

From: [REDACTED]
To: [Title VI Complaints](#)
Subject: TCEQ Alternative Language Complaint - TPDES Permit No. WQ0016052001
Date: Wednesday, November 16, 2022 3:55:06 PM
Attachments: [image002.png](#)
[WQ MWD 16052 P PERMITS 001 21.pdf](#)

Dear EPA Office of External Civil Rights Enforcement,

I am aware that your division has been looking into incidents of TCEQ not Title IV non-compliance. I want to bring to your attention a TCEQ wastewater permit that is in the process of moving towards approval from the ED (TPDES Permit No. WQ0016052001).

1. I would like to file a complaint on behalf of Spanish-speaking members of my community who may not have had the opportunity to participate in the public comment process because they did not receive notice of a hearing in Spanish as required by [30 TAC Section 39.426](#). The permit application states that the area meets the requirements for a Spanish-language notice, but also includes a signed waiver saying a publication could not be found in the area.

However, I confirmed with [La Presna](#) (a Spanish-language paper) is available in front of multiple HEB grocery stores across Comal County.

In a [Written Response](#) to my [Public Comment](#) asking about a Spanish-language notice, the ED wrote the following (it does not mention anything specific to Spanish-language requirements or notices):

...In this case, the TCEQ received the application for a new permit on October 7, 2021, and the TCEQ Application Review and Processing Team performed an administrative review of the application which includes verifying that the landowners map and landowners list was prepared according to TCEQ policies and regulations. The Applicant provided the required landowners list and map to TCEQ, and the NORI and NAPD were mailed out to each person and address on the list. The Applicant published the Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) in English on January 9, 2022 in the Herald Zeitung newspaper. The application was determined technically complete on April 13, 2022, and the Applicant published the Notice of Application and Preliminary Decision (NAPD) in English on May 31, 2022, in the Herald Zeitung newspaper. The Applicant also published the Notice of Public Meeting for the proposed permit in English on July 6, 2022, in the Herald Zeitung newspaper. The comment period for this application opened on January 9, 2022, with the publishing of the NORI and closed on August 11, 2022, at the close of the public meeting. As required by 30 TAC § 55.152 of the TCEQ's rules, the comment period was automatically extended to the close of the public meeting. If no public meeting had been held the comment period would have closed 30 days after the last publication date of the NAPD.

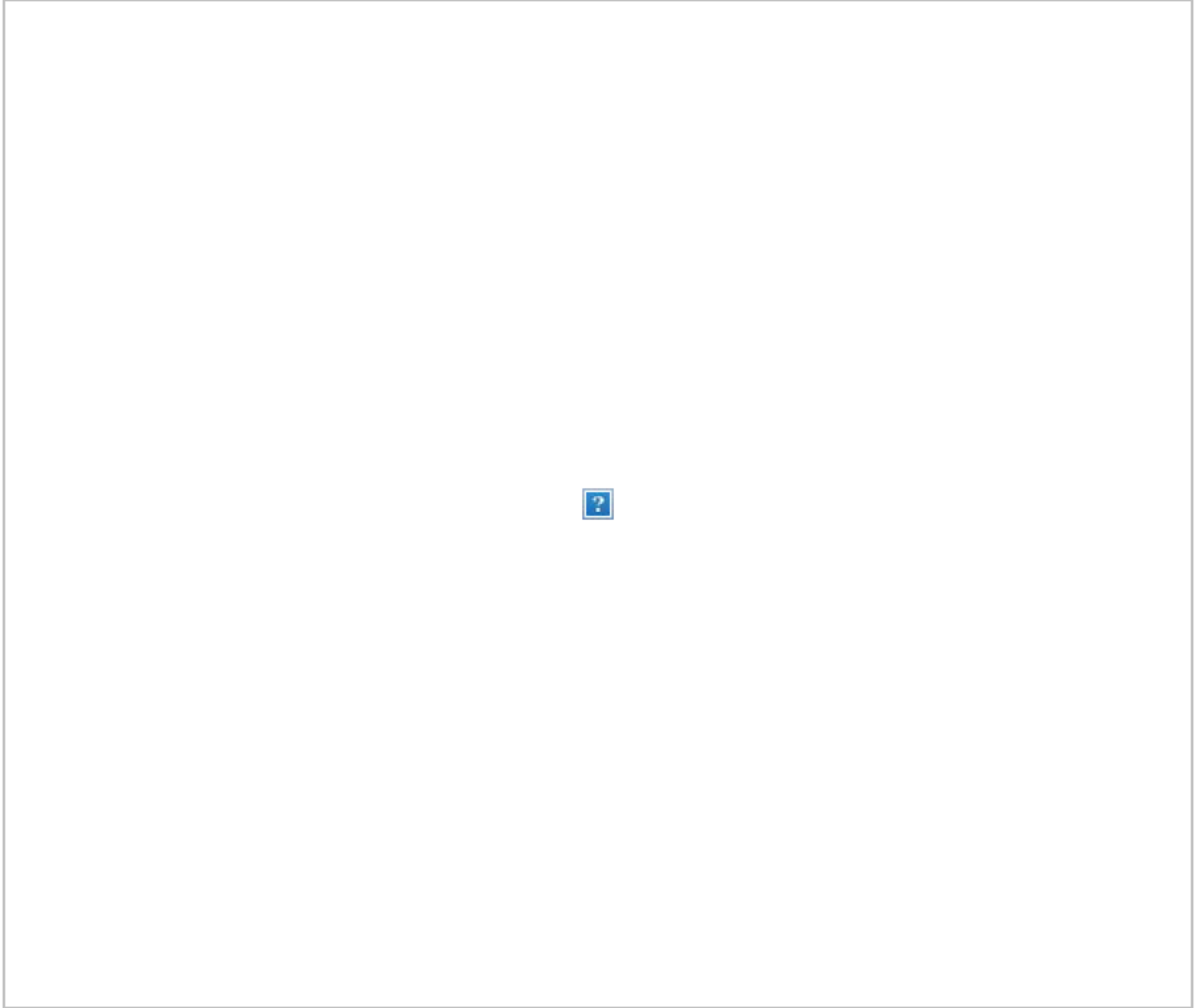
I have also attached the documents I have received from the TCEQ, including the application and waiver for reference.

2. Also, the TCEQ recently issued updates to its [Public Involvement Plan](#) which states the following:

A Public Involvement Plan must be developed for applications that (1) require public notice, (2) are considered to have significant public interest, and (3) are located in Austin, Dallas, Fort Worth, Houston, San Antonio, West Texas, the Texas Panhandle, or along the Texas/Mexico border.

I find this policy lacking in protecting non-English speakers in the areas not covered by the areas listed in the Public Participation Plan. As you can see from this graphic, most of Texas's counties have at least 10% or more of children ages 5-17 that do not speak English at home. I ask that you consider the PIP as well.

Note: I do not see public water system permits on the [Public Involvement Plan Form for Permit and Registration Applications](#)



Thank you for your time in looking into this matter.

(b)(5) Privacy, (b)(7)(C) Eff. Privacy

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