

TCEQ DOCKET NO. 2022-1155-MWD

APPLICATION BY GRAM VIKAS	§	BEFORE THE TEXAS
PARTNERS INC. FOR TPDES	§	COMMISSION ON
PERMIT NO. WQ0015990001	§	ENVIRONMENTAL QUALITY

REQUESTERS TRPA AND GEAA’S REPLY TO APPLICANT’S RESPONSE TO HEARING REQUESTS

I. Background.

Gram Vikas Partners Inc. (“the Applicant”) applied for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015990001 (“the Draft Permit”) to discharge 200,000 gallons per day of wastewater into Mesquite Creek, thence to York Creek, thence to the Lower San Marcos River. In response to the application and Draft Permit, the Greater Edwards Aquifer Alliance (GEAA) and Texas Rivers Protection Association (TRPA) submitted comments detailing their concerns. When GEAA and TRPA’s comments were not adequately addressed by the TCEQ Executive Director (“the ED”), GEAA and TRPA submitted contested case hearing requests that fully complied with the requirements set out in 30 T.A.C. § 55.205 (“Contested Case Hearing Request”). Both the ED and Office of Public Interest Counsel (OPIC) recommended that GEAA and TRPA be granted a contested case hearing. The Applicant, however, erroneously claimed that GEAA and TRPA failed to satisfy the requirements of 30 T.A.C. § 55.205(b)(3); Applicant’s contentions are addressed in this reply.

II. The Interests GEAA Seeks to Protect are Germane to GEAA’s Purpose.

Applicant’s argument that the interests GEAA seeks to protect by requesting a contested case hearing for the Draft Permit are not germane to the organization’s purpose is unavailing and sidesteps important facts, including GEAA’s broad history of wastewater related advocacy across the Texas Hill Country and GEAA’s organizational structure. Applicant’s Response to Hearing Requests at 19–20.

GEAA has been granted affected person status to represent the interests of its members in contested case hearing proceedings no fewer than 15 times in the past 18 years, and GEAA’s website contains two full pages of information detailing GEAA’s extensive participation in the wastewater permitting process across the entire Texas Hill Country region.¹

While GEAA represents 54 member organizations, GEAA also has 785 individual members, including Mr. Charles Pfluger, who financially support GEAA. GEAA has been recognized as an affected person to represent the interests of individual GEAA members in past contested case hearing proceedings by the TCEQ Commissioners. Further, Mr. Pfluger was identified as required by TCEQ regulations in GEAA’s Contested Case Hearing Request. At 2.

¹ GEAA, Wastewater Discharge, last visited Nov. 7, 2022 <https://aquiferalliance.org/waste-water-discharge/>; GEAA, Wastewater Discharge 2, last visited Nov. 7, 2022 <https://aquiferalliance.org/waste-water-discharge-page-2/>.

The interests that GEAA seeks to protect in this contested case hearing request go to the heart of GEAA's mission to protect water quality across the Texas Hill Country, and thus, the TCEQ Commissioners should find that GEAA is an affected person under 30 T.A.C. § 55.205.

III. The Interests TRPA Seeks to Protect are Germane to TRPA's Purpose.

Applicant's argument that TRPA should not be granted a contested case hearing because TRPA's "mission statements describe protection of rivers, not creeks" is inapposite. Applicant's Response to Hearing Requests at 18. As an initial matter, there is no technical or universally accepted scientific difference between a river, creek, or stream.² By requesting the contested case hearing to protect the water quality of Mesquite Creek, TRPA seeks to '[p]rotect the flow, water quality and natural beauty of the rivers of Texas.'

Finally, "TRPA opposes direct discharge of effluent into Hill Country streams."³ The discharge of effluent into Hill Country streams is the primary issue in the contested case hearing that TRPA requests. The issue is a fundamental part of TRPA's mission, work, and interests that TRPA seeks to protect, so, the TCEQ Commissioners should find that TRPA is an affected person under 30 T.A.C. § 55.205.

IV. Conclusion.

For the reasons stated above and the reasons set out in GEAA and TRPA's contested case hearing request, TRPA and GEAA respectfully request that the TCEQ Commissioners grant a contested case hearing on the application and Draft Permit for TPDES Permit No. WQ0015990001.

Sincerely,
/s/ Victoria Rose
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² U.S. Geological Survey, Rivers, Streams, and Creeks, last visited Nov. 7 2022 https://www.usgs.gov/special-topics/water-science-school/science/rivers-streams-and-creeks?qt-science_center_objects=0#qt-science_center_objects.

³ TRPA, Our Impact, last visited Nov. 7, 2022 <https://txrivers.org/about-trpa/our-impact/>.

CERTIFICATE OF SERVICE

I certify that on November 7, 2022 a true and correct copy of REQUESTERS TRPA AND GEAA'S REPLY TO APPLICANT'S RESPONSE TO HEARING REQUESTS was served to all persons on the attached mailing list via electronic mail or first class mail, as indicated.

/s/ Victoria Rose

Victoria Rose

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