

**Melissa Schmidt**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, June 7, 2021 10:11 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015933001  
**Attachments:** 06.04.21 GBRA Letter for Public Meeting and Hearing-Permit WQ0015933001-Studio Estates.pdf

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**From:** ckerr-moore@gbra.org <ckerr-moore@gbra.org>  
**Sent:** Friday, June 4, 2021 4:41 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015933001

**REGULATED ENTY NAME** STUDIO ESTATES WWTP

**RN NUMBER:** RN111110011

**PERMIT NUMBER:** WQ0015933001

**DOCKET NUMBER:**

**COUNTY:** HAYS

**PRINCIPAL NAME:** STUDIO ESTATES LLC

**CN NUMBER:** CN602978512

**FROM**

**NAME:** Courtney Kerr-Moore

**E-MAIL:** [ckerr-moore@gbra.org](mailto:ckerr-moore@gbra.org)

**COMPANY:** Guadalupe-Blanco River Authority

**ADDRESS:** 933 E COURT ST  
SEGUIN TX 78155-5819

**PHONE:** 8303795822

**FAX:**

**COMMENTS:** See attached letter.

June 4, 2021

Ms. Laurie Gharis  
Office of the Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, Building F  
Austin, TX 78735

RE: Request for Public Meeting, Request for a Contested Case Hearing, and Comments on New Permit  
TCEQ Domestic Wastewater Permit No. WQ0015933001 Studio Estates, LLC.

Dear Ms. Gharis,

The Guadalupe-Blanco River Authority (GBRA) provides these comments consistent with its directive as a Conservation and reclamation district created by the State of Texas in order to control, store and preserve the waters of any rivers and streams, including the Guadalupe and Blanco Rivers and their tributaries for all useful purposes.

Under proposed permit No. WQ0015933001, the discharge of the treated effluent will flow to Brushy Creek then to Plum Creek then to the San Marcos River of the Guadalupe River Basin. GBRA is concerned that the proposed permit parameter limitations in the proposed permit are not protective, particularly in the final phase with no ammonia nitrogen or total phosphorous, and tighter standards are needed to preserve the integrity of the water quality in this area and stream segments.

The proposed permit which does not include limits established for ammonia nitrogen or total phosphorous is inconsistent with other similar permits issued for this area. GBRA is a stakeholder in the Plum Creek Watershed Protection Plan (WPP), where stewardship and protection of the creeks and their associated watersheds includes voluntary and non-regulatory management. Since 2010, portions of Plum Creek have been listed as impaired on the Texas Integrated Report (IR) of Surface Water Quality in category 4b. The 2020 IR lists concerns for nitrate nitrogen, ammonia nitrogen and total phosphorus within the Plum Creek Watershed. The proposed permit is inconsistent with the goals of the WPP as well as the recommendations and best management practices (BMPs) established by said plan to reduce nutrient loading in the watershed. GBRA's commitment to water quality and compliance with such permits in the Guadalupe-Blanco River basin is of paramount importance.

### **Request for a Public Meeting**

GBRA requests a public meeting so that applicant, Studio Estates, and the Texas Commission on Environmental Quality staff may provide clarification on this proposed permit and water quality concerns. Granting the public meeting to address GBRA's water quality concerns may prevent the need for a contested case hearing on this application.

Main Office: 933 East Court Street ~ Seguin, Texas 78155  
830-379-5822 ~ 800-413-4130 ~ 830-379-9718 fax ~ [www.gbra.org](http://www.gbra.org)



**Guadalupe-Blanco River Authority**  
*flowing solutions*

**Request for a Contested Case Hearing:**

In addition to a public meeting, and in order to preserve GBRA's rights to contest this application, GBRA requests a contested case hearing on this application. GBRA's address is as follows:

Guadalupe-Blanco River Authority  
933 East Court Street  
Seguin, TX 78155

Correspondence regarding the Studio Estates application and GBRA's comments and request for a contested case hearing should be directed to the following:

Assistant General Counsel  
Guadalupe-Blanco River Authority  
933 East Court Street  
Seguin, TX 78155

GBRA is an affected person with a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Studio Estates application. GBRA's interest is not common to the members of the general public. The proposed wastewater treatment plant and discharge are located within GBRA's ten-county statutory district, which includes Kendall, Comal, Hays, Caldwell, Guadalupe, Gonzales, DeWitt, Victoria, Calhoun and Refugio counties. *See* Act Approved October 23, 1933, 43d Leg., 1<sup>st</sup> C.S., ch. 75, § 1, 1933 Tex. Gen. Laws 198; Act of October 17, 1935, 44th Leg., 1<sup>st</sup> C.S., ch. 410, § 1, 1935 Tex. Gen. Laws 1615; Act of June 2, 1969, 61st Leg., R.S., ch. 432, § 1, 1969 Tex. Gen. Laws 1465; Act of June 19, 1975, 64th Leg., R.S., ch. 433, § 1, 1975 Tex. Gen. Laws 1149. Additionally, GBRA has a wastewater treatment plant that discharges to the same segment of Plum Creek.

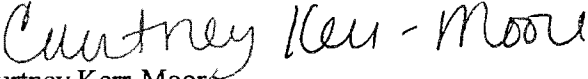
GBRA has an interest in protecting, and the authority to protect, the water quality in the rivers and streams within its district. GBRA enabling legislation grants GBRA the authority to preserve the waters of any rivers and streams. Act of June 19, 1975, 64th Leg., R.S., ch. 433, § 2, 1975 Tex. Gen. Laws 1149. Additionally, section 26.171 of the Texas Water Code authorizes GBRA to inspect the public water in its area to determine if the quality of the water meets the state water quality standards, to determine if persons discharging effluent into the public water have obtained permits, and to determine if those permit holders are complying with the requirements of the permit. Granting a discharge permit that does not protect water quality, or granting a discharge permit to an entity that cannot comply with the terms of the permit adversely affects GBRA and thwarts its legislative directive to preserve the water within its district. GBRA's authority to protect and preserve the water quality within its district confers it with a personal justiciable interest affected by the Studio Estates Application.

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**4. Issues to be Referred to SOAH**

The issues raised by GBRA in its comments above should be referred to the State Office of Administrative Hearings for a contested case on those disputed issues of fact and law.

Sincerely,

  
Courtney Kerr-Moore  
GBRA Legal Counsel