

**RUSSELL
RODRIGUEZ
HYDE
BULLOCK**

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:
Kerry Russell (retd.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:
Jonathan W. Needle

Of Counsel:
Karrie H. Marling

WQ
125963

REVIEWED

Email: arodriguez@txlocalgovlaw.com

AUG 16 2022 PM
By GCW H
RFR

August 10, 2022

VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED NO. 7018 0680 0002 2556 9595; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311

CHIEF CLERKS OFFICE

2022 AUG 15 PM 2:34

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant").

On April 14, 2022, in accordance with Title 30 of Texas Administrative code Chapter 55, Section 55.200, et seq., the City submitted to the Texas Commission on Environmental Quality ("Commission") a Request for Public Meeting and a Contested Case Hearing on the Application ("Request"), which included the City's formal comments, in the above-referenced matter. A copy of the Request is attached hereto and incorporated herein for all purposes as Exhibit No. 1.

The City now reasserts, restates, and resubmits the request for a public meeting and contested case hearing, and further requests that the Executive Director reconsider his decision in this matter. The City again formally requests a contested case hearing on the above-referenced application. The City further shows as follows:

On July 12, 2022, the Commission issued the Decision of the Executive Director. The Decision provides that requests for contested case hearings must be submitted "no later than 30 calendar days after the date of" the Decision, which would be August 11, 2022. Therefore, the City timely submits this Restated Request for a Public Meeting and a Contested Case Hearing on the Application and reconsideration of the Executive Director's decision. Further, the City incorporates all comments, pleadings, and other documents filed by the City in relation to the above-referenced application and incorporates them herein by reference as if copied verbatim herein.

The City hereby requests a contested case hearing on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City hereby requests a contested case hearing.

For the reasons below, the City is an affected person. The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits. The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heighten importance in ensuring that the

effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gases.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

The City is concerned that the wastewater treatment plant may be inadequate to ensure that the required effluent water quality will be achieved. Inadequate flows, operational deficiencies, influent, and heavy rain events cannot be adequately addressed with the current design.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City's reclaimed water program. Further, beneficial re-use and land application has not been sufficiently reviewed in order to prevent a new point source of pollution into the receiving stream.

The City is concerned whether the correct Qual-TX models were used to model the receiving waters. City is concerned that if the normal default parameters of the Qual-TX model were used, the draft Permit would not meet applicable standards for issuance. This is concerning because of the potential impacts on algae growth and aquatic life in the receiving waters.

The receiving stream further shows signs of algae growth already. With a higher ammonia limit allowed in the draft permit, there is a great likelihood of future algae problems. The City is concerned with the lack of Qual2K modeling performed to determine if the effluent limits are proper.

The City believes that the change in the receiving waters to "perennial" is incorrect.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

Issues related to Justiciability

The City is an affected person as it operates a wastewater collection system within three miles of the proposed facility. The City system can and should be explored for usage before approval of a new source of pollution is approved. Further, the property is within the City's extraterritorial jurisdiction. This criteria for justiciability has been found sufficient for municipalities in other recent cases before the Commission.

The City has sufficiently demonstrated that it is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

4. Issues to be Considered in a Contested Case Hearing:

- (a) Whether the proposed discharge will violate TCEQ's antidegradation policy and procedures, or negatively impact aquatic or terrestrial wildlife species, including livestock;
- (b) Whether the draft permit will be protective of surface water and groundwater quality;

- (c) Whether the permit is protective of water quality.
- (d) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (e) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (f) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (g) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.
- (h) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (i) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (j) Whether impacts on groundwater have been adequately addressed.
- (k) Whether the new plant violates the TCEQ's regionalization policy.
- (l) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (m) Whether nuisance odor conditions will be created.
- (n) Whether the Application is complete and provides truthful information upon which the TCEQ can rely.

For the reasons provided in the attached Request, all other documents filed by the City related to the Application, this request for contested case hearing, the City is an affected person in this matter; has standing to request a contested case hearing; and does request a contested case hearing and reconsideration of the Executive Director's Decision. These are critical issues the Commission should explore through an open and public contested case. The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

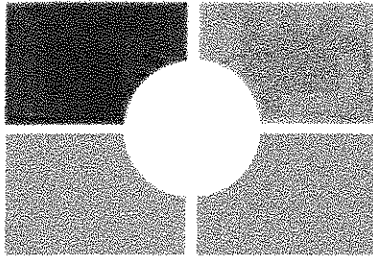
If we may be of further assistance or provide additional information, please contact me at the email above or 512-930-1317.

Sincerely,

A handwritten signature in black ink that reads "Arturo D. Rodriguez, Jr." followed by a stylized monogram "ADR".

Arturo D. Rodriguez, Jr.

cc: Client



**RUSSELL
RODRIGUEZ
HYDE
BULLOCK**

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:

Kerry Russell (ret.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:
Jonathan W. Needle

Of Counsel:
Karrie H. Marling

Email: arodriguez@txlocalgovlaw.com

April 14, 2022

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
NO. 7018 0680 0002 2556 9496; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311**

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant"). The City hereby requests a **public meeting** and a **contested case hearing** on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

~~REVIEWED~~

~~AUG 16 2022~~

~~By GCW H~~

~~PM~~
~~H~~
~~AP~~

EXHIBIT

1

2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. The location and distance of your property/activities relative to the proposed facility:

The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits.

4. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heightened importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gasses.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City's reclaimed water program.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

5. List of all disputed issues of fact

- (a) Whether the permit is protective of water quality.
- (b) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (c) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (d) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (e) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.

- (f) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (g) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (h) Whether impacts on groundwater have been adequately addressed.
- (i) Whether the new plant violates the TCEQ's regionalization policy.
- (j) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (k) Whether nuisance odor conditions will be created.
- (l) Whether the Application provides truthful information upon which the TCEQ can rely.

6. The City requests a public meeting and a contested case hearing on the Application.

The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at the number above or 512-930-1317.

Sincerely,



Arturo D. Rodriguez, Jr.

cc: Client

RRHB, LLP
1633 Williams Drive
Bldg 2, Suite 200
Georgetown, TX 78628

CERTIFIED MAIL
7018 0680 0002 2556 9595

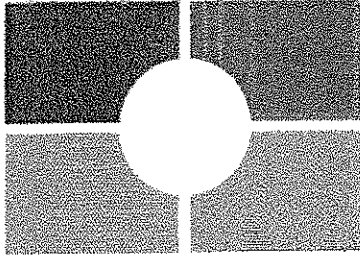
Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

UNITED STATES POSTAGE
02 1P \$008.00
0001984650 AUG 10 :
MAILED FROM ZIP CODE 71

RECEIVED
AUG 15 2022
TCEQ MAIL CENTER
JH

CHIEF CLERKS OFFICE
2022 AUG 15 PM 2:34
COMMISSION ON ENVIRONMENTAL QUALITY

WQ
125963



RUSSELL RODRIGUEZ HYDE BULLOCK

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:

Kerry Russell (ret'd.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:

Jonathan W. Needle

Of Counsel:

Karrie H. Marling

Email: arodriguez@txlocalgovlaw.com

REVIEWED

August 10, 2022

AUG 10 2022 PM
By GCW H
RFR

VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED NO. 7018 0680 0002 2556 9595; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant").

On April 14, 2022, in accordance with Title 30 of Texas Administrative code Chapter 55, Section 55.200, et seq., the City submitted to the Texas Commission on Environmental Quality ("Commission") a Request for Public Meeting and a Contested Case Hearing on the Application ("Request"), which included the City's formal comments, in the above-referenced matter. A copy of the Request is attached hereto and incorporated herein for all purposes as Exhibit No. 1.

The City now reasserts, restates, and resubmits the request for a public meeting and contested case hearing, and further requests that the Executive Director reconsider his decision in this matter. The City again formally requests a contested case hearing on the above-referenced application. The City further shows as follows:

On July 12, 2022, the Commission issued the Decision of the Executive Director. The Decision provides that requests for contested case hearings must be submitted "no later than 30 calendar days after the date of" the Decision, which would be August 11, 2022. Therefore, the City timely submits this Restated Request for a Public Meeting and a Contested Case Hearing on the Application and reconsideration of the Executive Director's decision. Further, the City incorporates all comments, pleadings, and other documents filed by the City in relation to the above-referenced application and incorporates them herein by reference as if copied verbatim herein.

The City hereby requests a contested case hearing on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City hereby requests a contested case hearing.

For the reasons below, the City is an affected person. The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits. The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heighten importance in ensuring that the

3 | Page

effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gases.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

The City is concerned that the wastewater treatment plant may be inadequate to ensure that the required effluent water quality will be achieved. Inadequate flows, operational deficiencies, influent, and heavy rain events cannot be adequately addressed with the current design.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City’s reclaimed water program. Further, beneficial re-use and land application has not been sufficiently reviewed in order to prevent a new point source of pollution into the receiving stream.

The City is concerned whether the correct Qual-TX models were used to model the receiving waters. City is concerned that if the normal default parameters of the Qual-TX model were used, the draft Permit would not meet applicable standards for issuance. This is concerning because of the potential impacts on algae growth and aquatic life in the receiving waters.

The receiving stream further shows signs of algae growth already. With a higher ammonia limit allowed in the draft permit, there is a great likelihood of future algae problems. The City is concerned with the lack of Qual2K modeling performed to determine if the effluent limits are proper.

The City believes that the change in the receiving waters to “perennial” is incorrect.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

Issues related to Justiciability

The City is an affected person as it operates a wastewater collection system within three miles of the proposed facility. The City system can and should be explored for usage before approval of a new source of pollution is approved. Further, the property is within the City’s extraterritorial jurisdiction. This criteria for justiciability has been found sufficient for municipalities in other recent cases before the Commission.

The City has sufficiently demonstrated that it is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

4. Issues to be Considered in a Contested Case Hearing:

- (a) Whether the proposed discharge will violate TCEQ's antidegradation policy and procedures, or negatively impact aquatic or terrestrial wildlife species, including livestock;
- (b) Whether the draft permit will be protective of surface water and groundwater quality;

5 | Page

- (c) Whether the permit is protective of water quality.
- (d) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (e) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (f) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (g) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.
- (h) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (i) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (j) Whether impacts on groundwater have been adequately addressed.
- (k) Whether the new plant violates the TCEQ's regionalization policy.
- (l) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (m) Whether nuisance odor conditions will be created.
- (n) Whether the Application is complete and provides truthful information upon which the TCEQ can rely.

For the reasons provided in the attached Request, all other documents filed by the City related to the Application, this request for contested case hearing, the City is an affected person in this matter; has standing to request a contested case hearing; and does request a contested case hearing and reconsideration of the Executive Director's Decision. These are critical issues the Commission should explore through an open and public contested case. The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

6 | Page

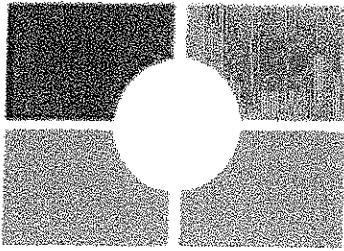
If we may be of further assistance or provide additional information, please contact me at the email above or 512-930-1317.

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo D. Rodriguez, Jr." with a stylized flourish at the end.

Arturo D. Rodriguez, Jr.

cc: Client



**RUSSELL
RODRIGUEZ
HYDE
BULLOCK**

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:

Kerry Russell (ret'd.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:

Jonathan W. Needle

Of Counsel:

Karrie H. Marling

Email: arodriguez@txlocalgovlaw.com

April 14, 2022

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
NO. 7018 0680 0002 2556 9496; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311**

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant"). The City hereby requests a **public meeting** and a **contested case hearing** on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)



2 |

2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. The location and distance of your property/activities relative to the proposed facility:

The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits.

4. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heighten importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gasses.

3 |

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City's reclaimed water program.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

5. List of all disputed issues of fact

- (a) Whether the permit is protective of water quality.
- (b) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (c) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (d) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (e) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.

4 | Page

- (f) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (g) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (h) Whether impacts on groundwater have been adequately addressed.
- (i) Whether the new plant violates the TCEQ's regionalization policy.
- (j) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (k) Whether nuisance odor conditions will be created.
- (l) Whether the Application provides truthful information upon which the TCEQ can rely.

6. The City requests a public meeting and a contested case hearing on the Application.

The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at the number above or 512-930-1317.

Sincerely,


Arturo D. Rodríguez, Jr.

cc: Client

Paul Worrall

From: eFax Corporate <message@inbound.efax.com>
Sent: Thursday, August 11, 2022 8:29 AM
To: Fax3311
Subject: Corporate eFax message from "NEXTIVA" - 11 page(s)
Attachments: FAX_20220811_1660224565_892.pdf

Login

Service Notification

You have received a 11 page fax at 2022-08-11 08:29:25 CDT.

* The reference number for this fax is
usw2a.prod.afc_did1-1660224141-15122335236-892.
Please [click here](#) if you have any questions regarding this message or your service. You may also contact Corporate Support:

US

Email: corporatesupport@mail.efax.com
Phone: 1 (323) 817-3202 or 1 (800) 810-2641

EU

Email: corporatesupporteu@mail.efax.com
Phones:
+44 2030055252
+33 171025330
+49 800 0003164
+35 314380713

Customer Service

Need help with your account?

Email:

corporatesupport@mail.efax.com

Phone:

1(323) 817-3202
1(800) 810-2641 (toll-free)

Thank you for using the eFax Corporate service!

© 2022 Consensus Cloud Solutions, Inc. or its subsidiaries (collectively, "Consensus"). All rights reserved.
eFax® and eFax Corporate® are registered trademarks of Consensus.

Fax Transmission

To: **From:** Russell Rodriguez Hyde Bullock, LLP
Fax: 15122393311 **Date:** 8/11/2022 6:21:56 AM MST
RE: **Pages:** 11

Comments:

To: Texas Commission on Environmental Quality
From: Arturo D. Rodriguez, Jr.
Re: Application of Rattler Ridge, LLC for Proposed Permit

Thank you,
Lindsay Askew
Lindsay Askew
Russell Rodriguez Hyde Bullock, L.L.P.
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317<tel:%28512%29%20930-1317>
(866) 929-1641<tel:%28866%29%20929-1641> Fax

ww.txlocalgovlaw.com<https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.txlocalgovlaw.com%2F&data=04%7C01%7Caskew%40txlocalgovlaw.com%7C593f32288db643355d0508d9930df43b%7C6dc86c56a73640e196a7be0c06b061b1%7C0%7C0%7C637702510408291655%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJljiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C1000&sdata=fbJ1fNoX9IGDRCNGJaXEWLBHT7moVewRH1vn3dkSLQ%3D&reserved=0>

/Users/arodriguez/Library/Containers/com.microsoft.Outlook/Data/Library/Caches/Signatures/signature_99221245
]

Confidentiality Notice: This e-mail message is covered by the Electronic Communications Privacy Act and may be legally privileged. Unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender at 512.930.1317<tel:512.930.1317>, or by reply e-mail, and destroy all copies of the original message. Thank you.

WQ
125963

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, August 11, 2022 9:37 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016049001
Attachments: ltr220810 ADR to TCEQ requesting CCH.pdf

PM
RFR
H

From: jnewlin@txlocalgovlaw.com <jnewlin@txlocalgovlaw.com>
Sent: Wednesday, August 10, 2022 5:14 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016049001

REGULATED ENTY NAME RATTLER RIDGE WWTP

RN NUMBER: RN111346813

PERMIT NUMBER: WQ0016049001

DOCKET NUMBER:

COUNTY: GUADALUPE

PRINCIPAL NAME: RATTLER RIDGE LLC

CN NUMBER: CN605939511

FROM

NAME: Arturo D. Rodriguez, JR

EMAIL: jnewlin@txlocalgovlaw.com

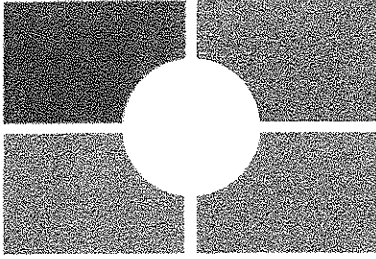
COMPANY: Russell Rodriguez Hyde Bullock, LLP

ADDRESS: 1633 WILLIAMS DR STE 200
GEORGETOWN TX 78628-3659

PHONE: 5129301317

FAX: 8669291641

COMMENTS: Attached please find a letter from Arturo D. Rodriguez, Jr. on behalf of the City of San Marcos.



**RUSSELL
RODRIGUEZ
HYDE
BULLOCK**

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:

Kerry Russell (ret'd.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:
Jonathan W. Needle

Of Counsel:
Karrie H. Marling

Email: arodriguez@txlocalgovlaw.com

August 10, 2022

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED NO. 7018 0680 0002 2556 9595; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311**

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant").

On April 14, 2022, in accordance with Title 30 of Texas Administrative code Chapter 55, Section 55.200, et seq., the City submitted to the Texas Commission on Environmental Quality ("Commission") a Request for Public Meeting and a Contested Case Hearing on the Application ("Request"), which included the City's formal comments, in the above-referenced matter. A copy of the Request is attached hereto and incorporated herein for all purposes as Exhibit No. 1.

The City now reasserts, restates, and resubmits the request for a public meeting and contested case hearing, and further requests that the Executive Director reconsider his decision in this matter. The City again formally requests a contested case hearing on the above-referenced application. The City further shows as follows:

On July 12, 2022, the Commission issued the Decision of the Executive Director. The Decision provides that requests for contested case hearings must be submitted "no later than 30 calendar days after the date of" the Decision, which would be August 11, 2022. Therefore, the City timely submits this Restated Request for a Public Meeting and a Contested Case Hearing on the Application and reconsideration of the Executive Director's decision. Further, the City incorporates all comments, pleadings, and other documents filed by the City in relation to the above-referenced application and incorporates them herein by reference as if copied verbatim herein.

The City hereby requests a contested case hearing on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City hereby requests a contested case hearing.

For the reasons below, the City is an affected person. The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits. The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heighten importance in ensuring that the

effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gases.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

The City is concerned that the wastewater treatment plant may be inadequate to ensure that the required effluent water quality will be achieved. Inadequate flows, operational deficiencies, influent, and heavy rain events cannot be adequately addressed with the current design.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City's reclaimed water program. Further, beneficial re-use and land application has not been sufficiently reviewed in order to prevent a new point source of pollution into the receiving stream.

The City is concerned whether the correct Qual-TX models were used to model the receiving waters. City is concerned that if the normal default parameters of the Qual-TX model were used, the draft Permit would not meet applicable standards for issuance. This is concerning because of the potential impacts on algae growth and aquatic life in the receiving waters.

The receiving stream further shows signs of algae growth already. With a higher ammonia limit allowed in the draft permit, there is a great likelihood of future algae problems. The City is concerned with the lack of Qual2K modeling performed to determine if the effluent limits are proper.

The City believes that the change in the receiving waters to "perennial" is incorrect.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

Issues related to Justiciability

The City is an affected person as it operates a wastewater collection system within three miles of the proposed facility. The City system can and should be explored for usage before approval of a new source of pollution is approved. Further, the property is within the City's extraterritorial jurisdiction. This criteria for justiciability has been found sufficient for municipalities in other recent cases before the Commission.

The City has sufficiently demonstrated that it is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

4. Issues to be Considered in a Contested Case Hearing:

- (a) Whether the proposed discharge will violate TCEQ's antidegradation policy and procedures, or negatively impact aquatic or terrestrial wildlife species, including livestock;
- (b) Whether the draft permit will be protective of surface water and groundwater quality;

- (c) Whether the permit is protective of water quality.
- (d) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (e) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (f) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (g) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.
- (h) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (i) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (j) Whether impacts on groundwater have been adequately addressed.
- (k) Whether the new plant violates the TCEQ's regionalization policy.
- (l) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (m) Whether nuisance odor conditions will be created.
- (n) Whether the Application is complete and provides truthful information upon which the TCEQ can rely.

For the reasons provided in the attached Request, all other documents filed by the City related to the Application, this request for contested case hearing, the City is an affected person in this matter; has standing to request a contested case hearing; and does request a contested case hearing and reconsideration of the Executive Director's Decision. These are critical issues the Commission should explore through an open and public contested case. The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

6 | Page

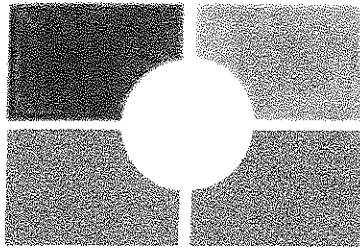
If we may be of further assistance or provide additional information, please contact me at the email above or 512-930-1317.

Sincerely,

A handwritten signature in black ink that reads "Arturo D. Rodriguez, Jr." followed by a stylized monogram "ADR".

Arturo D. Rodriguez, Jr.

cc: Client



**RUSSELL
RODRIGUEZ
HYDE
BULLOCK**

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:

Kerry Russell (ret'd.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:

Jonathan W. Needle

Of Counsel

Karrin H. Manning

Email: arodriguez@txlocalgovlaw.com

April 14, 2022

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
NO. 7018 0680 0002 2556 9496; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311**

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

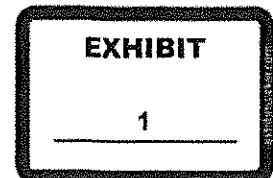
To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant"). The City hereby requests a **public meeting** and a **contested case hearing** on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)



2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. The location and distance of your property/activities relative to the proposed facility:

The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits.

4. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heightened importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gasses.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City's reclaimed water program.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

5. List of all disputed issues of fact

- (a) Whether the permit is protective of water quality.
- (b) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (c) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (d) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (e) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.

- (f) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (g) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (h) Whether impacts on groundwater have been adequately addressed.
- (i) Whether the new plant violates the TCEQ's regionalization policy.
- (j) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (k) Whether nuisance odor conditions will be created.
- (l) Whether the Application provides truthful information upon which the TCEQ can rely.

6. The City requests a public meeting and a contested case hearing on the Application.

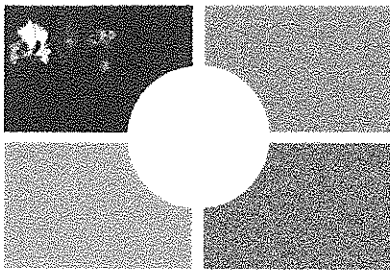
The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at the number above or 512-930-1317.

Sincerely,


Arturo D. Rodriguez, Jr.

cc: Client



**RUSSELL
RODRIGUEZ
HYDE
BULLOCK**

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:

Kerry Russell (retd.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:

Jonathan W. Needle

Of Counsel:

Karrie H. Marling

Email: arodriguez@txlocalgovlaw.com

REVIEWED

APR 19 2022

By GCW

MWD
125963

PM
H

April 14, 2022

VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
NO. 7018 0680 0002 2556 9496; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

CHIEF CLERKS OFFICE

APR 18 PM 2:37

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant"). The City hereby requests a **public meeting** and a **contested case hearing** on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. The location and distance of your property/activities relative to the proposed facility:

The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits.

4. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heighten importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gasses.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City's reclaimed water program.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

5. List of all disputed issues of fact

- (a) Whether the permit is protective of water quality.
- (b) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (c) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (d) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (e) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.

- (f) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (g) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (h) Whether impacts on groundwater have been adequately addressed.
- (i) Whether the new plant violates the TCEQ's regionalization policy.
- (j) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (k) Whether nuisance odor conditions will be created.
- (l) Whether the Application provides truthful information upon which the TCEQ can rely.

6. The City requests a public meeting and a contested case hearing on the Application.

The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

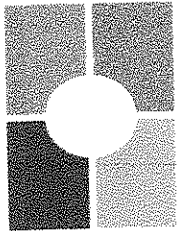
If we may be of further assistance or provide additional information, please contact me at the number above or 512-930-1317.

Sincerely,


Arturo D. Rodriguez, Jr.

cc: Client

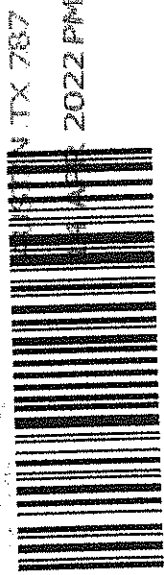
RRHB, LLP
1633 Williams Drive
Bldg 2, Suite 200
Georgetown, TX 78628



COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERKS OFFICE

APR 18 PM 2:37

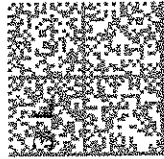
CERTIFIED MAIL



TX 787
2022 PM

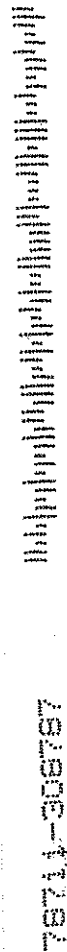
7018 0680 0002 2556 9496

UNITED STATES POSTAGE
FITNEY BOWES
\$ 007.330
02 1P
0001984650 APR 14 2022
MAILED FROM ZIP CODE 78628



Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
APR 18 2022
TCEQ MAIL CENTER
BC



78711-308787

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Friday, April 15, 2022 8:05 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016049001
Attachments: ltr220414 ADR to TCEQ re public comments-req for CCH-req for public mtg.pdf

PM
H

MWD
125963

From: jnewlin@txlocalgovlaw.com <jnewlin@txlocalgovlaw.com>
Sent: Thursday, April 14, 2022 3:10 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016049001

REGULATED ENTY NAME RATTLER RIDGE WWTP

RN NUMBER: RN111346813

PERMIT NUMBER: WQ0016049001

DOCKET NUMBER:

COUNTY: GUADALUPE

PRINCIPAL NAME: RATTLER RIDGE LLC

CN NUMBER: CN605939511

FROM

NAME: Arturo D Rodriguez, JR

EMAIL: jnewlin@txlocalgovlaw.com

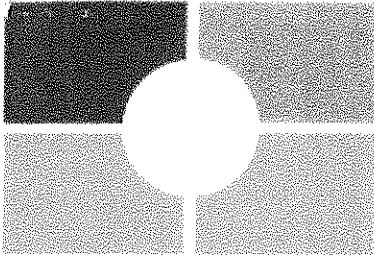
COMPANY: Russell Rodriguez Hyde Bullock, LLP

ADDRESS: 1633 WILLIAMS DR STE 200
GEORGETOWN TX 78628-3659

PHONE: 5129301717

FAX: 8669291641

COMMENTS: Please see letter attached from Arturo D. Rodriguez, Jr. on behalf of the City of San Marcos.



RUSSELL
RODRIGUEZ
HYDE
BULLOCK

A TEXAS LIMITED LIABILITY PARTNERSHIP

1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
www.txlocalgovlaw.com
Office: 512.930.1317
Fax: 866.929.1641

Partners:

Kerry Russell (retd.)
Arturo D. Rodriguez, Jr.
George E. Hyde
Bradford E. Bullock
Caroline A. Kelley

Senior Associates:

Jonathan W. Needle

Of Counsel:

Karrie H. Marling

Email: arodriguez@txlocalgovlaw.com

April 14, 2022

**VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED
NO. 7018 0680 0002 2556 9496; and
Electronic Submission via www.tceq.gov; and
Facsimile via (512) 239-3311**

Texas Commission on Environmental Quality
Office of the Chief Clerk
MC105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application of Rattler Ridge, LLC for Proposed Permit
No. WQ0016049001; Public Comments; Request for a
Contested Case Hearing; Request for Public Meeting

To the Texas Commission on Environmental Quality:

The undersigned represents the City of San Marcos, Texas ("City" or "San Marcos") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Rattler Ridge, LLC ("Applicant"). The City hereby requests a **public meeting** and a **contested case hearing** on the Application. In accordance with the published notice, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to:

Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

2. Applicant information:

Rattler Ridge, LLC for Proposed Permit No. WQ0016049001.

3. The location and distance of your property/activities relative to the proposed facility:

The proposed service area is located wholly within the City's extraterritorial jurisdiction. The property is approximately 0.6 miles from the City's corporate limits.

4. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City owns a wastewater treatment plant that serves the region. The City has an existing wastewater treatment plant and facilities that can serve the area sought to be served in the Application.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicant's plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heightened importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources. Thus, the proposed design of the wastewater treatment plant is inadequate to ensure that the required effluent water quality will be achieved.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will negatively impact the health and welfare of residents near the facility. Further, the City is concerned that the water quality parameters proposed are inadequate to ensure that the existing water quality uses will not be impaired. The City is concerned that the anti-degradation review is inadequate.

The City is concerned that the wastewater discharge will adversely affect the health of persons on nearby properties. The land downstream of the discharge point is used and occupied by residents. These residents may come into contact either intentionally or inadvertently. The inadequate treatment of wastewater effluent may contain harmful concentrations of bacteria, viruses, pathogens, and chemical contaminants that are harmful to the human health. Additionally, the improperly treated wastewater will result in the release of harmful noxious concentrations of hydrogen sulfide gasses.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The adverse impacts of the wastewater discharge on nearby groundwater resources has not been fully evaluated. The introduction of a new source of pollution without fully understanding the effects is of great concern to the City.

The City believes Applicant's proposed discharge is in direct violation of the Clean Water Act. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities which can easily, economically, and reasonably be used to serve the area. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP.

The City is familiar with the engineering firm that submitted the Application in this case. The veracity of the engineer and understanding the plain language of the Commission's rules has been called into question. The veracity of the entire Application is at issue based on the findings of the Commission in Docket No. 2020-0973.MWD.

Further, the City has a robust reclaimed water program. The City has current and anticipated contracts that will save thousands of gallons and protect the environment by utilizing reclaimed water as opposed to discharging effluent into waters of the state. Issuance of the requested permit will deny the protection of the environment by robbing the use of said water in the City's reclaimed water program.

The discharge authorization being sought by Applicant will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

5. List of all disputed issues of fact

- (a) Whether the permit is protective of water quality.
- (b) Whether the proposed design of the wastewater treatment plant is adequate to ensure that the required effluent will be achieved.
- (c) Whether the water quality parameters are adequate to ensure that the existing water quality uses will not be impaired.
- (d) Whether the proposed wastewater discharge will adversely affect the health of persons on nearby property.
- (e) Whether the proposed wastewater discharge will harm fish, livestock, wildlife, and other environmental receptors.

- (f) Whether the operator is sufficiently qualified to operate the proposed wastewater treatment plant.
- (g) Whether the Applicant's compliance history for the previous five years raises issues regarding the Applicant's ability to comply with the material terms of the permit that warrants altering the terms of the permit.
- (h) Whether impacts on groundwater have been adequately addressed.
- (i) Whether the new plant violates the TCEQ's regionalization policy.
- (j) Whether the permit meets the need requirements of TWC Sec. 26.0282.
- (k) Whether nuisance odor conditions will be created.
- (l) Whether the Application provides truthful information upon which the TCEQ can rely.

6. The City requests a public meeting and a contested case hearing on the Application.

The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.

If we may be of further assistance or provide additional information, please contact me at the number above or 512-930-1317.

Sincerely,



Arturo D. Rodriguez, Jr.

cc: Client