

## Ellie Guerra

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, October 27, 2022 3:10 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Cc:** Mehgan Taack  
**Subject:** FW: Public comment on Permit Number WQ0016107001  
**Attachments:** WQ0016107001 Phau - Lockhart - GBRA Withdraw Req. for Pub. Meeting + Hearing.pdf

WPM  
WH

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**From:** jadkins@gbra.org <jadkins@gbra.org>  
**Sent:** Thursday, October 27, 2022 1:30 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016107001

**REGULATED ENTY NAME** CLEAR FORK RANCH WWTP

**RN NUMBER:** RN111427118

**PERMIT NUMBER:** WQ0016107001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** PHAU-LOCKHART 450 LLC

**CN NUMBER:** CN605982743

**FROM**

**NAME:** MR Justin Adkins

**EMAIL:** [jadkins@gbra.org](mailto:jadkins@gbra.org)

**COMPANY:** Guadalupe-Blanco River Authority

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

**PHONE:** 8303795822

**FAX:**

**COMMENTS:** Please see attached letter withdrawing GBRA's request for a public meeting and contested case hearing on this application.

October 27, 2022

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

Re: Withdrawal of Request for Public Meeting and Contested Case Hearing, TCEQ  
Domestic Wastewater Permit No. WQ0016107001, Phau-Lockhart 450 LLC ("Phau-  
Lockhart" or "Applicant")

Dear Ms. Gharis,

On July 13, 2022, the Guadalupe-Blanco River Authority ("GBRA") timely filed comments and its request for a Public Meeting and Contested Case Hearing pertaining to Phau-Lockhart's pending application for a new Texas Pollutant Discharge Elimination System ("TPDES") Permit, No. WQ0016107001. GBRA expressed concern that the proposed permit effluent limits in the application<sup>1</sup> were not sufficiently protective of water quality in the area of the proposed discharge. On September 30, 2022, the TCEQ issued the Executive Director's Preliminary Decision and a first Draft Permit containing the effluent limits requested by Applicant in its application, with the addition of a total phosphorous limit of 0.5 mg/l.

Following discussions between GBRA and Applicant regarding the first Draft Permit's effluent limits, and Applicant's subsequent request to the TCEQ to reduce these limits, the TCEQ produced a Revised Draft Permit on October 6, 2022 containing Applicant's reduced effluent limits.<sup>2</sup>

In light of the Revised Draft Permit's revised effluent limits, GBRA's concerns regarding the impact on the water quality in the area have been addressed. Based on our understanding that these revised effluent limits are now contained in the Revised Draft Permit, GBRA withdraws its request for a Public Meeting and Contested Case Hearing in this matter.

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<sup>1</sup> 10 mg/l five-day carbonaceous biochemical oxygen demand (CBOD5), 15 mg/l total suspended solids (TSS), and 3 mg/l ammonia-nitrogen (NH3-N).

<sup>2</sup> 5 mg/l five-day CBOD5, 5 mg/l TSS, 2 mg/l NH3-N, and 0.5 mg/l total phosphorous.

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)



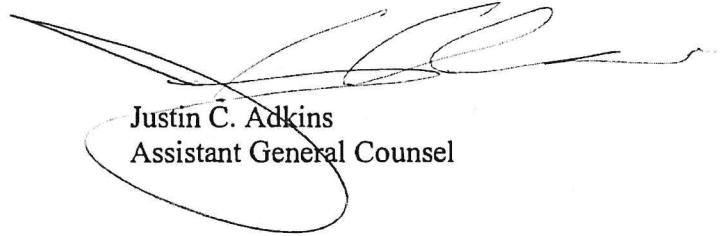
**GBRA**

**Guadalupe-Blanco River Authority**  
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October 27, 2022

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin C. Adkins", is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Justin C. Adkins  
Assistant General Counsel

WQ  
127239

Debbie Zachary

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, July 12, 2022 12:07 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016107001  
**Attachments:** GBRA Request for hearing- Phau Lockhart1.pdf

PM  
H

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**From:** ckerr-moore@gbra.org <ckerr-moore@gbra.org>  
**Sent:** Friday, July 8, 2022 1:48 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016107001

REGULATED ENTY NAME CLEAR FORK RANCH WWTP

RN NUMBER: RN111427118

PERMIT NUMBER: WQ0016107001

DOCKET NUMBER:

COUNTY: CALDWELL

PRINCIPAL NAME: PHAU-LOCKHART 450 LLC

CN NUMBER: CN605982743

FROM

NAME: Courtney Kerr-Moore

EMAIL: [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: Please see attached letter.

July 8, 2022

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

Re: Request for Public Meeting and Contested Case Hearing, and Comments on New TCEQ  
Domestic Wastewater Permit No. WQ0016107001, Phau-Lockhart 450 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 with the obligation 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. WQ0016107001, the discharge of the treated effluent will flow to Clear Fork Plum 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 sufficiently protective. Tighter standards are needed to preserve the integrity of the water quality in this area and stream segments.

GBRA is a stakeholder in the Plum Creek Watershed Protection Plan (WPP), which provides for the responsible stewardship and protection of the creeks and their associated watersheds, including voluntary and non-regulatory management. Since 2010, portions of Plum Creek have been listed as impaired on TCEQ's Texas Integrated Report (IR) of Surface Water Quality in Category 4b. The 2020 IR provides 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 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, Phau-Lockhart, and Texas Commission on Environmental Quality staff may provide clarification on this proposed permit and related 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. GBRA's address is as follows:

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



**GBRA**

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

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

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

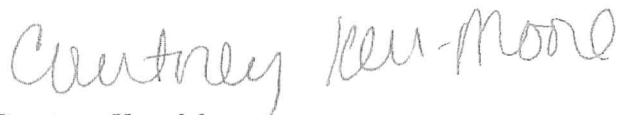
GBRA is an affected person with a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the Phau-Lockhart application. GBRA's interest is not common to the members of the general public. The proposed wastewater treatment plant and discharge are located within GBRA's ten-county statutory district, which includes Kendall, Comal, Hays, Caldwell, Guadalupe, Gonzales, DeWitt, Victoria, Calhoun, and Refugio. *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, 44<sup>th</sup> Leg., 1<sup>st</sup> C.S., ch. 410, § 1, 1935 Tex. Gen. Laws 1615; Act of June 2, 1969, 61<sup>st</sup> Leg., R.S., ch. 432 § 1, 1969 Tex. Gen. Laws 1465; Act of June 19, 1975, 64<sup>th</sup> 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's enabling legislation grants GBRA the authority to preserve the waters of any rivers and streams. Act of June 19, 1975, 64<sup>th</sup> 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 state water quality standards, to determine if the 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 Phau-Lockhart application.

#### **Issues to be Referred to SOAH**

In light of the issues raised by GBRA in its comments above, GBRA requests that this matter be referred to the State Office of Administrative Hearings for a contested case hearing in order to address the disputed issues of fact and law.

Sincerely,



Courtney Kerr-Moore  
Assistant General Counsel