

TCEQ PERMIT NO. WQ0016171001

**APPLICATION BY MUNICIPAL
OPERATIONS, LLC
FOR NEW TPDES PERMIT
NO. WQ0016171001**

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**BEFORE THE
TEXAS COMMISSION
ON
ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (RTC) on the application by Municipal Operations, LLC, for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016171001 and the ED's preliminary decision. As required by Title 30 Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments. A public meeting was held on this application on May 29, 2023. The Office of the Chief Clerk received timely comments from the persons in Attachment 1. This response addresses all timely public comments received, whether or not withdrawn.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application. Texas Water Code (TWC) § 5.115(a-1)(2)(B). The ED received over 554 comments; to determine which commenter made a particular comment, please see Attachments 2-10.

If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

I. BACKGROUND

A. Description of Facility

The Applicant, Municipal Operations, LLC (Applicant), submitted an application to the Texas Commission on Environmental Quality on May 23, 2022, for a new Texas

Pollutant Discharge Elimination System Permit No. WQ0016171001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day (gpd) in the Interim I phase, a daily average flow not to exceed 400,000 gpd in the Interim II phase, and an annual average flow not to exceed 1,000,000 gpd in the Final phase. The proposed wastewater treatment facility will serve the Guajolote Ranch Development.

The Guajolote Ranch Wastewater Treatment Facility will be a Membrane Bioreactor (MBR) system activated sludge process plant operated in conventional mode with chemical phosphorous removal capability. Treatment units in the Interim I Phase will include a primary fine screen, an equalization tank, a secondary fine screen, an anoxic tank, an aeration basin, an aeriated MBR tank, a sludge holding tank, and an ultraviolet light (UV) disinfection system. Treatment units in the Interim II Phase will include a primary fine screen, two equalization tanks, two secondary fine screens, two anoxic tanks, two aeration basins, two aeriated MBR tanks, a sludge holding tank, and an UV disinfection system. Treatment units in the Final phase will include a primary fine screen, four equalization tanks, four secondary fine screens, four anoxic tanks, four aeration basins, four aeriated MBR tanks, a sludge holding tank, and an UV disinfection system. The facility has not been constructed.

Sludge generated from the treatment facility will be hauled by a registered transporter to Steven M Clouse Water Recycling Center, Permit No. 21372, to be digested, dewatered, and then disposed of with the bulk of the sludge from the plant accepting the sludge. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge.

If this permit is issued, the proposed facility will be located approximately 1.75 miles west-southwest of the intersection of Babcock Road and Scenic Loop Road, in Bexar County, Texas 78023.

Outfall Location

Outfall Number	Latitude	Longitude
001	29.653911 N	98.697583 W

The treated effluent will be discharged via pipe to Helotes Creek, thence to a pond, thence to Helotes Creek, thence to Culebra Creek, thence to Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin. The unclassified receiving water

uses are minimal aquatic life use for Helotes Creek (upstream of unnamed tributary), and limited aquatic life use for the pond and for Helotes Creek (downstream of unnamed tributary). The designated uses for Segment No. 1906 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code § 307.5 and TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Lower Leon Creek, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined, and may be modified if new information is received.

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows, except the two-hour peak flow, are expressed in million gallons per day (MGD). The two-hour (2-hr) peak flow is expressed in gallons per minute (gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL).

Interim I phase: During the period beginning upon the date of issuance and lasting through completion of expansion to the 0.40 million gallons per day (MGD) facility.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.20 MGD		-	555 gpm (2-hr peak)	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	8.3	5	10	20	30
	Total Suspended Solids (TSS)	8.3	5	10	20	30
	Ammonia Nitrogen (NH ₃ -N)	3.3	2	5	10	15
	Total Phosphorus (TP)	0.25	0.15	0.3	0.6	0.9
	<i>E. coli</i> , CFU or MPN per 100 mL	126		N/A	N/A	399
	Dissolved Oxygen (DO), min	4.0 mg/L		-	-	-
	pH, standard units (SU)	6.0, min		-	9.0	-

The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes.

Interim II Phase: During the period beginning upon the date of completion of expansion to the 0.40 million gallons per day (MGD) facility and lasting through the date of completion of expansion to the 1.0 MGD facility.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	0.40 MGD		-	1,111 gpm (2-hr peak)	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	17	5	10	20	30
	Total Suspended Solids (TSS)	17	5	10	20	30
	Ammonia Nitrogen (NH ₃ -N)	6.7	2	5	10	15
	Total Phosphorus (TP)	0.25	0.15	0.3	0.6	0.9
	<i>E. coli</i> , CFU or MPN per 100 mL	126		N/A	N/A	399
	Dissolved Oxygen (DO), min	4.0 mg/L		-	-	-
	pH, standard units (SU)	6.0, min		-	9.0	-

The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes.

Final Phase: During the period beginning upon the date of completion of expansion to the 1.0 million gallons per day (MGD) facility and lasting through the date of expiration.

Outfall	Pollutant	Draft Permit Effluent Limitations				
		Daily Avg		7-day Avg	Daily Max	Single Grab
		lbs/day	mg/L	mg/L	mg/L	mg/L
001	Flow	1.0 MGD		-	2,778 gpm (2-hr peak)	-
	Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	42	5	10	20	30
	Total Suspended Solids (TSS)	42	5	10	20	30
	Ammonia Nitrogen (NH ₃ -N)	17	2	5	10	15
	Total Phosphorus (TP)	1.25	0.15	0.3	0.6	0.9
	<i>E. coli</i> , CFU or MPN per 100 mL	126		N/A	N/A	399
	Dissolved Oxygen (DO), min	4.0 mg/L		-	-	-
	pH, standard units (SU)	6.0, min		-	9.0	-

The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes.

B. Procedural Background

The permit application was received on May 23, 2022, with additional information received on November 11, 2022, and declared administratively complete on August 30, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on September 22, 2022, in the *San Antonio Express-News* and in Spanish on September 28, 2022, in the *Conexion*. The ED completed its technical review of the application on November 16, 2022, and prepared the draft permit, which if approved, would establish the conditions under which the proposed facility must operate. The Notice of Application and Preliminary Decision (NAPD) was published in English on April 5, 2023, in the *San Antonio Express-News* and in Spanish in the *Conexion* on April 5, 2023. A public meeting was held on May 9, 2023, at

DoubleTree by Hilton, 6809 N Loop 1604 W, San Antonio, Texas, 78249. The public comment period ended on May 9, 2023, at the close of the public meeting.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Igo Library, 13330 Kyle Seale Parkway, San Antonio, Texas. Further information may also be obtained from Greenwood Ventures Group LLC at the address stated above or by calling Mr. Edward F. Gelsone, M.S., P.E., at 833-758-3338.

This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapter 39, 50, and 55. The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

C. Access to Rules, Laws and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- the Secretary of State website: <http://www.sos.state.tx.us>;
- TCEQ rules in Title 30 of the Texas Administrative Code (TAC): www.sos.state.tx.us/tac/ (select "View the current Texas Administrative Code" on the right, then "Title 30 Environmental Quality");
- Texas statutes: www.statutes.capitol.texas.gov/;
- the TCEQ website: www.tceq.texas.gov (for downloadable rules in Adobe PDF format, select "Rules" then "Current Rules and Regulations," then "Download TCEQ Rules");
- Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov; and
- Federal environmental laws: <http://www.epa.gov/laws-regulations>. Federal environmental laws and executive orders: www.epa.gov/laws-regulations/laws-and-executive-orders.

Commission records for this application and draft permit are available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of the Chief Clerk), until final action is taken. Some documents located at the Office of the Chief Clerk may also be located in the TCEQ Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. The permit application has been available for viewing and copying at the at Igo Library, 13330 Kyle

Seale Parkway, San Antonio, Texas, since publication of the NORI. The final permit application, draft permit, statement of basis/technical summary, and the ED's preliminary decision are now available for viewing and copying at the same location since publication of the NAPD.

The ED has determined that the draft permit, if issued, meets all statutory and regulatory requirements and is protective of the environment, water quality, and human health. However, if you would like to file a complaint about the proposed facility concerning its compliance with the provisions of its permit or with TCEQ rules, you may contact the TCEQ Regional Office (Region 13) in San Antonio, TX at 210-490-3096 or the statewide toll-free number at 1-888-777-3186 to address potential permit violations. In addition, complaints may be filed electronically by using the methods described above in the third subsection of Background Information (Access to Rules, Laws, and Records). If an inspection by the Regional Office finds that the Applicant is not complying with all the requirements of the permit, or that the proposed facility is out of compliance with TCEQ rules, enforcement actions may arise.

II. COMMENTS AND RESPONSES

A. General Comments

COMMENT 1:

The persons listed in Attachment 2 all commented expressing general opposition to the permit.

RESPONSE 1:

The Executive Director acknowledges these comments.

COMMENT 2:

Geri E. Poss commented asking how long TPDES permits are valid for.

RESPONSE 2:

TPDES permits are valid for a maximum of five years. These permits may be renewed if a renewal application is filed before the expiration date.

COMMENT 3:

Geri E. Poss commented asking under what circumstances can the draft permit be revoked. Mr. Poss also asks that if the draft permit is revoked, what are the requirements for it to be reinstated, such as whether there are any remedial measures

required of the permittee. Mr. Poss also commented asking that if the draft permit is revoked, what are the necessary remediation efforts for it to be reinstated. Mr. Poss also asks that if reinstated, what kind of oversight is done by TCEQ to ensure that the permittee adheres to all applicable rules and regulations.

RESPONSE 3:

According to Permit Conditions 2(f), a permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC § 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

According to Operational Requirements 3(b), the permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

COMMENT 4:

Geri E. Poss commented asking that when the draft permit expires, what regulatory steps or review will the Commission take before it can be renewed.

RESPONSE 4:

The Applicant will be required to submit a renewal application 180 days prior to permit expiration. TCEQ will follow the procedures for a renewal of the permit. TCEQ will conduct an administrative review and a technical review. Renewal applications are subject to the TCEQ's public participation process.

COMMENT 5:

Kortnee McDowell commented stating that the TPDES permitting process is flawed and ineffectual for use by normal citizens. Ms. McDowell expresses concern that the TPDES permitting process seems designed to protect developers while being too complex for laypeople to understand or protest.

RESPONSE 5:

The Executive Director acknowledges this comment and notes that the TCEQ's permitting process is established by Chapter 5, Subchapter M, of the Texas Water Code.

COMMENT 6:

Britt Coleman commented expressing disappointment that TCEQ does not take a holistic approach to the mission of protecting Texas waterways. Ms. Coleman states that the TCEQ does not take into account the entire construction process of the development.

RESPONSE 6:

The Executive Director acknowledges this comment. Every TPDES permit application undergoes administrative reviews, and thorough technical reviews, to ensure that the applicant adequately addressed all required technical issues to show that wastewater from the facility will be treated to required standards and effluent limits that will ensure protection of existing uses for the receiving water bodies. The ED's staff in the WQD reviewed the treated wastewater proposed discharge route, the designated uses and dissolved oxygen criteria of the receiving water bodies, antidegradation analysis of the discharges, and identification of any endangered species that may be present in the receiving water bodies. Based on WQD's review and analysis, the draft permit contains effluent limits and conditions designed to maintain the receiving water body's designated uses, and protect human health and aquatic life.

The construction process of the development is outside the jurisdiction of the TCEQ; however, the permittee is required to submit plans and specifications of the plant design for review and approval pursuant to 30 TAC Chapter 217, relating to "Design Criteria for Domestic Wastewater Systems", before starting the construction of the wastewater treatment plant. The proposed permit addresses only the wastewater aspect of the development and operation. The permittee is required to obtain other authorizations, as applicable, that further ensure protection of the environment.

COMMENT 7:

Timothy Roan commented asking what the fines are for violation of permit requirements. Mr. Roan also asks how large the fines are for a TPDES permit violation.

RESPONSE 7:

Per Permit Conditions 2(i), the permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal Clean Water Act (CWA) §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402 (a)(3) or 402 (b)(8).

The monetary amount of administrative fines are determined by the TCEQ Enforcement Division, and depends on the nature and extent of the violation(s).

COMMENT 8:

Marylee Williams submitted various articles and studies to assist the TCEQ in its review.

RESPONSE 8:

The Executive Director appreciates the submittal of these materials.

COMMENT 9:

Etienne and Rosene Goods commented asking about the public outreach being conducted to engage the community in the decision-making process regarding developments near the Edwards Aquifer. Etienne and Rosene Goods also asked whether TCEQ will conduct community outreach and engage with the community regarding developments over the Edwards Aquifer.

RESPONSE 9:

Pursuant to TWC § 26.046, the Edwards Aquifer Protection Program (EAPP), which is administered by the TCEQ, is required to hold an annual public hearing to receive evidence from the public on actions the Commission should take to protect the Edwards Aquifer from pollution. For information on the hearing, email eapp@tceq.texas.gov or visit <https://www.tceq.texas.gov/permitting/eapp/eapp-sa-hearing>.

COMMENT 10:

The Senator Frank L. Madia Jr. Natural Area expressed concerns that running sewer lines down Chiminea and Helotes Creeks would violate their conservation easement and affect the enjoyment of the park. The Senator Frank L. Madia Jr. Natural Area also

expressed concern about eventual leakage, potentially exacerbated by flooding events. The Senator Frank L. Madla Jr. Natural Area also expressed concern that wastewater discharge poses the risk of raw sewage contamination which would adversely impact the area's uses for recreation, Edwards Aquifer protection, and preservation of nature.

RESPONSE 10:

Under the terms of the draft permit, there shall be no unauthorized discharge of wastewater or unauthorized waste. For the purpose of this draft permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall, or otherwise defined in the "Other Requirements" section of this permit. An unauthorized discharge is a violation of the draft permit for which an enforcement action can be brought by the TCEQ against the Applicant.

However, the proposed permit does not limit anyone's ability to seek legal remedies from a court regarding any potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health, property, or interfere with the normal use and enjoyment of property.

Members of the public may file a complaint about the facility's compliance with provisions of its permit or with TCEQ rules by calling the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 13 Office at 210-490-3096. Citizen complaints may also be filed on-line at

<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 11:

David A. Whitt asked if TCEQ must seek permission from the City of Grey Forest before granting a TPDES permit whose discharge route runs through the corporate limits of Grey Forest.

RESPONSE 11:

TCEQ is not required to obtain permission from the City of Grey Forest before issuing this TPDES permit. However, the issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal,

state, or local, laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

COMMENT 12:

David A. Whitt asked why the City of Grey Forest, the City of Helotes, and the Scenic Loop/Helotes Creek Alliance were not specifically notified of this TPDES permit application.

RESPONSE 12:

There are two public notices regarding this permit action, the Notice of Receipt of Application and Intent to Obtain a Wastewater Permit (NORI) and the Notice of Application and Preliminary Decision (NAPD). The TCEQ's notice rules in 30 TAC Chapter 39 require applicants to provide public notices for wastewater permits by publishing the NORI in a "newspaper of largest circulation in the county in which the facility is located or proposed to be located ... if the facility is located or proposed to be located in a municipality, the applicant must publish notice in any newspaper of general circulation in the municipality." After the Office of the Chief Clerk has mailed the preliminary decision and the NAPD to the applicant, they are required to publish the NAPD "at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge."

The permit application was received on May 23, 2022, with additional information received on November 11, 2022, and declared administratively complete on August 30, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on September 22, 2022, in the *San Antonio Express-News* and in Spanish on September 28, 2022, in the *Conexion*. The ED completed its technical review of the application on November 16, 2022, and prepared the draft permit, which if approved, would establish the conditions under which the proposed facility must operate. The Notice of Application and Preliminary Decision (NAPD) was published in English on April 5, 2023, in the *San Antonio Express-News* and in Spanish in the *Conexion* on April 5, 2023.

Additionally, the TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The applicant is required to submit a landowner map as part of the application materials. The

landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. The landowner map provided by Applicant did not indicate the City of Grey Forest, City of Helotes, and the Scenic Loop/Helotes Creek Alliance as being adjacent landowners. Therefore, they were not included on the mailing list. Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

COMMENT 13:

Ronald T. Green, PhD., P.G. submitted a 17-page paper providing comments on proposed development.

RESPONSE 13:

TCEQ acknowledges the receipt of this paper.

B. Comments about Water Quality

Comment 14:

The persons listed in Attachment 3 expressed concern that the volume of discharge allowed in the permit will adversely impact the quality of the receiving waters, create the conditions for algal blooms, and adversely impact the water quality of the Trinity Aquifer.

RESPONSE 14:

As a part of this permit review, a modeling analysis for the proposed discharge was performed to evaluate the potential impacts of major oxygen-demanding constituents within the effluent on dissolved oxygen levels of the receiving waters. To ensure that dissolved oxygen modeling results and corresponding effluent limit recommendations are conservative and protective under all conditions, the proposed discharge was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. Helotes Creek was determined to be intermittent. Therefore, it was modeled with a presumption of zero background streamflow (i.e., no dilution), with the only flow present in the stream at the point of outfall being that from the proposed discharge. Each proposed flow phase was modeled at its full proposed flow volume (Interim I phase = 0.20 MGD, Interim II

phase = 0.40 MGD, & Final phase = 1.0 MGD) and maximum effluent concentration (i.e., 5 mg/L CBOD₅, 2 mg/L NH₃-N, and 4.0 mg/L minimum DO). This combination of conditions is a conservative, worst-case scenario that is unlikely to occur. Even under these conservative model assumptions, modeling results indicate the effluent limits included in the draft permit for Carbonaceous Biochemical Oxygen Demand (5-day) (CBOD₅), ammonia-nitrogen (NH₃-N), and minimum effluent DO for the proposed flow phases are predicted to be adequate to ensure that instream DO levels will be maintained consistent with these established criteria of the receiving waterbodies, and thus the aquatic life use of each of the streams protected.

COMMENT 15:

The Greater Edwards Aquifer Alliance (GEAA) and Beverly P. Willmann expressed concern over the adequacy of the draft permit's effluent limits and recommend adopting a phosphorus limit of 0.5 mg/L and DO limit of 5 mg/L and changing the draft permit's existing effluent limits to CBOD₅ limit of 5 mg/L, TSS limit of 5 mg/L, ammonia-nitrogen limit of 2 mg/L, TP limit of 0.5 mg/L.

RESPONSE 15:

Effluent limits contained in the draft permit are 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L ammonia-nitrogen, 0.15 mg/L TP, and a 4.0 mg/L minimum for DO. The draft permit limits for CBOD₅, TSS, and ammonia-nitrogen are consistent with the effluent limits GEAA & Beverly P. Willmann recommend. The draft permit limit for TP is more stringent than the 0.5 mg/L limit GEAA & Beverly P. Willmann recommend. The minimum DO limit of 4.0 mg/L was shown by the dissolved-oxygen modeling analysis to be sufficient to maintain the DO criteria established by Standards for Helotes Creek and the pond.

COMMENT 16:

Jerome Cohen asked how TCEQ is certain that the Applicant will take the required contaminants out of the discharge? Tammy Pointon expressed concern that the Applicant will discharge more effluent than the Applicant applied to discharge. Jerry Dobbs, Kelly McDowell, and Tracey Smith expressed concern that the proposed facility will fail because the Save Barton Creek Report found that 39 of 48 wastewater treatment facilities failed. Richard Ruebe expressed concern that the proposed facility will not achieve water quality standards on the terms expressed by TCEQ.

RESPONSE 16:

The draft permit requires that the permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis to demonstrate compliance with TCEQ rules. This facility must be operated by a chief operator or an operator holding a Class C license or higher during the Interim I and II phases, and Class B license or higher during the Final phase. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

The permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division, by the 20th day of the following month for each discharge which is described by this permit, regardless of whether a discharge was made during that month.

As provided by state law, the permittee is subject to administrative, civil, and criminal penalties, as applicable, for negligently or knowingly violating the CWA, TWC Chapters 26, 27, and 28, and Texas Health and Safety Code (THSC) Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

COMMENT 17:

Jerome Cohen commented asking who is liable for health issues caused by discharges that do not meet the permit standards. Kelly McDowell commented asking how the discharge under the draft permit will have a de minimus effect under the Clean Water Act when other Wastewater Treatment Facilities (WWTFs) in the Hill Country have an 81% failure rate, and the Save Barton Creek report states that any discharge could permanently change the receiving water.

RESPONSE 17:

The Executive Director has determined that the proposed draft permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility. However, the permit does not limit an individual's ability to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 18:

Cynthia Massey expressed concern that TCEQ only considered the 3 miles of Helotes Creek downstream of the proposed discharge point. She asked that TCEQ consider all 14 miles of Helotes Creek. The Senator Frank L. Madla Jr. Natural Area commented that permitted discharge poses a risk of raw sewage contamination and could adversely impact the Natural Area's uses, which include recreation, Edwards Aquifer protection, and preservation of nature.

RESPONSE 18:

A dissolved-oxygen modeling analysis for the referenced discharge was conducted to evaluate the potential impacts of major oxygen-demanding constituents within the effluent on dissolved oxygen levels of the downstream receiving waterbodies. The DO model that was constructed evaluated approximately 6.5 km (4.0 miles) of Helotes Creek from the point of outfall downstream (including the on-channel pond). For the review of TPDES permit applications, discharges are modeled as far downstream as they need to be modeled in order to demonstrate that DO criteria will be met and maintained in downstream water bodies along a discharge route.

This discharge was modeled far enough downstream to include the bottom of the predicted 'DO sag,' where the lowest downstream DO concentrations resulting from

the oxygen-demanding constituents present in the proposed discharge were predicted to occur. Model results indicate that this lowest predicted downstream DO concentration is above the concentration required to demonstrate that the DO criteria for Helotes Creek will be met and maintained. Model results also indicate that DO concentrations are predicted to rise downstream of the initial 4 miles and remaining effluent constituents will continue to degrade to background levels. In fact, for the Interim I (0.20 MGD) flow phase and the Interim II (0.40 MGD flow phase) effluent concentrations of CBOD5, ammonia-nitrogen, and DO are predicted to degrade/recover to background levels by the time the discharge reaches the 4 miles downstream. For the final phase (1.0 MGD), effluent constituents, while not fully degraded to background levels at the 4-mile mark, are close to background levels and predicted to completely recover prior to the point Helotes Creek crosses the Recharge Zone. Though there are no restrictions that would prevent modeling the potential impacts of the discharge farther downstream, there is no available evidence indicating that modeling farther downstream is necessary or warranted. There are no other wastewater discharges into Helotes Creek downstream of the point where this model ends, and there is no available information indicating that more pessimistic hydraulic conditions exist in Helotes Creek beyond that point.

COMMENT 19:

Britt Coleman and Terri McWilliams expressed concern that stormwater runoff from the development will negatively impact water quality. Stuart Birnbaum asked if TCEQ considered the impact that increased flow rate will have on Helotes Creek. Peter Carey asks if there is any study conducted to assess the volume of runoff created by the new impervious groundcover.

RESPONSE 19:

The TCEQ does not have jurisdiction to address runoff, flooding, or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

For any flooding concerns, members of the public may wish to contact the applicable floodplain management office. The TCEQ Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling (512) 239-4691. Additionally, FEMA has programs designed to mitigate damage caused by flooding.

COMMENT 20:

Stuart Birnbaum asked what TCEQ has done to evaluate the discharge's impact on the Trinity Aquifer.

RESPONSE 20:

In regard to concern for groundwater, Texas Water Code § 26.401(b) provides that “it is the goal of groundwater policy in this state that the existing quality of groundwater not be degraded.” Under TWC § 26.401(c)(1), it is the State of Texas’s policy that “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.” The TCEQ has the responsibility to regulate the discharges of pollutants into water in the state. The Executive Director has determined that if a permit is protective of surface water quality, groundwater quality in the vicinity will not be impacted by the discharge.

COMMENT 21:

GEAA, Myfe Moore, and Tim Santy expressed concern that the TPDES permit may be granted before the effects of contaminants, like pharmaceuticals and per- and polyfluoroalkyl substances (PFAS), are fully known. As a result, they are concerned that the discharge will degrade the water quality of Helotes Creek.

RESPONSE 21:

The TCEQ has not investigated the potential effects of emerging contaminants, which includes Pharmaceuticals and PFAS, in effluent. Neither the TCEQ nor the EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. EPA is currently investigating emerging contaminants and potential adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants. So, while the EPA and other agencies continue to study the presence of PFAS, there is currently no

clear regulatory regime available to address the treatment of PFAS in domestic wastewater.

Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants such as pharmaceuticals in domestic wastewater.

COMMENT 22:

GEAA, Myfe Moore, and Tim Santy asked why TCEQ does not review or consider studies like the Southwest Research Institute Report.

RESPONSE 22:

The TCEQ was not initially aware of the specific report but did review the report along with other submitted information after it was brought to our attention. The information was reviewed and taken into consideration.

COMMENT 23:

Residents of The Canyons on Scenic Loop, Richard Alles, Candy and Dutch Berkley, Michael David Griffin, Antonio Hernandez, Timothy Roan, Aurelia Scharnhorst, Jennifer Webster, and Lisa Muyres Pack asked what actions they may take regarding adverse impacts to property, residents, and the environment.

RESPONSE 23:

The draft permit does not limit anyone's ability to seek legal remedies from Applicant regarding any potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777 3186 or the TCEQ Region 13 Office at 210-490-3096. Citizen complaints may also be filed on-line at

<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 24:

Brendan Gibbons, on behalf of River Aid San Antonio, and Stacey Johnson ask how TCEQ considers the cumulative impacts of permitted discharges on receiving water because the Southwestern Institute Report found that any amount of nutrient wastewater discharge would degrade the water quality of Helotes Creek.

RESPONSE 24:

As a part of this permit review, a modeling analysis for the proposed discharge was performed to evaluate the potential impacts of major oxygen-demanding constituents within the effluent on dissolved oxygen levels of the receiving waters. To ensure that dissolved oxygen modeling results and corresponding effluent limit recommendations are conservative and protective under all conditions, the proposed discharge was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. Additionally, to account for potential negative cumulative effects, any other contributing TPDES discharges within watershed is also considered in the modeling. There are no other TPDES wastewater discharges in the Helotes Creek watershed either upstream or downstream from this proposed discharge. Therefore, only the flow volume and dissolved oxygen-demanding constituents for the proposed facility was included in the model.

COMMENT 25:

Randy Neumann and Susan W. Beavin asked why TCEQ is not applying the exceptions made for discharge into the Highland Lakes to discharge into Helotes Creek.

RESPONSE 25:

The watershed rule related to Highland Lakes is found at 30 Texas Administrative Code Chapter 311, subchapter F. That is a rule specifically describing the conditions under which discharges within the Highland Lakes watershed may be permitted. There is currently no watershed rule governing the discharge of wastewater in the Helotes Creek watershed.

COMMENT 26:

The Senator Frank L. Madla Natural Area expressed concern that using individual on-site septic systems would overwhelm the Chiminea and Helotes Creek watersheds resulting in groundwater pollution. The Senator Frank L. Madla Jr. Natural Area also expressed concern that the development changing to individual septic systems would overwhelm the Chiminea and Helotes Creek watersheds and adversely affect their conservation easement through groundwater pollution. Porter Ryan asked if TCEQ considered requiring the Applicant to use septic systems instead of the proposed wastewater treatment facility. GEAA and Susan W. Beavin commented urging TCEQ to require Applicant to use on-site septic systems. Henry Cunningham, David Clark, and

Jerry Dobbs commented that the Applicant's development should be required to use aerobic wastewater or septic systems.

RESPONSE 26:

TCEQ does not have the authority to mandate a specific types of wastewater treatment system. Decentralized wastewater treatment units such as septic tanks or aerobic systems are types of on-site sewage facilities (OSSF). A septic tank is a buried, watertight tank designed and constructed to partially treat raw wastewater. The tank separates and retains floatable and settleable solids in the wastewater. Following the primary treatment, wastewater is then discharged to a drain field for further treatment by and dispersal to the environment. Aerobic systems are similar to septic systems in that they use natural processes to treat wastewater; however aerobic systems use a mechanism to inject and circulate air inside the treatment tank for more efficient treatment.

If the Applicant decides to utilize individual septic tanks to serve the proposed residential area, it will be subject to 30 TAC § 285.4 relating to "On-site Sewage Facilities (OSSF)". However, the anticipated combined flow from all systems on a tract of land must be less than 5,000 gallons per day (gpd) on an annual average basis. If the anticipated combined flow exceeds 5,000 gpd, a domestic wastewater treatment facility is required because wastewater treatment facilities produce a higher quality effluent than septic tanks and are therefore more protective of the environment. The qualities of effluent from an individual anaerobic OSSF and from a WWTP are significantly different. An OSSF treats a limited volume of domestic wastewater to primary treatment standards. The wastewater strength, or organic loading, of BOD₅ and NH₃-N in untreated or raw sewage from a residential subdivision is estimated to be 250-400 mg/L and 15-75 mg/L respectively. The draft permit, for example, requires that the treated effluent shall not exceed 5 mg/L CBOD₅ with 2 mg/L NH₃-N. Therefore, the WWTP will be required to achieve a more than 95% reduction in CBOD₅ concentration in the treated effluent prior to discharge.

In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/L BOD₅ prior to discharging into the underground drain field or soil absorption field. To meet its effluent limits, the proposed facility will have to provide secondary treatment including disinfection. For a proposed development of this type, a

wastewater treatment facility will provide a higher level of environmental protection than septic tanks.

For more information regarding OSSF rules and regulations, please contact the TCEQ OSSF Program at 512-239-3799.

COMMENT 27:

Linda Williams asked how the TPDES permit will be affected if PFAS, pharmaceuticals, or pesticides are found in the receiving waters and are linked to human activity.

RESPONSE 27:

Please see the response to Comment 22.

COMMENT 28:

Jennifer Nottingham expressed concern that permitted discharge would adversely impact the water quality of Lee Creek.

RESPONSE 28:

The treated wastewater would be discharged into Helotes Creek thence flow to an on-channel pond thence to Helotes Creek thence to Culebra Creek thence to the Lower Leon River (Segment No. 1906). This discharge is not proposed to flow into Lee Creek.

COMMENT 29:

Porter Ryan asked how TCEQ considers how discharged effluent could adversely impact the Edwards Aquifer and San Antonio's drinking water when analyzing a TPDES permit application.

RESPONSE 29:

In regard to concern for groundwater, Texas Water Code § 26.401(b) provides that "it is the goal of groundwater policy in this state that the existing quality of groundwater not be degraded." Under TWC § 26.401(c)(1), it is the State of Texas's policy that "discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard." The TCEQ has the responsibility to regulate the discharges of pollutants into water in the state. The Executive Director has determined that if a permit is protective of surface water quality, groundwater quality in the vicinity will not be impacted by the discharge.

COMMENT 30:

GEAA, Beverly P. Willmann, and Sally Martinez asked TCEQ to require the Applicant to use an ultraviolet disinfection method rather than a chlorine disinfection method.

RESPONSE 30:

According to the terms of the draft permit, the permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes.

COMMENT 31:

Henry Cunningham and Susan W. Beavin expressed concern that the dams along Helotes Creek will hold discharged effluent and produce foul odors.

RESPONSE 31:

Foul odors should not be produced in the discharged effluent as long as the permittee operates and maintains the plant and complies with the terms and conditions of the draft permit. However, if anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling toll-free 1-888-777-3186, or the TCEQ Region 13 Office in San Antonio at 210-490-3096. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 32:

The San Antonio Metropolitan Health District asked where the Tier 1 and Tier 2 antidegradation reviews are available for public viewing. Kyle Cunningham, on behalf of Metro Health, asked for an explanation of how Tier 1 and Tier 2 antidegradation reviews are conducted along with where the relevant data analysis for such reviews is available for public review.

RESPONSE 32:

The antidegradation policy and framework for the antidegradation implementation procedures are specified in 30 TAC § 307.5 and the Texas Surface Water Quality Standards. Additional guidance for antidegradation implementation and the process of our Tier 1 and Tier 2 reviews can be found in TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010).

COMMENT 33:

The Hill Country Alliance asked if Hill Country streams are sensitive to nutrient input, then why does the draft permit allow the upper limit of total phosphorus for a 1 MGD facility. GEAA, Susan W. Beavin, and Randy R. Neumann expressed concern that effluent limitations on the draft permit will make Helotes Creek completely eutrophic.

RESPONSE 33:

The permit application went through a rigorous technical review process and the draft permit contains limits much stricter than those required by 30 TAC Chapter 213, which applies to discharges in the Edwards Aquifer Recharge Zone. These limits were deemed by the WQD to be adequately protective to preclude eutrophic conditions.

COMMENT 34:

Randy R. Neumann asked who is liable if the proposed Guajolote WWTF degrades the quality of San Antonio's drinking water. Jill Trawick expressed concern that effluent could affect San Antonio's sources of drinking water and asked who is responsible if contamination occurs.

RESPONSE 34:

It is the State of Texas's policy that "discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard." The ED's staff in the WQD has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge will not degrade downstream surface water quality as long as the permittee operates and maintains the facility as per terms and conditions set forth in the permit. WQD has further determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. Commenters may wish to contact the TCEQ's Water Supply Division at 512-239-4691 for any questions or more information.

Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit and the rules and other orders of the Commission. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water

Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

However, the proposed permit does not limit anyone's ability to seek legal remedies from a court regarding any potential trespass, nuisance, or other cause of action in response to the proposed facility's activities that may result in injury to human health, property, or interfere with the normal use and enjoyment of property.

Members of the public may file a complaint about the facility's compliance with provisions of its permit or with TCEQ rules by calling the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 13 Office at 210-490-3096. Citizen complaints may also be filed on-line at

<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 35:

Tim Santy asked why the Applicant is discharging into a predominantly dry creek bed when dilution is the solution to maintaining water quality.

RESPONSE 35:

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." If the Applicant updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

COMMENT 36:

Henry Cunningham asked why TCEQ is approving this permit when Helotes Creek flows into Lower Leon Creek, which already had a Fishing Advisory from the Texas Department of Health.

RESPONSE 36:

Consistent with the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards, no facility is allowed to discharge wastewater that: 1) results in instream

aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health. An antidegradation review was conducted and indicated that no significant degradation was anticipated, and the effluent limits are protective of the receiving waters and their uses. Additionally, Lower Leon Creek is over 15 miles downstream of the proposed outfall, which is well past the distance of the impact zone.

C. Comments about Edwards Aquifer

COMMENT 37:

The persons listed in Attachment 4 expressed concern that the proposed facility is too close to the Edwards Aquifer. The commenters stated that Helotes Creek watershed contributes 15% of the Edwards Aquifer's total recharge, and Helotes Creek holds many rifts, cracks, and faults which allow it to communicate with the Edwards Aquifer before reaching the Recharge Zone.

RESPONSE 37:

See Response 34 for a discussion on the effect of discharge on groundwater.

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." If the Applicant updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route.

Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

Under 30 TAC § 213.6(a), the state does prohibit the discharge of treated domestic wastewater directly to the Edwards Aquifer Recharge Zone, but discharges releasing upstream in the Contributing Zone are permissible so long as they meet, at minimum, the required effluent limits of 30 TAC 213.6(c). The location of the proposed discharge point is approximately seven miles upstream from the Edwards Aquifer Recharge Zone. Therefore, as required by 30 TAC § 213.6, the proposed discharge must meet effluent treatment levels of at least 10 mg/L CBOD₅, 15 mg/L TSS, 3 mg/L Ammonia-

nitrogen, and 4.0 mg/L dissolved oxygen. However, the draft permit contains more stringent limits of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L Ammonia-nitrogen, 4.0 mg/L dissolved oxygen, and a Total Phosphorus limit of 0.15 mg/L for all proposed flow phases.

COMMENT 38:

GEAA expressed concern that the facility proposed by Applicant is unprecedented and could adversely impact the Edwards Aquifer. GEAA also expressed concern that TCEQ has not considered or implemented the findings of Southwestern Research Institute's report evaluating different wastewater discharge impacts across the Helotes watershed. Jack David Trawick expressed concern that pollution from the facility will reach the Edwards Aquifer and impact San Antonio's drinking water. Jack David Trawick also expressed concern that allowing the proposed facility over the Contributing Zone will set the precedent for allowing future, dense development over the Contributing zone.

RESPONSE 38:

This discharge enters Helotes Creek approximately 7 miles upstream from where the creek crosses into the Edwards Aquifer Recharge Zone and as such is required to meet effluent treatment levels, at minimum, of 10 mg/L CBOD₅, 15 mg/L TSS, 3 mg/L Ammonia-nitrogen, and 4.0 mg/L dissolved oxygen (DO) (TAC § 213.6). However, the TPDES draft permit WQ0016171001 contains much more stringent limits of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L Ammonia-nitrogen, 4.0 mg/L dissolved oxygen (DO), and a Total phosphorus limit of 0.15 mg/L for all proposed flow phases. Municipal Operations LLC TPDES permit application (WQ0016171001) does not represent a unique or new occurrence of treated domestic wastewater discharging within the Edwards Aquifer Contributing Zone. Existing nearby TPDES authorizations include Leon Springs Utility Co. (WQ0014376001) which is located approximately 2.5 miles upstream of the recharge zone and is authorized to discharge up to 800,000 gallons per day into the Upper Leon Creek. Other authorized TPDES outfalls that fall within the Edwards Aquifer Contributing Zone can be viewed publicly at:

<https://www.tceq.texas.gov/gis/wastewater-outfalls-viewer>.

COMMENT 39:

Emory Bluhm, Joni F. Reyna, and Darlene B. Kosub asked whether TCEQ requested an impact statement from the Edwards Aquifer Protection Program, if TCEQ has

conducted any geological and karst studies in the area. Further, and where may the statement and studies be viewed by the public.

RESPONSE 39:

The TCEQ did not request an impact statement from the Edwards Aquifer Protection Program, and TCEQ has not conducted any geological and karst studies in the area, as these are not a required component of the TPDES permit application process.

COMMENT 40:

Stacey Johnson asked if TCEQ required the Applicant to verify that Guajolote Ranch is not comparable to the rest of the adjacent area, which is full of caves, sinkholes, and recharge features.

RESPONSE 40:

The TCEQ did not require this type of verification as it is not a required component of the TPDES permit application process.

COMMENT 41:

Etienne and Rosene Goods asked what is being done to ensure developments near the Edwards Aquifer do not deplete the aquifer and comply with applicable environmental laws and regulations. Etienne and Rosene Goods also asked what policies are in place to monitor and manage water quality.

RESPONSE 41:

The effects of development on water supply are not a part of the TPDES permit review process. Every facility has monitoring frequencies included in its draft permit, which are required by TCEQ's rules, such as 30 TAC § 319.9. Monitoring frequency will be reevaluated based on its compliance history once the facility begins discharging.

COMMENT 42:

Etienne and Rosene Goods and Michael Bitter asked how TCEQ collaborates with regional and local agencies to sustainably manage the Edwards Aquifer. Morgan Mogler expressed concern that effluent from the proposed facility will infiltrate the Edwards Aquifer faster than equipment can identify pollutants in the effluent. Jan Sisco Tobey asked if TCEQ can promise, and show evidence, that none of the discharged effluent will enter the Trinity or Edwards Aquifers.

RESPONSE 42:

TCEQ collaborates with regional and local agencies to develop rules for sustainably managing the Edwards Aquifer. The effluent set proposed in the draft permit is

consistent with the Edwards Aquifer rule in 30 TAC § 213.6 for wastewater treatment and disposal systems. No study was required or performed as part of this wastewater permit application process.

COMMENT 43:

Sheri Rosen asked whether TCEQ has conducted a study of all recharge features on Guajolote Ranch Tract and why TCEQ is approving the proposed facility in the contributing zone. Ms. Rosen asks whether the proposed facility renders the Edwards Aquifer unusable, whether there are risk mitigation or contingency plans, and if TCEQ has measured the degradation of drinking water quality in Grey Forest and San Antonio. John and Rosalie Mills asked if there is a survey of open caves along the discharge route and the Helotes Creek Floodplain.

RESPONSE 43:

The TCEQ has not conducted those kinds of studies in the vicinity. The location of Municipal Operations LLC's proposed discharge point is approximately 7 miles upstream from the Edwards Aquifer Recharge Zone and is required by 30 TAC § 213.6 to meet effluent treatment levels, at minimum, of 10 mg/L CBOD₅, 15 mg/L TSS, 3 mg/L Ammonia-nitrogen, and 4.0 mg/L dissolved oxygen. However, the draft permit contains much more stringent limits of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L Ammonia-nitrogen, 4.0 mg/L dissolved oxygen, and a Total Phosphorus limit of 0.15 mg/L for all proposed flow phases. Additionally, the Municipal Operations LLC TPDES permit application (WQ0016171001) does not represent a unique or new occurrence of treated domestic wastewater discharging within the Edwards Aquifer Contributing Zone.

COMMENT 44:

Porter Ryan expressed concern that effluent will reach the Recharge Zone.

RESPONSE 44:

This discharge enters Helotes Creek approximately 7 miles upstream from where the creek crosses into the Edwards Aquifer Recharge Zone. Results from the DO modeling analysis predict that in-stream dissolved oxygen will be maintained above the Standards criteria for Helotes Creek and that dissolved oxygen-demanding effluent constituents will be back to background levels prior to the point Helotes Creek enters the Recharge Zone.

COMMENT 45:

Patricia McEntire asked how this TPDES permit application complies with TCEQ's rules over the Contributing Zone and the Recharge Zone.

RESPONSE 45:

The location of Municipal Operations LLC's proposed discharge point is approximately 7 miles upstream from the Edwards Aquifer Recharge Zone and is required under 30 TAC § 213.6 to meet effluent treatment levels, at minimum, of 10 mg/L CBOD₅, 15 mg/L TSS, 3 mg/L Ammonia-nitrogen, and 4.0 mg/L dissolved oxygen. However, the TPDES draft permit contains much more stringent limits of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/l Ammonia-nitrogen, 4.0 mg/L dissolved oxygen, and a Total Phosphorus limit of 0.15 mg/L for all proposed flow phases. Additionally, an effluent limitation of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (E. coli) per 100 mL has been added to the draft permit. This *E. coli* limit was added to ensure that the proposed discharge meets the instream bacterial standard and will be protective of human health, including incidental ingestion from swimming.

COMMENT 46:

Brendan Gibbons asked how TCEQ knows the cumulative impact of WWTF on the water quality of the Edwards Aquifer without conducting a trend analysis. The commenter asked that such analysis be done in the name of public interest with the results made public.

RESPONSE 46:

Currently this is the only proposed wastewater discharge in Helotes Creek. If other facilities propose to discharge to Helotes Creek in the future, the cumulative impacts of those facilities will be considered in dissolved oxygen modeling to ensure dissolved oxygen criteria in the receiving stream(s) will be upheld and that no degradation of the receiving waters will occur. Facilities locations can be viewed on-line at:

<https://www.tceq.texas.gov/gis/wastewater-outfalls-viewer>.

D. Comments about Impacts to Groundwater

COMMENT 47:

The Conservation Society of San Antonio, the residents of The Canyons at Scenic Loop, GEAA, Jane Armstrong, Nicole Balderas, Peter Carey, John Chaffee, Donna Gottwald, Antonio Hernandez, Robert B. Hoek, Stacey Johnson, Steve Lee, Justin McCord, Terri T.

McWilliams, Randy Neumann, Porter Ryan, Paul B. and Catherine M. Samollow, Belinda Stanley, Dixie Watkins, Beverly P. Willmann, Karen T. Balandran, Frank David Grammens, Susan W. Beavin, and, Joni F. Reyna expressed concern that discharged effluent will adversely impact groundwater and private wells in the surrounding areas. GEAA, Randy Neumann, Frank David Grammens, and Kristen Grammens expressed concern at the proximity of private wells to the discharge point and discharge route. Beverly P. Willmann asked that since TWDB lists 60 water wells within a 1.5-mile radius of the WWTF's discharge point, will TCEQ consider the possibility of groundwater contamination between the discharged effluent and the groundwater supplying those private wells? Paul B. and Catherine M. Samollow asked if, while considering a TPDES permit, TCEQ considered the potential for groundwater pollution, and, if so, are those considerations publicly accessible. Noel L. Smith asked if the location of the proposed facility and discharge point are correct. Noel L. Smith also asked if TCEQ considers groundwater flow rate, conductivity, and quality when approving the site for a wastewater treatment facility.

RESPONSE 47:

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.” Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.” The Water Quality Division has determined that the draft permit complies with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater. Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water

well. Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. The commenters may wish to contact the Water Supply Division at 512-239-4691 for any questions or more information.

COMMENT 48:

Nicole Balderas asked if TCEQ considered that, since the WWTF is at the low elevation of Guajolote Ranch Tract, the WWTF is more vulnerable to stormwater runoff, accidental discharge, and bypass incidents?

RESPONSE 48:

According to the information provided in the Domestic Technical Report 1.1, Section 5 of the application, the proposed facilities will be located above the 100-year frequency flood level. In addition, according to the Other Requirement No. 5 of the draft permit, the permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.

COMMENT 49:

Frank David Grammens asked if TCEQ considers groundwater availability when determining whether to grant a TPDES permit.

RESPONSE 49:

TCEQ does not consider groundwater availability when determining whether to grant a TPDES permit.

E. Comments about Impacts to Human Health

COMMENT 50:

The persons listed in Attachment 5 expressed concern that effluent discharges will adversely impact human health and asked if TCEQ conducted any studies to evaluate the impact on human health. The commenters also ask whether TCEQ considers impacts to human health when in their technical review of a proposed discharge.

RESPONSE 50:

The Water Quality Division has determined that the draft permit complies with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. According to the terms of the draft permit, the permittee shall utilize an ultraviolet light (UV) system for disinfection purposes, and shall not exceed a daily average 126 *E. coli* colonies per 100 mL.

COMMENT 51:

San Antonio Metropolitan Health District asked if TCEQ knew that the proposed facility location is in an area of concern for contamination with three known incidents that have led to human illness.

RESPONSE 51:

Please see responses 47 and 50.

F. Comments about Impacts to Drinking Water

COMMENT 52:

The persons listed in Attachment 6 expressed concern that discharges will adversely impact public drinking water and private wells. Paul B. and Catherine M. Samollow asked if there is a plan to provide the area with safe drinking water in the event the proposed facility renders current drinking water sources unsafe. Amanda Lynn Waldrop expressed concern over how the discharges will affect the Grey Forest Water System, which is downstream of the proposed discharge point.

RESPONSE 52:

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.” Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.” The Water Quality Division has determined that the draft permit complies with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

The Water Quality Division has determined that the draft permit complies with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is

protective of aquatic life, human health, and the environment. According to the terms of the draft permit, the permittee shall utilize an ultraviolet light (UV) system for disinfection purposes and shall not exceed a daily average 126 *E. coli* colonies per 100 mL.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. The commenters may wish to contact the Water Supply Division at 512-239-4691 for any questions or more information.

COMMENT 53:

Candy and Dutch Berkley expressed concern that the discharges will introduce forever chemicals into drinking water.

RESPONSE 53:

The TCEQ has not investigated the potential effects of emerging contaminants, which includes Pharmaceuticals and PFAS, in effluent. Neither the TCEQ nor the EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. EPA is currently investigating emerging contaminants and potential adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants. So, while the EPA and other agencies continue to study the presence of PFAS, there is currently no clear regulatory regime available to address the treatment of PFAS in domestic wastewater.

Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants such as pharmaceuticals in domestic wastewater.

G. Comments about Flooding and Infrastructure

COMMENT 54:

The persons listed in Attachment 7 expressed concern that the proposed facility will make the area more prone to, and will actually lead to, flooding.

RESPONSE 54:

The TCEQ does not have jurisdiction to address runoff, flooding, or erosion issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

For any flooding concerns, members of the public may wish to contact the applicable floodplain management office. The TCEQ Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling (512) 239-4691. Additionally, FEMA has programs designed to mitigate damage caused by flooding.

The TCEQ does not have the authority to address issues related to flooding, stormwater runoff, or an individual's insurance coverage as part of the wastewater permitting process. However, the draft permit does not limit the ability of an individual to seek legal remedies against Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues related to flooding, runoff, and erosion as part of the wastewater permitting process. However, the permit does not limit the ability of an individual to seek legal remedies against Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

The commenters may wish to contact the Bexar County Public Works Department at (210) 335-2011 for any questions or additional information related to traffic concerns.

COMMENT 55:

Frank David Gramments, Stanley Swartzenruber, and Byron Swartzendruber expressed concern that there is insufficient infrastructure to support the proposed development.

RESPONSE 55:

The TCEQ does not have the authority to address issues related to the adequacy of infrastructure as part of the wastewater permitting process. The commenters may wish to contact the Bexar County Public Works Department at (210) 335-6700 for questions or additional information for concerns related to infrastructure.

H. Comments about Regionalization, Need, and Alternatives

COMMENT 56:

GEAA commented that the proposed facility is not necessary because the San Antonio Water System is capable of providing water treatment.

RESPONSE 56:

This permit will not authorize water treatment. This permit will authorize the treatment and discharge of wastewater from the Guajolote Ranch Wastewater Treatment Facility. In addition, the Applicant complied with the TCEQ regionalization policy by searching for any domestic, permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility. According to the information provided in the application, there are no domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility.

COMMENT 57:

Jerry Dobbs, Marjorie Mautz, Terri T. McWilliams, and Jack David Trawick asked if TCEQ has authority to approve a discharge route through Grey Forest without Grey Forest's permission when Grey Forest has a Certificate of Convenience and Necessity over water. Jerry Dobbs, Marjorie Mautz, Terri T. McWilliams, and Jack David Trawick also asked if TCEQ has had contact with the City of San Antonio because the Applicant's proposed development does not conform to the North Sector Plan, San Antonio's long-term development planning document.

RESPONSE 57:

The draft permit, if granted, will not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local, laws or

regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route. Issues related to a municipal development plan are outside the scope of the TPDES permitting program.

COMMENT 58:

Donald Dale Darst commented that the only development worth considering is one serviced by the San Antonio Water System.

RESPONSE 58:

The Executive Director acknowledges this comment.

COMMENT 59:

Holly Holleway asked if TCEQ has considered changing the discharge point to a portion of the river with better absorption and dispersion characteristics.

RESPONSE 59:

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting." If the Applicant updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

I. Comments about the Application and Studies

COMMENT 60:

GEAA commented asking TCEQ to require Applicant to implement beneficial reuse for its wastewater treatment system. GEAA also commented asking whether TCEQ requires applicants to seek a TPDES permit prior to approving Chapter 210 reuse.

RESPONSE 60:

The TCEQ does not have the authority to mandate the method of disposal of treated effluent if the applicant adheres to the rules and provisions under TWC Chapter 26 and 30 TAC Chapters 217, 305, 307 and 309. The treated effluent may be utilized for beneficial use pursuant to 30 TAC Chapter 210, relating to "Use of Reclaimed Water," however this requires a separate authorization. Pursuant to 30 TAC Section 210.5, the

application for the required permit authorization to discharge reclaimed water may be submitted concurrently or after the permit application to treat and dispose of wastewater in accordance with the requirements of 30 TAC Chapter 305.

Per Other Requirement No. 7 of the draft permit, prior to construction of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. Further, the permittee shall clearly show how the treatment system will meet the effluent limitations required on Pages 2, 2a, and 2b of the draft permit.

COMMENT 61:

Dixie Watkins requested a hydrogeologic study on all land in the upper Helotes-Chimineia Creek watershed and an environmental assessment. GEAA asked if the proposed facility was properly modelled if the model discharged 800,000 gallons per day when the TPDES permit allows 1 MGD of effluent.

RESPONSE 61:

Neither a hydrogeologic study nor an environmental assessment is required for a TPDES permit application. However, as a part of TCEQ's technical review, a modeling analysis for the proposed discharge was performed to evaluate the potential impacts of major oxygen-demanding constituents within the effluent on dissolved oxygen levels of the receiving waters. In order to ensure that dissolved oxygen modeling results and corresponding effluent limit recommendations are conservative and protective under all conditions, the proposed discharge was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. Helotes Creek was determined to be intermittent. It was therefore modeled with a presumption of zero background streamflow (i.e., no dilution), with the only flow present in the stream at the point of outfall being that from the proposed discharge. Each proposed flow phase was modeled at its full proposed flow volume (Interim I phase = 0.20 MGD, Interim II phase = 0.40 MGD, & Final phase = 1.0 MGD) and maximum effluent concentration (i.e., 5 mg/L CBOD₅, 2 mg/L NH₃-N, and 4.0 mg/L minimum DO). This combination of conditions is a conservative, worst-case scenario that is unlikely to occur. Even under these

conservative model assumptions, modeling results indicate the effluent limits included in the draft permit for Carbonaceous Biochemical Oxygen Demand (5-day) (CBOD₅), ammonia-nitrogen (NH₃-N), and minimum effluent DO for the proposed flow phases are predicted to be adequate to ensure that instream DO levels will be maintained consistent with these established criteria of the receiving waterbodies, and thus the aquatic life use of each of the streams protected.

COMMENT 62:

Richard Castillo asked why a geologic study has not been completed.

RESPONSE 62:

A geologic study was not required, and thus has not been completed, as part of this wastewater permitting application process.

COMMENT 63:

Emory Bluhm asked when a baseline air quality will be established at or near the development and when an air quality impact study will be done in the region of the development. Emory Bluhm asked if the Applicant will fund roadway expansion projects necessary to accommodate the proposed development. Emory Bluhm asked if TCEQ requested an impact assessment on the effluent discharge from the Edwards Aquifer Protection Program and, if so, what were the findings. Emory Bluhm asked how many homes along Helotes Creek between Guajolote Ranch and Highway 16 will be in a revised flood plain. Emory Bluhm asked how many private wells exist within 1,000 feet of Helotes Creek between Guajolote Ranch and Highway 16. Cynthia Day Grimes requested a study evaluating road traffic in the area.

RESPONSE 63:

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to the TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted by rule, provided the wastewater treatment plant only performs the functions listed in the rule. In its application, the applicant will use a Membrane Bioreactor plant. This treatment process will not make a significant contribution of air contaminants to the

atmosphere pursuant to the Texas Health and Safety Code's (THSC) Texas Clean Air Act §§ 382.057 and 382.05196, and is therefore permitted by rule.

The draft permit complies with the Edwards Aquifer rule in 30 TAC § 213.6 for wastewater treatment and disposal systems. The effluent limits contained in the draft permit are consistent with the Edwards Aquifer rule. For discussion of concerns related to traffic and roadways, see response 66. For discussion of concerns related to water wells and sources of drinking water, see response 47.

COMMENT 64:

Aurelia Scharnhorst requested a study to confirm that Grey Forest's infrastructure and drinking water will not be impacted by the proposed facility.

RESPONSE 64:

The TCEQ does not have the authority to address issues related to impacts on infrastructure as part of the wastewater permitting process. The commenter may wish to contact the Bexar County Public Works Department at (210) 335-6700 for questions and additional information for infrastructure related concerns. For discussion of impacts to drinking water, see response 47.

COMMENT 65:

Stuart Birnbaum expressed concern that the Applicant did not accurately describe the discharge area in its application.

RESPONSE 65:

The TCEQ Standards Implementation Team reviewed the information provided by the Applicant in its application and found that it accurately described the discharge route.

COMMENT 66:

Jane Armstrong, Emory Bluhm, Randy Neumann, and Kelly F. Santos expressed concern that the applicant failed to indicate that there are dams along the proposed discharge route. Terri T. McWilliams expressed concern that the Applicant did not include the dams and conservation easements through which the proposed discharge path traverses.

RESPONSE 66:

The application process requires the applicant to depict the proposed discharge route for the first 3 miles of the discharge route, but it does not require them to highlight specific features such as dams. The TCEQ performs a rigorous technical review on the receiving waters and takes into account specific characteristics of the receiving waters,

which resulted in stringent limits to be protective of the receiving waters and their uses.

The Applicant did submit all required application information. The full extent of the discharge route was considered during the assessment process.

COMMENT 67:

Robert B. Hoek asked if TCEQ has independently verified that the information provided by the Applicant is correct. Noel L. Smith asked if the location of the proposed facility and discharge point are correct. Noel L. Smith also asked if TCEQ considers groundwater flow rate, conductivity, and quality when approving the site for a wastewater treatment facility.

RESPONSE 67:

TCEQ performed an administrative review of the application, upon receipt, to ensure that all required information was provided therein. TCEQ determined that the application was administratively complete. The review included TCEQ staff reviewing all administrative information provided in the application.

TCEQ also performed a technical review of the application to ensure that the applicant adequately addressed all required technical issues to show that wastewater from the facility would be treated to required standards and to effluent limits that will ensure protection of the receiving water bodies and their existing uses. TCEQ reviewed the proposed discharge route, the designated uses and dissolved oxygen criteria of the receiving water bodies, antidegradation analysis of the discharges, and identification of any endangered species that may be present in the receiving water bodies. Based on the review and analysis, TCEQ established effluent limits and conditions designed to maintain the receiving water body's designated uses and protect human health and aquatic life. For a discussion on groundwater considerations, see Response 20.

COMMENT 68:

John Chaffee asked if there is a current environmental impact analyzing the effect of effluent on the Helotes Creek. Juan Reyna asked if there are any studies on the effects of effluent on newborns, young children, and pregnant women.

RESPONSE 68:

The treated effluent will be discharged via pipe to Helotes Creek, thence to a pond, thence to Helotes Creek, thence to Culebra Creek, thence to Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin. The unclassified receiving water

uses are minimal aquatic life use for Helotes Creek (upstream of unnamed tributary), and limited aquatic life use for the pond and for Helotes Creek (downstream of unnamed tributary). The designated uses for Segment No. 1906 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code § 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Lower Leon Creek, which was identified as having high aquatic life uses. Existing uses will be maintained and protected.

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations.

Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. The TCEQ also submitted the draft permit to the U.S. Environmental Protection Agency (EPA) Region 6 for review. The EPA reviewed the draft permit and did not have any objections to the issuance of the draft permit.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of the permit application.

COMMENT 69:

Susan W. Beavins expressed concern about the Applicant self-reporting samples to TCEQ.

RESPONSE 69:

According to the terms of the draft permit, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division, by the 20th day of the following month for each discharge which is described by this permit, regardless of whether a discharge was made in that month.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 13 Office at 210-490-3096. Citizen complaints may also be filed on-line at

https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaint_s.html

COMMENT 70:

Michael Phillips asked for the formulas and any considerations TCEQ uses to determine how far downstream TCEQ will review receiving waters from the proposed discharge point.

RESPONSE 70:

Table 2 in the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010) provides the estimated extent of downstream DO Impact from discharge. In its DO modeling review, WQD looked at the first 3 miles downstream of the proposed outfall. For the antidegradation review, TCEQ considered 7 miles downstream of the proposed outfall.

J. Comments about Applicant

COMMENT 71:

The persons listed in Attachment 8 expressed concern about the Applicant's compliance history.

RESPONSE 71:

During the technical review of the application, the TCEQ reviewed Applicant's compliance history according to the rules in 30 TAC Chapter 60. The compliance history is reviewed for the company and site for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history

includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance. As described in 30 TAC § 60.2, an operator and site may have one of the following classifications and ratings:

1. a ***high performer classification***, has a rating of fewer than 0.10 points and is considered to have an above-satisfactory compliance record;
2. a ***satisfactory performer classification***, has a rating between 0.10 points to 55 points and is considered to generally comply with environmental regulations; or
3. an ***unsatisfactory performer classification***, has a rating above 55 points and is considered to perform below minimal acceptable performance standards established by the commission.

In accordance with 30 TAC Chapter 60, the Applicant's and site's compliance history have been rated and classified. This site has a classification of Unclassified, because the facility has not been constructed. The Applicant's classification, which is the average of the ratings for all sites the company owns, is also unclassified.

K. Comments about Notice and Other Procedural Matters

COMMENT 72:

GEAA, Susan Beavin, Jerome Cohen, Rashel Haverkorn, David Jackson, Kortnee McDowell, and Jennifer Webster expressed concern that the Applicant's public notice was inadequate. GEAA expressed concern that the Applicant did not properly notify adjacent landowners. Geri Poss expressed concern that the City of Grey Forest did not receive notice and standing. Geri Poss commented that the Applicant did not provide TCEQ with adequate information on the downstream features and communities of Helotes Creek.

RESPONSE 72:

There are two public notices that were issued related to this permit action, the Notice of Receipt of Application and Intent to Obtain a Wastewater Permit (NORI) and the

Notice of Application and Preliminary Decision (NAPD). The TCEQ's notice rules in 30 TAC Chapter 39 require applicants to provide public notices for wastewater permits by publishing the NORI in a "newspaper of largest circulation in the county in which the facility is located or proposed to be located ... if the facility is located or proposed to be located in a municipality, the applicant must publish notice in any newspaper of general circulation in the municipality." After the Office of the Chief Clerk has mailed the preliminary decision and the NAPD to the applicant, they are required to publish the NAPD "at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located, and in each county affected by the discharge."

The permit application was received on May 23, 2022, with additional information received on November 11, 2022, and declared administratively complete on August 30, 2022. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published in English on September 22, 2022, in the *San Antonio Express-News* and in Spanish on September 28, 2022, in the *Conexion*. The ED completed its technical review of the application on November 16, 2022, and prepared the draft permit, which if approved, would establish the conditions under which the proposed facility must operate. The Notice of Application and Preliminary Decision (NAPD) was published in English on April 5, 2023, in the *San Antonio Express-News* and in Spanish in the *Conexion* on April 5, 2023.

Additionally, the TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

COMMENT 73:

Jerome Cohen, Kortnee McDowell, and Elizabeth Ann Toepperwein expressed concern that affected residents are unfamiliar with the processes for permitting, notice, and

comment. Jerome Cohen, Kortnee McDowell, and Elizabeth Ann Toepperwein commented that the Applicant's permit request is vague, uninformative, and difficult to understand. Jerome Cohen, Kortnee McDowell, and Elizabeth Ann Toepperwein asked why they were not notified by mail of the public meeting.

RESPONSE 73:

The landowner map provided by Applicant did not indicate the Jerome Cohen, Kortnee McDowell, and Elizabeth Ann Toepperwein as being an adjacent landowners. Therefore, they were not included on the mailing list and were not notified. For discussion of the public notice requirements, see Response 72.

COMMENT 74:

J. David Trawick asked why the test for affected party standard is so narrow.

RESPONSE 74:

The factors for determining an affected person are established by Texas Water Code Section 5.115.

COMMENT 75:

Don Henderson asked how members of the public can halt construction of the proposed facility.

RESPONSE 75:

Members of the public are encouraged to participate in the TCEQ's permitting process. The draft permit does not limit the ability of an individual to seek legal remedies against Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 76:

Henry and Patricia Kyle Cunningham asked for TCEQ's research on the uses of Helotes Creek because they believe Helotes Creek should be designated for contact recreation, public drinking water supply, and high aquatic life uses.

RESPONSE 76:

The TCEQ performed a receiving water assessment on Helotes Creek. Helotes Creek is designated with primary contact recreation uses which is the highest form of contact recreation which includes the most stringent bacteria criteria. The minimal and limited aquatic life uses assigned to Helotes Creek were determined in accordance with the 307.4 (h)(4) of the Texas Surface Water Quality Standards based on the results of the

receiving water assessment. The first 0.15 miles stretch of Helotes Creek downstream of the proposed outfall is intermittent. Further downstream after the confluence with an unnamed tributary, Helotes Creek becomes intermittent with perennial pools. The draft permit includes disinfection requirements to ensure the discharge will be protective of primary contact recreation uses.

COMMENT 77:

Paul Joseph Garro asked if TCEQ accounts for conflicts of interest between TCEQ and the Applicant and if those conflicts are available for public review.

Response 77:

The TCEQ is statutorily mandated by TWC § 26.028 (relating to Action on Application) to begin processing applications for TPDES permits, when it receives the application, and to issue notices to the public of the TCEQ's processing of the application. Likewise, TWC § 26.027 makes clear that the TCEQ may issue permits for discharges into Water in the State through the ED's evaluation of TPDES permit applications using the information provided in the application and recommending permit issuance or denial, based on the application's compliance with the TWC, TCEQ rules, and the TSWQS (30 TAC Chapter 307). Chapter 26 of the TWC, which authorizes and describes TCEQ's regulatory authority does not limit who can apply for a TPDES permit.

Disclosures concerning community projects, relationships with elected officials, political affiliations, the financial matters related to the proposed facility, the dollar amount of insurance covered and losses that could be incurred by the Applicant, is not information required to be provided in the application for a TPDES permit.

The Applicant has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

L. Comments about the Proposed Facility and Discharge's Location

COMMENT 78:

Emory Bluhm asked who will own the proposed facility and the land it sits upon.

RESPONSE 78:

Per information provided in the Section 3 of Administrative Report 1.0 of the permit application, the owner of the facility and land is Municipal Operations, LLC, P.O. Box 1689, Spring, Texas 77383.

COMMENT 79:

Kortnee McDowell expressed concern that the Applicant moved the proposed discharge point one mile upstream to avoid notifying neighboring properties.

RESPONSE 79:

TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26 and 30 TAC Chapter 309, relating to "Domestic Wastewater Effluent Limitations and Plant Siting."

If the Applicant updates its application with a different location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route. For discussion of the public notice, see Response 72.

COMMENT 80:

Jerome Cohen commented that he lives closer than two miles away from the proposed facility's location.

RESPONSE 80:

TCEQ acknowledges this comment. For discussion of public notice, see Response 72.

COMMENT 81:

Jack David Trawick expressed concern that the proposed facility is too small to serve the proposed development.

RESPONSE 81:

Per application, preliminary plans for the Guajolote Ranch development involve building a subdivision with approximately 2,900 living unit equivalents (LUE). The proposed flow in the application is 1,000,000 gallons per day (gpd). Per 30 TAC Chapter 217.32(a)(3) (Table B.1), the design flow for subdivision for residential is 75-100 gallons per person. Estimating 300 gpd per person, the flow is 870,000 gpd. Accordingly, the facility should have sufficient capacity to serve the development. Per

Other Requirement No. 7 of the draft permit, prior to construction of the treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications, and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the effluent limitations required on Pages 2, 2a, and 2b of this permit.

COMMENT 82:

John Aryaud asked if the Applicant may change the location of or setbacks from the proposed facility and discharge point once a TPDES permit is granted.

RESPONSE 82:

Applicant may change the location of or setbacks from the proposed facility and discharge point once a TPDES permit is granted. However, that action would require the permittee to submit a major amendment application.

If the Applicant submits a major amendment application with a different discharge or facility location or a different discharge route, the Executive Director will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.

COMMENT 83:

Randy R. Neumann asked if TCEQ considers the number of homes along the discharge route and the proximity of those homes to the discharge route when considering a TPDES permit application.

RESPONSE 83:

The TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. Any persons who submit a comment or contested case hearing

request prior to the end of the public comment period are added to the mailing list for that application.

M. Comments about the Proposed Facility's Operation and Monitoring

COMMENT 84:

Emory Bluhm asked which licenses are required to operate a wastewater treatment facility. Emory Bluhm asked what will happen if there is a malfunction at the proposed facility.

RESPONSE 84:

Spills are not expected to occur at this facility if it is maintained and operated in accordance with TCEQ rules and the provisions in the draft permit. Permit Condition 2(g) prohibits unauthorized discharge of wastewater or any other waste. The permittee is required to ensure that the proposed facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Except as allowed by 30 TAC § 305.132, the Applicants will be required to report any unauthorized discharge to TCEQ within 24 hours and the Applicants will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or with TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 13 Office at 210-490-3096. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>.

This facility must be operated by a chief operator or an operator holding a Class C license or higher during the Interim I and II phases, and Class B license or higher during the Final phase. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

COMMENT 85:

Jane Armstrong, Susan Calkins, Daniel Rosen, and Margaret Sassaman asked which monitoring requirements will be imposed on the Applicant.

RESPONSE 85:

The permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Measuring frequencies will be two/week for CBOD₅, TSS, NH₃-N, total phosphorus, and dissolved oxygen. *E. coli* shall be sampled daily, and pH shall be monitored once per week. Flow measurement will be conducted continuously via a totalizing meter. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Compliance Monitoring Team of the Enforcement Division, by the 20th day of the following month for each discharge described by this permit, whether or not a discharge was made in that month.

In accordance with 30 TAC § 305.125(9), the permittee shall report any noncompliance which may endanger human health or safety or the environment to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided to the Regional Office within 24 hours of the permittee becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division within five working days of becoming aware of the noncompliance.

COMMENT 86:

Britt Coleman and Stuart Birnbaum asked for more information on the specific engineering requirements for the proposed facility.

RESPONSE 86:

The applicant was required and submitted flow justification and design calculations in Domestic Technical Report 1.1 of the application. In addition, the permittee is required to submit plans and specifications of the plant design for approval, and the plans and specifications must be in compliance with 30 TAC Chapter 217, relating to “Design Criteria for Domestic Wastewater Systems”, before the permittee may begin construction of the wastewater treatment plant.

COMMENT 87:

Jill Trawick asked what level of treatment is required of the Applicant and who will be responsible for operating and maintaining the facility to ensure those treatment requirements are met.

RESPONSE 87:

Per information provided in the application, the Guajolote Ranch Wastewater Treatment Facility will be a Membrane Bioreactor (MBR) system activated sludge process plant operated in conventional mode with chemical phosphorous removal capability. Treatment units will include primary fine screen, equalization tank, secondary fine screen, anoxic tank, aeration basin, aeriated MBR tank, sludge holding tank, and ultraviolet light (UV) disinfection system.

This facility must be operated by a chief operator or an operator holding a Class C license or higher during the Interim I and II phases, and Class B license or higher during the Final phase. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

COMMENT 88:

Daniel Beary asked where the fresh water for the Applicant's development will come from. Daniel Beary also asked who will maintain the proposed facility and if the proposed facility will be larger than the development requires.

RESPONSE 88:

Information regarding the water source for the proposed development is not required and was not submitted as part of this wastewater permit application.

This facility must be operated by a chief operator or an operator holding a Class C license or higher during the Interim I and II phases, and Class B license or higher during the Final phase. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher.

Per application, preliminary plans for the Guajolote Ranch development involve building a subdivision with approximately 2,900 living unit equivalents (LUE). The proposed flow in the application is 1,000,000 gallons per day (gpd). Per 30 TAC Chapter 217.32(a)(3) (Table B.1), the design flow for subdivision for residential is 75-100 gallons per person. Estimating 300 gpd per person, the flow is 870,000 gpd. Accordingly, the facility should have sufficient capacity to serve the development.

COMMENT 89:

Rashel Haverkorn asked what the protocol for alerting landowners along Helotes Creek of discharged effluent that does not meet permit standards.

RESPONSE 89:

In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Compliance Monitoring Team of the Enforcement Division within five working days of becoming aware of the noncompliance.

N. Comments about the Native Ecosystem, Plants, and Wildlife

COMMENT 90:

The persons listed in Attachment 9 expressed concern about the adverse impact of discharged effluent on endangered species, other wildlife, plants, and ecosystems.

RESPONSE 90:

Consistent with TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an endangered species review was conducted and found that while several listed species, Peck's cave amphipod (*Stygobromus pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), and San Marcos salamander (*Eurycea nana*) can occur in Bexar County, this was not found to be a watershed of critical concern for these species based on the United States Fish and Wildlife Service's biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998, October 21, 1998 update). This determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion, or if new information is discovered and provided about the presence of endangered aquatic and aquatic dependent species in the watershed of Segment 1906. Because no priority watershed of critical concern was identified for this segment the US Fish & Wildlife Service was not notified, nor did the permit require EPA review with respect to the presence of endangered and threatened species.

As for concern for other wildlife, the permit was drafted was developed in accordance with the Texas Surface Water Quality Standards which provides that "Water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life,

livestock, or domestic animals, resulting from contact, consumption of aquatic organisms', consumption of water, or any combination of the three.”

COMMENT 91:

Marylee Williams expressed concern that discharged effluent will lead to bioaccumulation of pharmaceuticals in aquatic animals and endangered species native to the Edwards Aquifer.

RESPONSE 91:

The TCEQ has not investigated the potential effects of emerging contaminants, which includes Pharmaceuticals and Personal Care Products (PPCPs), in effluent. Neither the TCEQ nor the EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. The EPA is investigating emerging contaminants and has stated that scientists have not found evidence of adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants.

The science on emerging contaminants is currently evolving, and while the EPA and other agencies continue to study the presence of emerging contaminants, there is currently no clear regulatory regime available to address the treatment of emerging contaminants in domestic wastewater. Accordingly, neither the TCEQ nor the EPA has rules on the treatment of emerging contaminants in domestic wastewater.

COMMENT 92:

Justin McCord asked how the discharged effluent will affect pest densities, populations, and locations.

RESPONSE 92:

TCEQ does not have the authority to consider effects of discharged effluent on pest densities, populations, and locations as part of wastewater permit applications.

COMMENT 93:

Susan W. Beavin expressed concern that discharged effluent will adversely impact San Antonio's conservation easements at Crane Bat Cave, Scenic Canyon, Madla Nature Area, and the Lisa Pack family property.

RESPONSE 93:

The TCEQ does not have the authority under TWC Chapter 26 to address issues related to conservation easements or property values as part of the wastewater permitting process. However, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

O. Comments about Odors

COMMENT 94:

Jane Armstrong, Candy and Dutch Berkley, Susan Calkins, Justin McCord, Elizabeth Ann Toepperwein, and Randy R. Neumann expressed concern about the odors produced by the proposed facility. GEAA commented that the proposed facility does not have the required 500-foot buffer zone for odor as required by TCEQ's rules for treatment units with zones of anaerobic activity.

RESPONSE 94:

All wastewater treatment facilities have the potential to generate odors. To control and abate odors the TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. Applicant can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by Applicant; or 3) providing nuisance odor control. According to its application, Applicant intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line. This requirement is incorporated in the draft permit. Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility, if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

According to the application, the Guajolote Ranch Wastewater Treatment Facility will be a Membrane Bioreactor (MBR) system activated sludge process plant operated in conventional mode with chemical phosphorous removal capability. Maintaining an adequate dissolved oxygen concentration in the early stages of wastewater treatment

helps to minimize sulfide generation, which is the most common cause of odor. The treatment process proposed by the Applicant supplies oxygen from the air into the wastewater for biodegradation of the organic contaminants in the wastewater through aeration. Oxygen also turns the sulfide compounds into odorless sulfates.

However, if anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling toll-free 1-888-777-3186, or the TCEQ Region 13 Office, in San Antonio at 210-490-3096. Citizen complaints may also be filed on-line at

<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>.

Moreover, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

P. Comments about Air Quality

COMMENT 95:

Jane Armstrong and Emory Bluhm asked if any air quality studies have been done to determine the impact of the wastewater treatment facility on air quality. Jane Armstrong and Emory Bluhm asked if the effluent will emit toxic vapors. The San Antonio Metropolitan Health District expressed concern for air quality around the wastewater treatment facility since San Antonio is in moderate nonattainment for ozone. Michael William and Diana Schick expressed concern that the pressure at which effluent is discharged will aerosolize toxic residues. Kyle Cunningham, on behalf of Metro Health, expressed concern that the proposed facility will adversely impact San Antonio's non-attainment for ozone and NO_x.

RESPONSE 95:

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. According to the TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted

by rule, provided the wastewater treatment plant only performs the functions listed in the rule. In its application, the applicant will use a Membrane Bioreactor plant. This treatment process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's Texas Clean Air Act § 382.057 and § 382.05196 and is therefore permitted by rule.

Q. Comments about Impacts to Recreational Activities

COMMENT 96:

The persons listed in Attachment 10 expressed concern that discharged effluent will adversely impact recreational activities like swimming and fishing in Helotes Creek.

RESPONSE 96:

The treated effluent will be discharged via pipe to Helotes Creek, thence to a pond, thence to Helotes Creek, thence to Culebra Creek, thence to Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin. The unclassified receiving water uses are minimal aquatic life use for Helotes Creek (upstream of unnamed tributary) and limited aquatic life use for the pond and for Helotes Creek (downstream of unnamed tributary). The designated uses for Segment No. 1906 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code § 307.5 and TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Lower Leon Creek, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. Moreover, the permit does not limit an individual's ability to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 97:

Amanda Lyn Waldrop expressed concern that the effluent will adversely impact tourism in Grey Forest.

RESPONSE 97:

The TCEQ does not have the authority under TWC Chapter 26 to address issues related to ecotourism as part of the wastewater permitting process. However, the permit does not limit the ability of an individual to seek legal remedies against Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

R. Miscellaneous Questions and Comments

COMMENT 98:

Jack David Trawick and Rodney Herrer commented that the public meeting was held in a location with improper accommodations and request another public meeting with proper accommodations.

RESPONSE 98:

The Office of the Chief Clerk and the Applicant coordinate to select the date and location of the public meeting. The Executive Director apologizes for any inconvenience caused by the accommodations at the location of the public meeting.

COMMENT 99:

Emory Bluhm asked for the amount of taxpayer dollars spent on conservation easements within a 5-mile radius of the proposed facility.

RESPONSE 99:

Information regarding the cost of conservation easements is not required to be submitted as part of a TPDES permit application.

COMMENT 100:

Jeff Hanson asked if the City of Grey Forest may be granted authority to close the proposed facility's discharge line if the proposed facility fails to maintain permit standards for a 24-hour period.

RESPONSE 100:

The Executive Director does not have the authority to authorize a city to shut down a facility. However, the Applicant has a duty to comply with all conditions of the proposed permit. Failure to comply with any permit condition is grounds for enforcement actions, permit amendments, revocations, suspensions, denial of a permit

renewal applications, or even an application for a permit for another facility. This is because permit violations constitute violations of the permit and the TWC or the THSC. If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling toll-free 1-888-777-3186, or the TCEQ Region 13 Office, in San Antonio at 210-490-3096. Citizen complaints may also be filed on-line at <https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 101:

Michael Schick asked if TCEQ will risk the health of two million citizens by granting the Applicant's permit and refers to the situation in Hinkley, California with Erin Brockovich and PG&E.

RESPONSE 101:

The Executive Director acknowledges this comment. For discussion of impacts to human health, see response 16.

COMMENT 102:

Candy and Dutch Berkley, Felipe N. Garcia, and Randy R. Neumann expressed concern that effluent will adversely impact the use of Blue Hole as a swimming area.

RESPONSE 102:

Blue Hole is not in the path of this proposed discharge route. Additionally, the TCEQ performed a receiving water assessment on Helotes Creek. Helotes Creek was designated with primary contact recreation uses which is the highest form of contact recreation which includes the most stringent bacteria limit.

COMMENT 103:

Susan W. Beavin, Emily Bluhm, Tracey Smith, and Tim Santy commented criticizing TCEQ's review of the Applicant's permit application, asked what responsibility TCEQ owes to the citizenry of Bexar County, and asked about the strength of TCEQ's enforcement power. Aurelia Scharnhorst asked to what degree the Applicant or TCEQ is liable for pollution caused by the proposed facility.

RESPONSE 103:

Per Permit Conditions 2(i), the permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to

Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

The monetary amount of administrative fines are determined by the TCEQ Enforcement Division and depends on the nature and extent of the violation.

As provided by state law, the permittee is subject to administrative, civil, and criminal penalties, as applicable, for negligently or knowingly violating the CWA; TWC §§ 26, 27, and 28; and THSC § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with, or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

COMMENT 104:

Rhoads Reynolds Cannon expressed concern about noise and light pollution caused by the proposed facility.

RESPONSE 104:

The TCEQ does not have the authority under TWC Chapter 26 to address issues related to noise and light pollution as part of the wastewater permitting process.

However, the permit does not limit an individual's ability to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 105:

Robert B. Hoek and Stacey Johnson expressed concern that the Applicant does not have experience developing in the Texas Hill Country and that TCEQ does not have experience providing TPDES permits in the Texas Hill Country. Robert B. Hoek and Stacey Johnson asked if TCEQ assesses fines for permit violations and if TCEQ collects fines due on permit violations. Robert B. Hoek and Stacey Johnson asked if the Applicant will pay funds into an escrow account for road maintenance, road signals, and road signs required because of the proposed facility.

RESPONSE 105:

Information regarding development experience was not required and was not provided in the application. TCEQ is the State Agency who is responsible for issuing wastewater permits throughout the State of Texas, and TCEQ has issued permits in the Hill Country.

For discussion regarding fines, see Response 103.

No information was required or provided in the application regarding whether the Applicant would pay funds into an escrow account for road maintenance, road signals, and road signs required because of the proposed facility.

TCEQ does not have the authority under TWC Chapter 26 to address issues related to roads or traffic as part of the wastewater permitting process.

However, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 106:

Kathy Rhoads, on behalf of the Conservation Society of San Antonio, expressed concern that San Antonio's conservation easements will be adversely impacted by effluent discharged from the proposed facility.

RESPONSE 106:

The methodology of the Procedures to Implement the Texas Surface Water Quality Standards (IPs; June 2010) is designed to ensure that no facility will be allowed to discharge wastewater that either 1) results in instream aquatic toxicity or 2) causes a violation of an applicable narrative or numeric state water quality standard. Although review of specific conservation easements is beyond the scope of the wastewater permitting process, it is designed to develop permits that are protective of current uses and include strict effluent limits which protect the receiving waters.

COMMENT 107:

Patrick Kelly McDowell asked how TCEQ is meeting the de minimus standards of the Clean Water Act, the Endangered Species Act, and TCEQ's regulations. Patrick Kelly McDowell also asked if the State has funds or programs to mitigate the impacts of effluent discharge that does not meet permit standards.

RESPONSE 107:

The TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Section 402 of the Clean Water Act, Chapter 26 of TWC, and 30 TAC Chapters 305, 307 and 309, including specific statutes regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

As part of the application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. To achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with 30 TAC § 307.5 and the TSWQS IPs (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review preliminarily determined that no significant degradation of water quality is expected in Lower Leon Creek, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. Effluent limitations in the draft permit for the conventional effluent parameters (i.e., BOD₅, TSS, and minimum DO) are based on stream standards and waste load

allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

As provided in the *Procedures to Implement the State Surface Water Quality Standards* (June 2010) the Executive Director reviewed the application for potential impacts to aquatic or aquatic-dependent federally listed endangered or threatened species. No priority watershed of critical concern has been identified in Segment 1906. However, the Peck's cave amphipod (*Stygobromus pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), and San Marcos salamander (*Eurycea nana*) can occur in Bexar County. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion.

COMMENT 108:

Denise Newlin and Patricia McEntire asked if TCEQ personnel have physically visited the site of the proposed facility.

RESPONSE 108:

Yes. TCEQ personnel have physically visited the site of the proposed facility.

COMMENT 109:

Nicole Balderas asked to what degree TCEQ considers surface water features when reviewing a TPDES permit application. Nicole Balderas also asked how the proposed facility fits within the City's Sustainability Climate Action Plan.

RESPONSE 109:

The TCEQ performed a rigorous receiving water assessment and modeling review that considered surface water features. The review is designed to consider specific surface water features so that the permit can be protective of those characteristics. This is reflected in the stringent permit limits. Additional information about the methodology of the review can be found in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010). In addition to this process, TCEQ staff walked part of the discharge route for additional observations and verification. Compliance with a city's Climate Action Plan is outside the scope of the TPDES permitting process.

COMMENT 110:

Terri T. McWilliams, Morgan Mogler, and Randy R. Neumann expressed concern that discharged effluent will adversely impact nearby historic landmarks and historic neighborhoods.

RESPONSE 110:

The TCEQ sends notice of the application for new and major amendment permit actions to the Texas Historical Commission (THC). The Applicant is responsible for coordinating separately with the THC with regard to the requirements of the THC. The THC requirements do not affect the TCEQ permitting process.

COMMENT 111:

Sheri Rosen asked if there will be a trust established to cover the cost of cleaning polluted water and compensating people made sick by effluent.

RESPONSE 111:

The Executive Director has determined that the proposed draft permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit and the rules and other orders of the Commission. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility. However, establishing a trust to cover the cost of cleaning polluted water and compensating people made sick by effluent is not required and was not submitted as part of the application.

COMMENT 112:

Lou Hoffman asked if TCEQ has contacted any Bexar County officials or City of San Antonio officials in relation to this TPDES permit application.

RESPONSE 112:

TCEQ was not required to contact and has not contacted any Bexar County officials or City of San Antonio officials in relation to this TPDES permit application.

COMMENT 113:

David A. Whitt commented that he disagrees with Helotes Creek's designation as a navigable stream. David A. Whitt also asked if TCEQ may authorize a discharge route that traverses the privately owned and maintained dams across Helotes Creek.

RESPONSE 113:

The navigability of the stream proposed for the discharge route is not considered during the review of a TPDES application. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

COMMENT 114:

Moody Grant asked that TCEQ provide all documentation regarding the Applicant's proposed facility in a transparent manner. Moody Grant asked if TCEQ will keep open communication with affected residents in case of future concerns or issues.

RESPONSE 114:

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Igo Library, 13330 Kyle Seale Parkway, San Antonio, Texas.

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling toll-free 1-888-777-3186, or the TCEQ Region 13 Office, in San Antonio at 210-490-3096. Citizen complaints may also be filed on-line at

<https://www.tceq.texas.gov/assets/public/compliance/monops/complaints/complaints.html>

COMMENT 115:

Frank David Grammens asked if TCEQ weighs the Applicant's economic benefit against the potential risk to downstream individuals. Frank David Grammens asked what TCEQ will do if effluent from the proposed facility contaminates private wells.

RESPONSE 115:

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. Please contact the Water Supply Division at 512-239-4691 for more information.

The Ground Water Rule, 30 Texas Administrative Code § 290.109 and § 290.116, does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and are therefore not subject to TCEQ regulation. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. It is the responsibility of the private well owner to take steps to have their water quality tested at least annually for possible constituents of concern—or more often if the well is thought to have a surface water connection. Please see <http://wellowner.org/water-quality/water-testing/> for more information about testing private water wells. If your well tests positive for fecal coliform bacteria, please see the Texas A&M AgriLife Extension publication titled “What to Do About Coliform Bacteria in Well Water” at <https://twon.tamu.edu/wp-content/uploads/sites/3/2021/06/what-to-do-about-coliform-in-well-water.pdf> or the TCEQ publication titled “Disinfecting Your Private Well” at <https://www.tceq.texas.gov/downloads/drinking-water/preparedness-resources/gi-432.pdf> for more information.

COMMENT 116:

Cynthia Massey asked if discharge from the proposed facility will cause Helotes Creek to run year-round. Cynthia Massey asked what will happen if the Applicant underestimated the amount of effluent the proposed facility will discharge.

RESPONSE 116:

The TCEQ does not have jurisdiction to address runoff, flooding, or erosion issues in the wastewater permitting process. Under TWC Chapter 26 and applicable wastewater permitting regulations, the TCEQ's permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes, and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

For any flooding concerns, members of the public may wish to contact the applicable floodplain management office. The TCEQ Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling (512) 239-4691. Additionally, FEMA has programs designed to mitigate damage caused by flooding.

Per application, preliminary plans for the Guajolote Ranch development involve building a subdivision with approximately 2,900 living unit equivalents (LUE). The proposed flow in the application is 1,000,000 gallons per day (gpd). Per 30 TAC Chapter 217.32(a)(3)(Table B.1), the design flow for subdivision for residential is 75-100 gallons per person. Estimating 300 gpd per person, the flow is 870,000 gpd. So, the flow was estimated per TCEQ rules.

As provided by state law, the permittee is subject to administrative, civil, and criminal penalties, as applicable, for negligently or knowingly violating the CWA; TWC §§ 26, 27, and 28; and THSC § 361, which includes, but is not limited to, knowingly making any false statement, representation, or certification on any report, record, or other document submitted to TCEQ under this permit.

COMMENT 117:

Michael David Griffin asked if TCEQ will do anything to protect property values downstream of the discharge point.

RESPONSE 117:

The TCEQ does not have the authority under TWC Chapter 26 to address issues related to property values as part of the wastewater permitting process.

However, the permit does not limit an individual's ability to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other cause of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

COMMENT 118:

Annie McEntire asked if TCEQ or the Applicant will study the impact of effluent on the Edwards Aquifer, San Antonio's drinking water, and endangered species. John and Rosalie Mills asked if there is a survey of open caves along the discharge route and the Helotes Creek Floodplain.

RESPONSE 118:

The permit will comply with the Edwards Aquifer rule in 30 TAC § 216.6 for wastewater treatment and disposal systems. This effluent set in the draft permit, is consistent with the Edwards Aquifer rule. There is no plan for the TCEQ to study the impact of the effluent on the Edwards Aquifer, San Antonio's drinking water, or endangered species.

COMMENT 119:

Terri T. McWilliams asked what the purpose of holding a Public Hearing is. Terri T. McWilliams asked if the TCEQ Director or Commissioners will advise the Legislature of difficulties in TCEQ's processes that require legislative attention. Terri T. McWilliams asked if TCEQ has the authority to approve a discharge route through private property.

RESPONSE 119:

A public meeting provides the public the opportunity to submit comments to the TCEQ related to a proposed action. 30 TAC § 55.154(a). Public meetings are not mandatory for every permit, but the Executive Director may choose to hold a public meeting when one of the five circumstances listed in 30 TAC § 55.154(c) is fulfilled. If anyone has suggestions on improving the TCEQ's processes related to permit review and approval, please contact your elected Texas state representative.

The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual,

partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

III. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

No changes were made to the draft permit in response to comments.

Respectfully submitted,
Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Erin Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on January 5, 2024 the “Executive Director’s Response to Public Comment” for Permit No. WQ0016171001 was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk.



Brad Eckhart, Staff Attorney
Environmental Law Division
State Bar No. 24137368



Fernando Salazar Martinez, Staff Attorney
Environmental Law Division
State Bar No. 24136087

Attachment 1

Groups, Governmental Entities, and Organizations

The City of Grey Forest City Council
The Conservation Society of San Antonio
Escondida Road Neighborhood Group
Greater Edwards Aquifer Alliance (GEAA)
Hill Country Alliance
The Residents of the Canyons at Scenic Loop
River Aid San Antonio
San Antonio Metropolitan Health District
Scenic Loop—Helotes Creek Alliance
Senator Frank L. Madla Natural Area Board of Directors

Individuals

Aburto, Iliana	Cahill, Thomas P.	Garcia, Felipe N.
Aburto, Jorge	Calkins, Susan	Garro, Paul Joseph
Alles, Richard M.	Cannon, Rhoads	Geiman, Jennifer Jeanette
Allmon, Eric	Reynolds	George, Jason
Alvarez, Xavier	Carey, Peter	Gern, Dee
Ammerman, Maria Elena	Carriles, Luis	Gibbons, Brendan
Arevalo, Ofelia	Castillo, Mariana	Glavy, Nathan
Armstrong, Jane	Castillo, Richard	Goods, Etienne Dale
Ayraud, John P.	Castillo, Zach	Goods, Rosene
	Chaffee, John	Gottwald, Donna
Bailey, Kathleen Frances	Clark, David	Grammens, Frank David
Baker, Patricia	Cohen, Jerome	Grammens, Kirsten
Balandran, Karen T.	Coleman, Britt	Granados, Tanya
Balderas, Nicole	Cortez, Philip	Green, Ronald T.
Balzen, Hunter	Craig, Andrew	Griffin, Michael David
Beary, Daniel	Crouch, Juliana	Grimes, Cynthia Day
Beavin, Susan W.	Cunningham, Henry	Gryting, Kimberly
Bellizzi, Anthony	Cunningham, Kyle	
Berkley, Candy	Cunningham, Patricia	Hanes, Martha A.
Berkley, Dutch	Kyle	Hanson, Jeff
Berrier, Kristina		Haverkorn, Rashel
Bigham, Melissa	Darst, Donald Dale	Heinz, Samuel
Birnbaum, Annette	Davis, Jeff	Henderson, Dan
Birnbaum, Stuart	Dobbs, Jerry	Hernandez, Antonio P.
Bitter, Michael	Dunn, Mark A.	Herrera, Elizabeth
Blank, Charles	Duthie, Donald Storms	Herrera, Rodney
Bluhm, Emory		Hickam, Midori
Bohls, Linda Mercer	Evans, Mary Jane	Higgins, Susan
Briggs, Mary		Hill, George
Briggs, Tom	Feist, John Russell	Hill, Samantha
Bruno, Marisa	Fenstermaker, A.L.	Hixon, Karen J.
Burkholder, Ginger	Fenstermaker, Mary	Hoek, Robert B.
Burris, Jim	Fleming, Todd Edan	Hofman, Lou
Burris, Sandy	Gaenzel, Ferdinand	Holleway, Holly

Holleway, Lee
Hooper, Barbara
Hough, Tim

Jackson, David
Johnson, Stacey R.

Kelch, Kelley
Kelch, Randy
Kosub, Darlene B.
Kushner, Frederica P.

Lee, Lesli Hicks
Lee, Steve
Locke, Bob
Locke, Rebecca C.
Lockwood, Linda
Lopez, Fernando
Lopez, Jesus
Lowrance, Eddie

Martinez, Sally
Massey, Cynthia
Mautz, Marjorie
McCord, Justin
McCord, Patricia
McDowell, Kortnee
McDowell, Patrick Kelly
McEntire, Annie
McEntire, Kerry
McEntire, Patricia
McWilliams, Terri T.
Melendez, Griselda
Mercer, Sarah
Michael, Vincent
Miller, Katherine
Mills, John
Mills, Rosalie
Mogler, Morgan
Moody, Grant
Moore, Myfe M.
Moore, Rick
Morovitz, Steve
Muldowney, Jerry
Muldowney, Karen
Murphy, Jessica

Naylor, Bryan
Nettle, Donald
Neumann, Randy R.
Newlin, Denise
Nikas, Laura
Nottingham, Jennifer

Obregon, Alex
Oddo, Matthew
Offoegbu, Angela
Offoegbu, Kennedy
Olvera, Rose

Pack, Lisa Muyres
Passmore, Mary
Pease, Annalisa M.
Perez, Manuel Jesus
Phillips, Michael
Pierce, Melissa
Pointon, Tammy
Poss, Geri
Pregmon, Judy
Pregmon, Mark

Queck, Ryan

Ramirez, Cristina
Rayburn, Jana
Rayburn, Steve C.
Resendez, Randy
Reyna, Juan A.
Reyna, Joni F.
Rhoads, Kathy
Rice, George
Rivera, Christopher
Roan, Timothy
Rosen, Daniel
Rosen, Sheri
Rothstein, Kristen
Ruebe, Richard
Ryan, Patricia C.
Ryan, Porter

Samollow, Catherine M.
Samollow, Paul B.
Sander, Rachel

Santos, Kelly F.
Santy, Tim
Sassaman, Margaret
Scarnhorst, Aurelia
Scharf, Irene
Schick, Diana M.
Schick, Michael William
Schulze, David
Sexton, Richard
Smith, Noel L.
Smith, Tracey L.
St. Clair, Shari
Stanley, Belinda
Stevens, Michael
Sulak, Jill
Sulak, Joe
Swartzendruber, Byron
Swisher, James

Terrazas, Art
Terrazas, Patricia
Tobey, Jann Sisco
Toepperwein, Elizabeth
Ann
Trawick, Jack David
Trawick, Jill
Traylor, Cari
Traylor, Jeff
Turner, Jeffrey

Van Steenberg, Dru
Van Steenberg, Gustav N.
Verity, Kimberly
Viera, Robert

Waldrop, Amanda Lyn
Warren, William Hunter
Watkins, Dixie
Webster, Jennifer
White, Jeffery
Whitt, David A.
Williams, Linda
Williams, Marylee
Willmann, Beverly P.

Attachment 2
General Opposition

Groups, Governmental Entities, and Organizations

The City of Grey Forest City Council
The Conservation Society of San Antonio
Escondida Road Neighborhood Group
GEAA
Hill Country Alliance
The Residents of the Canyons at Scenic Loop
River Aid San Antonio
San Antonio Metropolitan Health District
Scenic Loop—Helotes Creek Alliance
Senator Frank L. Madla Natural Area Board of Directors

Individuals

Alles, Richard	Evans, Mary Jane	McEntire, Kerry.
Alvarez, Xavier	Feist, John Russell	McWilliams, Terri T.
Armstrong, Jane	Fleming, Todd Edan	Miller, Katherine
Bailey, Kathleen Frances	Gaenzel, Ferdinand	Mogler, Morgan
Baker, Patricia	Garcia, Felipe N.	Moore, Rick
Balandran, Karen T.	Geiman, Jennifer Jeanette	Morovitz, Steve
Balderas, Nicole	Grammens, Frank David	Nettle, Donald
Beavin, Susan W.	Grammens, Kirsten	Neumann, Randy
Bellizzi, Anthony	Granados, Tanya	Nikas, Laura
Berkley, Candy	Hanson, Jeff	Nottingham, Jennifer
Berkley, Dutch	Heinz, Samuel	Oddo, Matthew
Berrier, Kristina	Henderson, Don	Olvera, Rose
Bigham, Melissa	Hernandez, Antonio	Pack, Lisa Muyres
Birnbaum, Annette	Hickman, Midori	Passmore, Mary
Birnbaum, Stuart	Higgins, Susan	Perez, Manuel Jesus
Blazen, Hunter	Hixon, Karen J.	Pointon, Tammy
Bluhm, Emory	Hooper, Barbara	Poss, Geri
Burkholder, Ginger	Lee, Leslie Hicks	Ramirez, Cristina
Cahill, Thomas P.	Lee, Steve	Rayburn, Jana
Cannon, Rhoads	Lopez, Jesus	Rayburn, Steve C.
Reynolds	Martinez, Sally	Resendez, Randy
Clark, David	Massey, Cynthia	Reyna, Joni F.
Coleman, Britt	Mautz, Marjorie	Roan, Timothy
Craig, Andrew	McCord, Justin	Rosen, Daniel
Cunningham, Henry	McDowell, Kelly	Rosen, Sheri
Cunningham, Patricia	McDowell, Kortnee	Ryan, Porter
Kyle	McDowell, Patrick Kelly	Sander, Rachel
Davis, Jeff	McEntire, Annie	Santy, Tim
Dobbs, Jerry		

Scharf, Irene
Scharnhorst, Aurelia
Schick, Michael
Schulze, David
Schwarzendruber, Byron
Sexton, Richard
Smith, Tracey
St. Clair, Shari

Attachment 3

Water Quality

Groups, Governmental Entities, and Organizations

GEAA

The Residents of the Canyons at Scenic Loop

Individuals

Alles, Richard
Arevalo, Ofelia
Armstrong, Jane

Balderas, Nicole
Beavin, Susan W.
Bellizzi, Anthony
Birnbaum, Stuart

Carey, Peter
Carriles, Luis
Chaffee, John
Clark, David
Cohen, Jerome
Cunningham, Patricia
Kyle

Davis, Jeff

Grammens, Frank David
Grammens, Kirsten

Hough, Tim

Lee, Steve
Lockwood, Linds

Massey, Cynthia
Mautz, Marjorie
McCord, Justin
McDowell, Kortnee
McDowell, Patrick Kelly
McEntire, Annie
McEntire, Kerry
McWilliams, Terri T.
Morovitz, Steve

Offoegbu, Kennedy

Pack, Lisa Muyres
Pointon, Tammy
Poss, Geri
Pregmon, Judy

Pregmon, Mark

Queck, Ryan
Rice, George
Roan, Timothy
Ryan, Porter

Samollow, Catherine M.
Samollow, Paul B.
Sassaman, Margaret
Scharnhorst, Aurelia
St. Clair, Shari
Stanley, Belinda
Sulak, Jill
Sulak, Joe

Terrazas, Art
Terrazas, Patricia
Toepperwein, Elizabeth
Ann
Trawick, Jack David

Attachment 4
Edwards Aquifer

Groups, Governmental Entities, and Organizations

The Conservation Society of San Antonio
GEAA
River Aid San Antonio

Individuals

Arevalo, Ofelia	Holleway, Holly	Perez, Manuel Jesus
Balandran, Karen T.	Holleway, Lee	Rosen, Sheri
Balderas, Nicole	Hough, Tom	Ryan, Porter
Beavin, Susan W.	Lopez, Jesus	Samollow, Catherine M.
Cahill, Thomas P.	Martinez, Sally	Samollow, Paul B.
Carriles, Luis	McCord, Justin	Smith, Noel L.
Chaffee, John	McWilliams, Terri T.	Sulak, Jill
Clark, David	Morovitz, Steve	Sulak, Joe
Garcia, Felipe N.	Naylor, Bryan	Trawick, Jack David
Grammens, Frank David	Neumann, Randy R.	
Hoffman, Lou	Pack, Lisa Muyres	

Attachment 5
Human Health

Groups, Governmental Entities, and Organizations

The Conservation Society of San Antonio
GEAA
The Residents of the Canyons at Scenic Loop

Individuals

Alles, Richard	Griffin, Michael David	Offoegbu, Angela
Arevalo, Ofelia		Offoegbu, Kennedy
Armstrong, Jane	Hernandez, Antonio	Poss, Geri
Baker, Patricia	Hoffman, Lou	Reyna, Juan A.
Beavin, Susan W.	Jackson, David	Sassaman, Margaret
Chaffee, John	Massey, Cynthia	Schick, Michael
Cunningham, Patricia	McCord, Justin	Schwartzendruber,
Kyle	McWilliams, Terri T.	Byron
Davis, Jeff	Moore, Myfe	Terrazas, Art
Grammens, Frank David	Morovitz, Steve	Terrazas, Patricia
Grammens, Kirsten	Nottingham, Jennifer	

Toepperwein, Elizabeth
Ann

Trawick, Jack David
Waldrop, Amanda Lyn

Warren, Hunter

Attachment 6

Drinking Water

Groups, Governmental Entities, and Organizations

The Conservation Society of San Antonio

Individuals

Armstrong, Jane

Baker, Patricia
Balandran, Karen T.
Berkley, Candy
Berkley, Dutch

Cahill, Thomas P.
Chaffee, John
Cunningham, Patricia
Kyle

Gaenzel, Ferdinand

Gottwald, Donna
Grammens, Frank David
Grammens, Kirsten
Griffin, Michael David

Hoffman, Lou

Lee, Steve

Massey, Cynthia
McCord, Justin

Poss, Geri

Resendez, Randy
Reyna, Joni F.
Roan, Timothy
Ryan, Porter

Samollow, Catherine M.
Samollow, Paul B.
Schick, Michael
Sulak, Jill
Sulak, Joe
Swartzendruber, Byron

Attachment 7

Flooding

Individuals

Armstrong, Jane

Baker, Patricia
Beavin, Susan W.
Berkley, Candy
Berkley, Dutch
Bigham, Melissa

Calkins, Susan
Carey, Peter
Chaffee, John

Griffin, Michael David
Grimes, Cynthia Day

Hanson, Jeff
Haverkorn, Rashel

Hernandez, Antonio

Jackson, David

Lockwood, Linda
Lopez, Fernando

Martinez, Sally
Mautz, Marjorie
McCord, Justin
McWilliams, Terri T.

Nettle, Donald
Neumann, Randy R.

Pointon, Tammy

Rayburn, Jana
Rayburn, Steve C.
Roan, Timothy
Rosen, Daniel

Santy, Tim
Scarnhorst, Aurelia
Smith, Noel L.
Stanley, Belinda
Sulak, Jill

Terrazas, Art
Terrazas, Patricia
Trawick, Jack David

Webster, Jennifer

Attachment 8
Compliance History

Individuals

Beavin, Susan W.	Hickam, Midori	Roan, Timothy
Coleman, Britt	Hoek, Robert B.	Stevens, Michael
Fleming, Todd Edan	Martinez, Sally	Swartzendruber, Byron
Grammens, Frank David	Poss, Geri	Trawick, Jill

Attachment 9
Wildlife, Plants, and the Ecosystem

Groups, Governmental Entities, and Organizations

The Conservation Society of San Antonio
GEAA
The San Antonio Metropolitan Health District

Individuals

Arevalo, Ofelia	Jackson, David	Pregmon, Mark
Armstrong, Jane	Kosub, Darlene B.	Sassaman, Margaret
Beavin, Susan W.	McDowell, Patricia Kelly	Toepperwein, Elizabeth
Berkley, Candy	McEntire, Kerry	Ann
Berkley, Dutch	McWilliams, Terri T.	Trawick, Jack David
Cohen, Jerome	Moore, Myfe	Waldrop, Amanda Lyn
Cunningham, Kyle	Neumann, Randy R.	Watkins, Dixie
Davis, Jeff	Newlin, Denise	Williams, Marylee
Garcia, Felipe N.	Poss, Geri	
Griffin, Michael David	Pregmon, Judy	

Attachment 10

Recreation

Individuals

Armstrong, Jane	McWilliams, Michael David	Rayburn, Steve C.
Cunningham, Patricia Kyle	Moore, Myfe	Rosen, Daniel
Dobbs, Jerry	Nettle, Donald	Santy, Tim
Griffin, Michael David	Poss, Geri	Terrazas, Art
	Rayburn, Jana	Terrazas, Patricia
		Warren, Hunt

