100 NE Loop 410  
Suite 300  
San Antonio, TX 78209  
Tel: (210) 824-8949  
Fax: (210) 824-8876



September 8, 2008

Mr. Jose N. Peña  
Right of Way Director  
Hidalgo County  
509 E. Earling Rd.  
San Juan, Texas 78589

Subject: City of Edcouch, Texas  
Domestic Wastewater Treatment Plant Buffer Zone Compliance

Dear Mr. Peña:

We are working with the City of Edcouch on the Texas Commission on Environmental Quality's (TCEQ) permit application (Texas Pollutant Discharge Elimination System Permit) for their existing WWTP. As required by the application, we have identified the buffer zones required by the TCEQ for the existing treatment units. We have determined that a portion of the necessary buffer zone overlaps a portion of Hidalgo County's Mile 17 North Road as shown in the attached drawing. The WWTP is currently operational under the existing configuration. It is anticipated that inclusion of the roadway as an acceptable buffer zone will not adversely impact Hidalgo County right-of-way.

At this time we respectfully request Hidalgo County's authorization to incorporate Mile 17 North Road as an acceptable buffer zone to the TCEQ permit. A copy of the buffer zone map is enclosed for your review. If you have any questions regarding the WWTP Permit Application, please contact me on my cell phone at (210) 467-7393. Your attention to this matter is greatly appreciated.

Very truly yours,

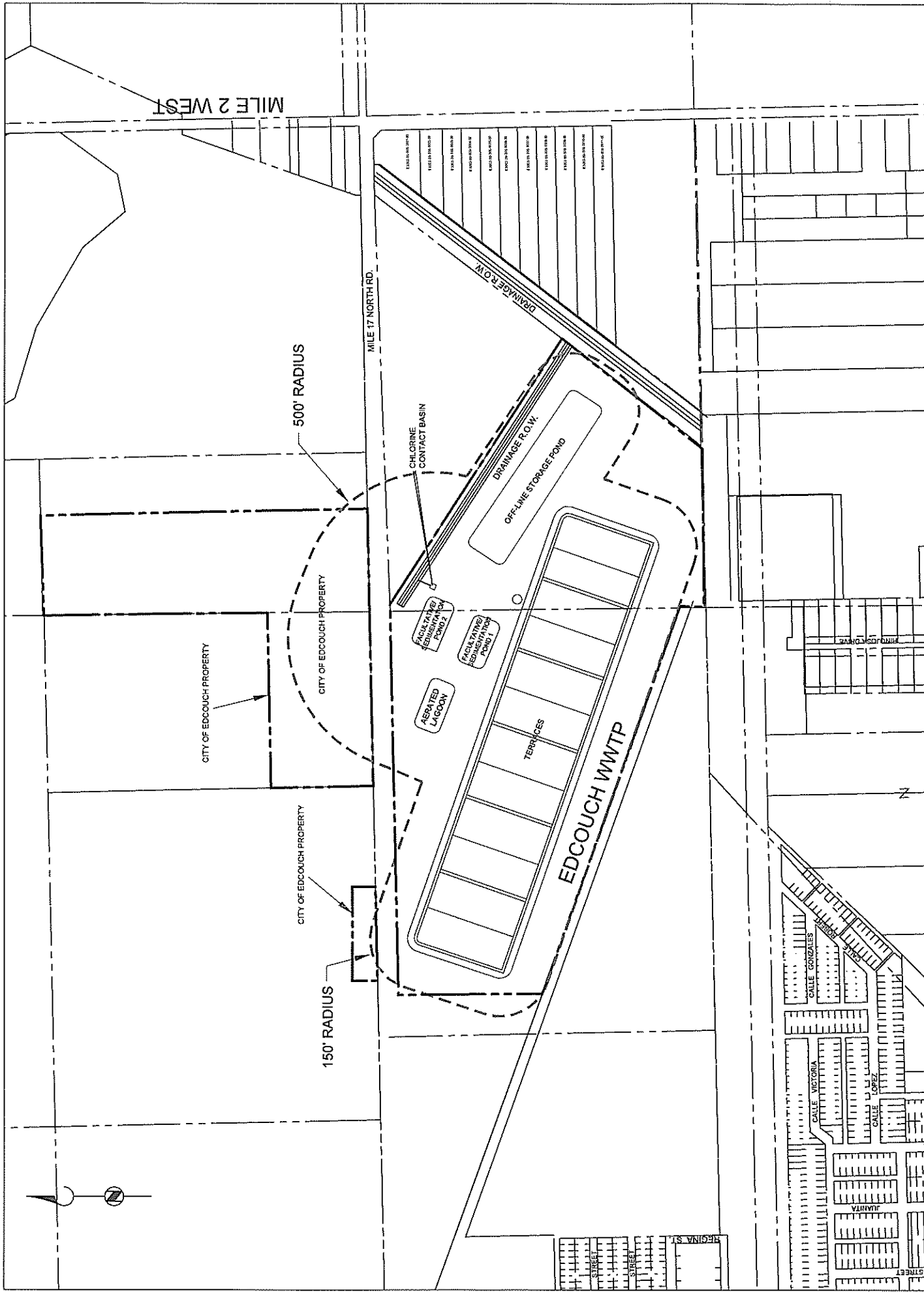
BROWN AND CALDWELL

A handwritten signature in black ink, appearing to read "Horacio Juarez".

Horacio Juarez, P.E.  
Project Manager

cc/enc: Terry Taylor

EDCOUCH - BUFFER ZONE MAP



jose

---

**From:** Stephen L. Crain [scrain@atlashall.com]  
**Sent:** Tuesday, September 23, 2008 2:08 PM  
**To:** 'jose'  
**Subject:** RE: Scan001.PDF  
**Attachments:** \_AVG certification\_.txt

Commissioners Court will have to consider.

---

**From:** jose [mailto:jose.pena@co.hidalgo.tx.us]  
**Sent:** Monday, September 22, 2008 3:49 PM  
**To:** 'Steve Crain'  
**Subject:** RE: Scan001.PDF

According to the engineer it will not affect the road at all, but they need to make sure no permanent building is placed on that buffer zone which includes the road area.

Joe

---

**From:** Steve Crain [mailto:scrain@atlashall.com]  
**Sent:** Monday, September 22, 2008 3:46 PM  
**To:** jose  
**Subject:** Re: Scan001.PDF

Jose....I have read the regulations but I still do not understand why they need the road. Please explain.

----- Original Message -----

**From:** jose  
**To:** Stephen L. Crain  
**Cc:** Marynel Trevino  
**Sent:** Monday, September 22, 2008 3:00 PM  
**Subject:** Scan001.PDF

Steve,  
Attached please find the info you requested regarding the "buffer zone" for the wastewater plant in Edcouch.  
Thanks,  
Joe

jose

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# Texas Administrative Code

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**TITLE 30**

ENVIRONMENTAL QUALITY

**PART 1**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**CHAPTER 309**

DOMESTIC WASTEWATER EFFLUENT LIMITATION AND PLANT SITING

**SUBCHAPTER B**

LOCATION STANDARDS

**RULE §309.13**

**Unsuitable Site Characteristics**

(a) A wastewater treatment plant unit may not be located in the 100-year flood plain unless the plant unit is protected from inundation and damage that may occur during that flood event.

(b) A wastewater treatment plant unit may not be located in wetlands. (This prohibition is not applicable to constructed wetlands.)

(c) A wastewater treatment plant unit may not be located closer than 500 feet from a public water well as provided by §290.41(c)(1)(B) of this title (relating to Ground Water Sources and Development) nor 250 feet from a private water well. The following separation distances apply to any facility used for the storage, processing, or disposal of domestic wastewater. Exceptions to these requirements will be considered at the request of a permit applicant on a case-by-case basis, and alternative provisions will be established in a permit if the alternative condition provides adequate protection to potable water sources and supplies:

(1) A wastewater treatment plant unit, land where surface irrigation using wastewater effluent occurs, or soil absorption systems (including low pressure dosing systems, drip irrigation systems, and evapotranspiration beds) must be located a minimum horizontal distance of 150 feet from a private water well;

(2) A wastewater treatment plant unit, or land where surface irrigation using wastewater effluent occurs, must be located a minimum horizontal distance of 500 feet from an elevated or ground potable-water storage tank as provided by §290.43(b)(1) of this title (relating to Location of Clear Wells, Standpipes, and Ground Storage and Elevated Tanks);

(3) A wastewater treatment plant unit, or land where surface irrigation using wastewater effluent occurs, must be located a minimum horizontal distance of 500 feet from a public water well site as provided by §290.41(c)(1)(C) of this title, spring, or other similar sources of public drinking water;

(4) A wet well or pump station at a wastewater treatment facility must be located a minimum horizontal distance of 300 feet from a public water well site, spring, or other similar sources of public drinking water as provided by §290.41(c)(1)(B) of this title; and

(5) A wastewater treatment plant unit, or land where surface irrigation using wastewater effluent occurs must be located a minimum horizontal distance of 500 feet from a surface water treatment plant as provided by §290.41(e)(3)(A) of this title.

(d) A wastewater treatment facility surface impoundment may not be located in areas overlying the recharge zones of major or minor aquifers, as defined by the Texas Water Development Board, unless the aquifer is separated from the base of the containment structure by a minimum of three feet of material with a hydraulic conductivity toward the aquifer not greater than 10<sup>-7</sup> cm/sec or a thicker interval of more permeable material which provides equivalent or greater retardation of pollutant migration. A synthetic membrane liner may be substituted with a minimum of 30 mils

thickness and an underground leak detection system with appropriate sampling points.

(e) One of the following alternatives must be met as a compliance requirement to abate and control a nuisance of odor prior to construction of a new wastewater treatment plant unit, or substantial change in the function or use of an existing wastewater treatment unit:

➔ (1) Lagoons with zones of anaerobic activity (e.g., facultative lagoons, un-aerated equalization basins, etc.) may not be located closer than 500 feet to the nearest property line. All other wastewater treatment plant units may not be located closer than 150 feet to the nearest property line. Land used to treat primary effluent is considered a plant unit. Buffer zones for land used to dispose of treated effluent by irrigation shall be evaluated on a case-by-case basis. The permittee must hold legal title or have other sufficient property interest to a contiguous tract of land necessary to meet the distance requirements specified in this paragraph during the time effluent is disposed by irrigation;

(2) The applicant must submit a nuisance odor prevention request for approval by the executive director. A request for nuisance odor prevention must be in the form of an engineering report, prepared and sealed by a licensed professional engineer in support of the request. At a minimum, the engineering report shall address existing climatological conditions such as wind velocity and atmospheric stability, surrounding land use which exists or which is anticipated in the future, wastewater characteristics in affected units pertaining to the area of the buffer zone, potential odor generating units, and proposed solutions to prevent nuisance conditions at the edge of the buffer zone and beyond. Proposed solutions shall be supported by actual test data or appropriate calculations. The request shall be submitted, prior to construction, either with a permit application and subject to review during the permitting process or submitted for executive director approval after the permitting process is completed; or

➔ (3) The permittee must submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the applicant. Sufficient evidence of legal restriction may, among others, take the form of a suitable restrictive easement, right-of-way, covenant, deed restriction, deed recorded, or a private agreement provided as a certified copy of the original document. The request shall be submitted, prior to construction, either with a permit application and subject to review during the permitting process or submitted for executive director approval after the permitting process is completed.

(f) For a facility for which a permit application, other than a renewal application, is made after October 8, 1990, if the facility will not meet the buffer zone requirement by one of the alternatives described in subsection (e) of this section, the applicant shall include in the application for the discharge permit a request for a variance. A variance will be considered on a case-by-case basis and, if granted by the commission, shall be included as a condition in the permit. This variance may be granted by the commission, consistent with the policies set out in Texas Water Code, §26.003.

(g) Any approved alternative for achieving the requirements of this subsection must remain in effect as long as the wastewater treatment plant is permitted by the commission. To comply with this requirement, the permittee must carry out the nuisance odor prevention plan at all times, shall ensure sufficient property ownership or interest and shall maintain easements prohibiting residential structures, as appropriate.

(h) For a permitted facility undergoing renewal of an existing permit with plans and specifications approved prior to March 1, 1990, for which no design change is requested, the facility will not be required to comply with the requirements of this subsection.

(i) Facilities for which plans and specifications have been approved prior to March 1, 1990, are not required to resubmit revised plans and specifications to meet changed requirements in this section in obtaining renewal of an existing permit.

**Source Note:** The provisions of this §309.13 adopted to be effective March 19, 1990, 15 TexReg 1160; amended to be effective October 8, 1990, 15 TexReg 5500; amended to be effective June 5, 1998, 23 TexReg 5723.

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