

In Re: Rule Project number 2024-003-039-LS

Attn: Chief Clerk Gharis

As a Stakeholder, I offer the below comments on the non-statutory changes included in the proposed rulemaking to amend 30 TAC Chapters 39 and 55.

1. Some permit applications, such as for a Municipal Utility District, use a newspaper classified ad as the sole public notice of a permit application. This method is not effective in today's world of electronic devices and low subscription rates, not to mention that most newspaper readers fail to study the classified ads. Notice could be improved by use of:
  - a. Targeted ads. If all sorts of businesses and organizations can use targeted ads on television, phone apps, and computer browsers, perhaps TCEQ could, too.
  - b. Physical billboards or signs erected in the area affected by a permit application would be effective.
  - c. Direct mail to all addresses within the affected area. This would expand on the adjacent landowners to wastewater treatment plants to include those several miles downstream of the discharge point.
  - d. Allow signup for permit notifications on the TCEQ website to provide notice of new permit applications by county, zip code or region.
2. TCEQ should not require a trip to a single physical location to view a copy of the draft permit application. The location usually offers limited hours for viewing the permit application package and is often difficult to travel to. TCEQ should upload draft permit applications and subsequent revisions to the TCEQ website for public viewing.
3. All public meetings should be hybrid meetings (both in-person and virtual).
4. In order to give legal advisors and community members a chance to finalize comments after a public meeting, the public comment period should end no earlier than three business days after the public meeting is held.
5. Hold a public meeting during the TCEQ technical review period, prior to issuing a draft permit. Provide notice of the public meeting as part of the permit application documentation and issue notice to all interested persons who have signed up for notifications. Some public meetings are held far into the permitting process, even after the comment period has closed, wasting time for both applicant and community members.
6. TCEQ should make all of their modeling and supporting documents available for download without special request. These should be available during the public comment period.
7. When modeling pollutant streams, the TCEQ should consider accumulative damages from multiple pollutant sources, including those upstream and downstream of the informal limit of one-mile. Modelers should not rely solely on applicant's biased submitted information and that obtained from GoogleEarth and maps. Modelers should be required to visit the site and downstream area unless they are denied access by property owners. When default values are input for a model, the model spits out default results.
8. TCEQ should improve communication between its own entities. For example, a TPDES permit application and a municipal utility district petition could reference each other and share information. There is little or no communication between TCEQ departments concerning multiple concurrent permit applications filed for a single property.

Respectively submitted,

Ernie Martinek

President of "**Citizens Against Ellis County MUDs, Inc. (CAECM)**"