

**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, March 17, 2023 8:38 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001

H

**From:** rdeviney53@hotmail.com <rdeviney53@hotmail.com>  
**Sent:** Thursday, March 16, 2023 4:34 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** Robert Deviney

**EMAIL:** [rdeviney53@hotmail.com](mailto:rdeviney53@hotmail.com)

**COMPANY:** Humphreys Cemetery Association

**ADDRESS:** PO BOX 215 Martindale  
MARTINDALE TX 78655-0215

**PHONE:** 2142848692

**FAX:**

**COMMENTS:** My name is Robert Deviney. I can be reached at the following address: Robert Deviney PO Box 215 Martindale, Tx. 78655 Phone number 214-284-8692 Email address: [rdeviney53@hotmail.com](mailto:rdeviney53@hotmail.com) I do not have a fax number. I am requesting a contested case hearing for TPDES Permit No. WQ0015918001, submitted by Walton Texas, LP. I am requesting a contested case hearing concerning this permit. I am requesting this as the representative of the Humphrey's Cemetery Association. I am the board president of the association and as such I have the authority to act on

matters that concern the cemetery. My contact information is as shown above. Humphreys cemetery is a historical cemetery, registered with the Texas Historic Commission. It is located in Caldwell County at the end of Humphreys Cemetery Road. Property ID 32568. It is approximately 1200 feet from Morrison Creek and approximately 1.5 miles downstream from the planned location of the Walton wastewater treatment plant. Any accident or mishap that may occur at the facility associated with this permit could affect Morrison Creek and potentially damage historical gravesites within our cemetery. As a historical cemetery, with burials dating back as far as 1854, it is my duty to try to protect this cemetery. Therefore I am requesting that the TCEQ review the approval of this permit in light of recent changes in the immediate area surrounding the planned wastewater treatment plant. Per the executive directors response to public comments, Comment 7, the executive director states "Applicants requesting a new permit or certain major amendments are required to review a three-mile area surrounding the proposed facility to determine if there is a wastewater treatment or sewer collection lines within the area that the permittee can utilize." The executive director goes on to state "For the Cotton Center WWTF, there are no existing wastewater treatment facilities or collection systems within a three-mile radius of the proposed facility's site location," I believe that recent events have changed things so that there will soon be a collection system tied to the San Marcos regional wastewater treatment facility within the three-mile radius of the planned location of the wastewater treatment plant associated with this permit. Recent events are as follows: On 01/17/23 the City of San Marcos and the Franklin Mountain San Marcos LLP entered into a development agreement that will extend the San Marcos regional wastewater treatment plant collection system into the Franklin Mountain "SMART Terminal" development. Per section 1.07.D.1 of that agreement the developer will "opt in" to utilizing the San Marcos regional facility within 90 days of the agreement signing. Therefore, by 4/17/23 (I suspect that will occur before this requested permit is approved) a plan will be in place to provide wastewater treatment service to this new development. That development will be constructed in three phases with the first phase completed within one to two years (per Dan Grant of Kimberly Horn engineering and construction services, the engineering firm working the development for Franklin Mountain). Phase one of this development lies less than two miles from the planned location of the Walton wastewater treatment plant and when the final phase of the development is completed the two developments will be sharing a common property line (mere feet away from each other). It would be irresponsible of the TCEQ to allow a new, small, wastewater treatment facility to be authorized when an under utilized regional facility is within such a short distance of the Walton development. Based on the these recent changes to the planned local area wastewater treatment infrastructure, I ask that the TCEQ require the applicant to provide the information the director described in his response to Comment 7 of the public comments and: 1. Verify that the applicant has contacted the San Marcos regional wastewater facility to see if that facility will accept their wastewater. 2. If the applicant still wants their own wastewater facility that they submit their analysis of the costs associated with connecting to the regional wastewater treatment plant. 3. The applicant be required to provide all correspondence between themselves and the regional wastewater treatment plant. Unless some hard facts are presented by the applicant that justify a new, small, stand alone facility the TCEQ should deny this permit and request the applicant to work with the regional facility for the good of the state, it's citizens and the environment. Thank you for the opportunity to request a contested case hearing.

ROBERT DEVINEY PRESIDENT, HUMPHREYS CEMETERY ASSOCIATION

**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, March 17, 2023 8:41 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001

RFR

**From:** rdeviney53@hotmail.com <rdeviney53@hotmail.com>  
**Sent:** Thursday, March 16, 2023 4:46 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** Robert Deviney

**EMAIL:** [rdeviney53@hotmail.com](mailto:rdeviney53@hotmail.com)

**COMPANY:**

**ADDRESS:** PO BOX 215  
MARTINDALE TX 78655-0215

**PHONE:** 2142848692

**FAX:**

**COMMENTS:** My name is Robert Deviney. I can be reached at the following address: Robert Deviney PO Box 215 Martindale, Tx. 78655 Phone number 214-284-8692 Email address: [rdeviney53@hotmail.com](mailto:rdeviney53@hotmail.com) I do not have a fax number. I am requesting reconsideration of the executive director's decision for TPDES Permit No. WQ0015918001, submitted by Walton Texas, LP. I am requesting this as resident of the city of Martindale. My contact information is as shown above. I live in Martindale at 503 Northwest River Road just a mile away from the planned location of this new,

small wastewater treatment facility. Property ID 27937. There should be no need for a new facility when access to a regional facility with plenty of capacity is within reasonable reach. Per the executive directors response to public comments, Comment 7, the executive director states "Applicants requesting a new permit or certain major amendments are required to review a three-mile area surrounding the proposed facility to determine if there is a wastewater treatment or sewer collection lines within the area that the permittee can utilize." The executive director goes on to state "For the Cotton Center WWTF, there are no existing wastewater treatment facilities or collection systems within a three-mile radius of the proposed facility's site location," I believe that recent events have changed things so that there will soon be a collection system tied to the San Marcos regional wastewater treatment facility within the three-mile radius of the planned location of the wastewater treatment plant associated with this permit. Recent events are as follows: On 01/17/23 the City of San Marcos and the Franklin Mountain San Marcos LLP entered into a development agreement that will extend the San Marcos regional wastewater treatment plant collection system into the Franklin Mountain "SMART Terminal" development. Per section 1.07.D.1 of that agreement the developer will "opt in" to utilizing the San Marcos regional facility within 90 days of the agreement signing. Therefore, by 4/17/23 (I suspect that will occur before this requested permit is approved) a plan will be in place to provide wastewater treatment service to this new development. That development will be constructed in three phases with the first phase completed within one to two years (per Dan Grant of Kimberly Horn engineering and construction services, the engineering firm working the development for Franklin Mountain). Phase one of this development lies less than two miles from the planned location of the Walton wastewater treatment plant and when the final phase of the development is completed the two developments will be sharing a common property line (mere feet away from each other). It would be irresponsible of the TCEQ to allow a new, small, wastewater treatment facility to be authorized when an under utilized regional facility is within such a short distance of the Walton development. Based on the these recent changes to the planned local area wastewater treatment infrastructure, I ask that the TCEQ require the applicant to provide the information the director described in his response to Comment 7 of the public comments and: 1. Verify that the applicant has contacted the San Marcos regional wastewater facility to see if that facility will accept their wastewater. 2. If the applicant still wants their own wastewater facility that they submit their analysis of the costs associated with connecting to the regional wastewater treatment plant. 3. The applicant be required to provide all correspondence between themselves and the regional wastewater treatment plant. Unless some hard facts are presented by the applicant that justify a new, small, stand alone facility the TCEQ should deny this permit and request the applicant to work with the regional facility for the good of the state, it's citizens and the environment. Thank you for the opportunity to request reconsideration of this permit. ROBERT DEVINEY

1. >  
122210

REVIEWED

9/24/2021

SEP 28 2021 H  
By Eaw  
DM

To: Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality

From: Robert Deviney

Subject: Public Hearing Request for Permit number WQ0015918001

This is a request by the owners of property ID's 27935 and 55313 in Caldwell County Texas that a public hearing concerning permit number WQ0015918001 be held.

Please notify me of the date, time, and location of the meeting at email [rdeviney53@hotmail.com](mailto:rdeviney53@hotmail.com) or mailing address:

Robert Deviney  
PO Box 215  
Martindale, Texas 78655

  
ROBERT DEVINEY

OFFICE OF THE CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2021 SEP 27 10 10 AM  
CHIEF CLERK'S OFFICE



**Elisa Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, January 21, 2021 8:23 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001

**From:** rdeviney@martindale.texas.gov <rdeviney@martindale.texas.gov>  
**Sent:** Wednesday, January 20, 2021 3:25 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** Robert Deviney

**E-MAIL:** [rdeviney@martindale.texas.gov](mailto:rdeviney@martindale.texas.gov)

**COMPANY:** City of Martindale

**ADDRESS:** PO BOX 365  
MARTINDALE TX 78655-0365

**PHONE:** 5123572639

**FAX:**

**COMMENTS:** We received a letter from the TCEQ, dated 12/23/2020 stating that the permit application would be available for viewing at city hall in Martindale, As of 1/20/2021 there has been no application delivered to the City of Martindale for viewing. The city of Martindale would like to know what the discharge limits are being requested in the permit.

REVIEWED

FEB 16 2022 PM  
By GCW H

HOHN & JANSSEN  
Attorneys At Law

110 E. San Antonio St.  
San Marcos, Texas 78666

Telephone: 512-396-0066  
Fax: 512-396-0075  
Cellphone: 512-557-5432  
E-mail: jyhohn@centurytel.net

MWD  
122210

John Hohn \*  
Mark Janssen \*\*  
\* Admitted Texas and Oklahoma  
\*\* Admitted Texas and Colorado

February 11, 2022

Certified Mail – Return Receipt Requested

Office of Chief Clerk  
TCEQ  
Mail Code MC-105  
P.O. Box 13087  
Austin, Texas 78711

Re: Notice of Public Meeting  
Permit No. WQ0015918001  
Walton Texas, L.P.

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
OFFICE  
122210

Dear Clerk:

My name is John Hohn and I am the attorney for Martindale Water Supply Corporation (“MWSC”). Please add me to the mailing list of all notices issued by TCEQ regarding this matter by directing such notices to the addresses set out above.

MWSC, located at 206 Main Street, Martindale, Texas, through its General Manager, Steven Fonville, requested a Public Meeting regarding the subject of the above referenced notice. I hereby repeat and formally request on behalf of MWSC that a Public Meeting be held regarding this proposed permit and that an Evidentiary Hearing be held on same.

MWSC hereby requests that it be registered as those wanting to speak during the formal comment period at the announced February 28, 2022, meeting: MWSC will be present during the remote, voice only meeting as represented by Mr. Steven Fonville, MWSC General Manager, Mr. Richard Gallegos, MWSC Engineer, and John Hohn, MWSC Attorney. All three of these representatives request an opportunity to speak.

MWSC produces and supplies potable water within that physical area described in its State of Texas franchised area (Certificate of Convenience and Necessity, No. 10312) which area includes the City of Martindale and surrounding area. The source of the raw water that feeds MWSC’s water purification facility (“the Plant”), located at 206 Main St., Martindale, Texas, is the Recent alluvium (“the Alluvium”). The Alluvium is a shallow water bearing formation. At



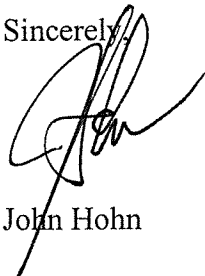
its well heads at the Plant the top of the water in the Alluvium is approximately 35(thirty five) feet below the surface. The Alluvium, generally speaking, flows from the north-northwest (“NNW”) to the south-southeast (“SSE”) toward MWSC’s water wells. The Alluvium extends from MWSC’s wells up-gradient at a shallow depth and under a significant portion of Hemphill Creek. The ground water within the Alluvium contains a rather high background level of a number of drinking water quality defined contaminates; the contaminate of most concern to MWSC is nitrogen. Hemphill Creek is a normally dry surface depression that contains running water only during infrequent heavy rain events. It is MWSC’s concern that the inappropriately treated wastewater the Applicant proposes to discharge into Hemphill Creek will rapidly migrate into the Alluvium and contaminate MWSC’s source of raw water to the detriment of MWSC and its citizen owners. The Plant is not designed to remove nitrogen from its feed water. Nitrogen removal equipment for water purification plants is expensive and sensitive to operate.

Enclosed please find copies of three documents that MWSC requests are made part of the official record of this matter, which documents are identified as follows:

1. MWSC Exhibit No. 1, Pages 1 through 3, Fonville submitted completed form “Regarding the Cotton Center Sewage Discharge into Hemphill Creek”: and
2. MWSC Exhibit No. 2, Pages 1 through 11, relevant pages regarding the Recent Alluvium, taken from a report “Texas Water Development Board, Report 12, Ground-Water Resources of Caldwell County, Texas, Third Printing, September 1975”.
3. MWSC Exhibit No. 3, copy of map, Martindale Water Supply Corporation, CCN vicinity Map, CCN No. 10312.

If for any reason the three identified individuals will not be allowed to speak at the Meeting or that the two documents identified above may not be entered into the record of this matter please call me immediately so that MWSC can correct any impediment to the implementation of its requests.

Sincerely,



John Hohn

Enclosures  
Cc: MWSC

**Regarding the Cotton Center Sewage Discharge  
into Hemphill Creek:  
Permit Number WQ0015918001**

Whereas Walton Texas LP has applied for a permit to discharge treated wastewater into Hemphill Creek, up to 420,000 gallons per day;

Whereas the proposed level of treatment in the draft TCEQ discharge permit is insufficient to protect the quality of the water in Hemphill Creek, thence to Morrison Creek, thence to the lower San Marcos River, and

Whereas there are families, livestock, and wildlife who will be adversely affected by this wastewater at that level of treatment, and

Whereas the Martindale Water Supply Corporation wellhead protection area could be adversely affected by this wastewater,

I, Steven C. Fonville  
Signature

request a public meeting regarding this permit. And, I wish to be added to the mailing list on this permit, so I receive notices about further steps in this permit process.

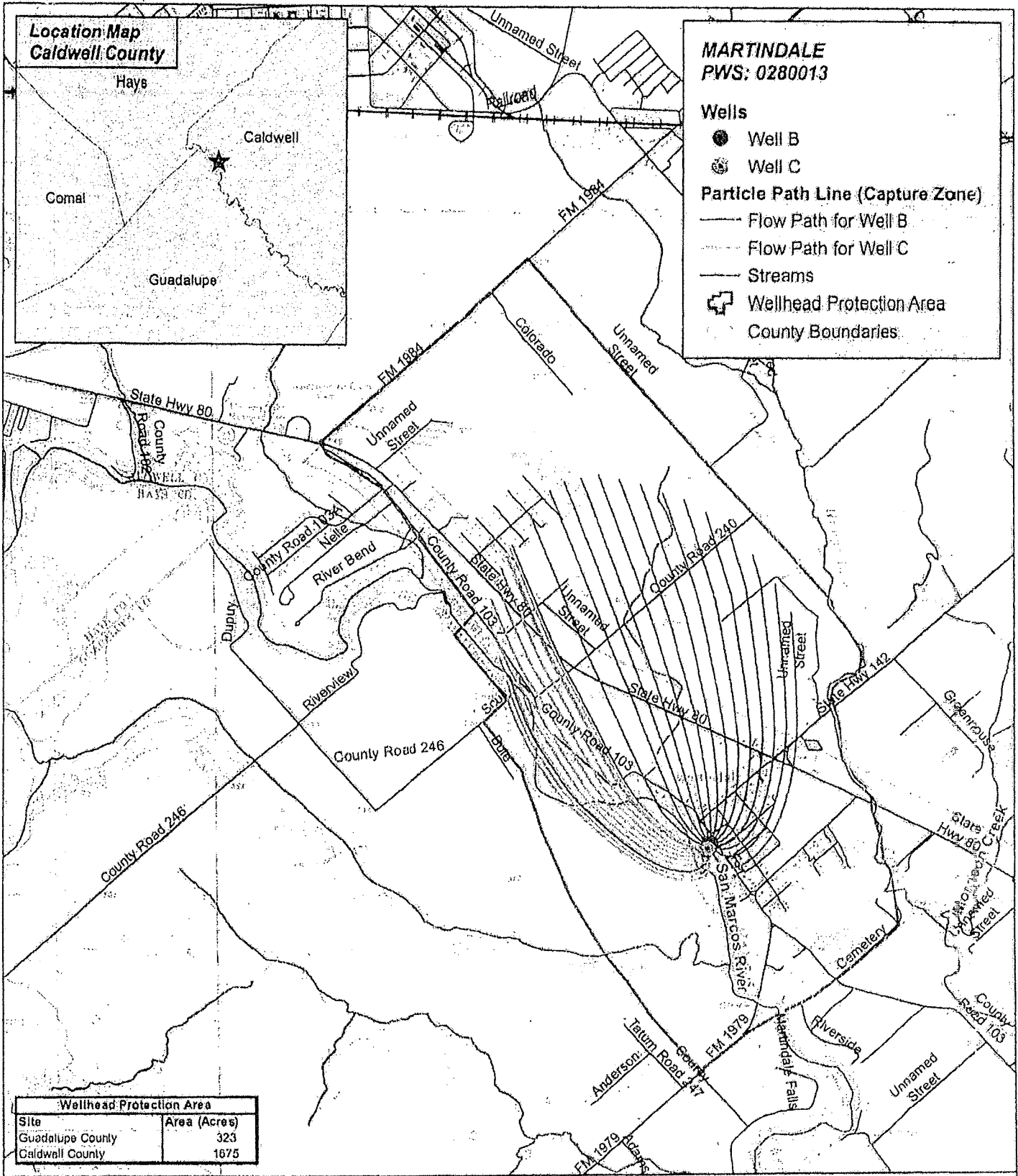
Steven C. Fonville, Gen. Manager  
Martindale Water Supply Corporation  
P. O. Box 175 Martindale, 78655-0175

512-357-6951 martwsc@austin.rr.com

Reasons that The Corporation is affected:

The Martindale WSC operates 3 public drinking water supply wells within one mile (Approx.) of the proposed discharge. Please see the attached wellhead protection area map. The well protection area closely bounds Hemphill Creek, the proposed receiving stream for the partially treated discharge. The Water Corporation had only two active wells at the time this map was produced. The source water for these three wells is groundwater from a recent Pleistocene alluvium formation which is bisected by Hemphill Creek. The potential for partially treated wastewater to commingle or enter this water bearing formation is high, thereby possibly degrading the existing groundwater quality.

All public comments or public meeting requests must be submitted to the Office of the Chief Clerk, MC-105, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711-3087 or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) within 30 days from the date of newspaper publication of permit notice.

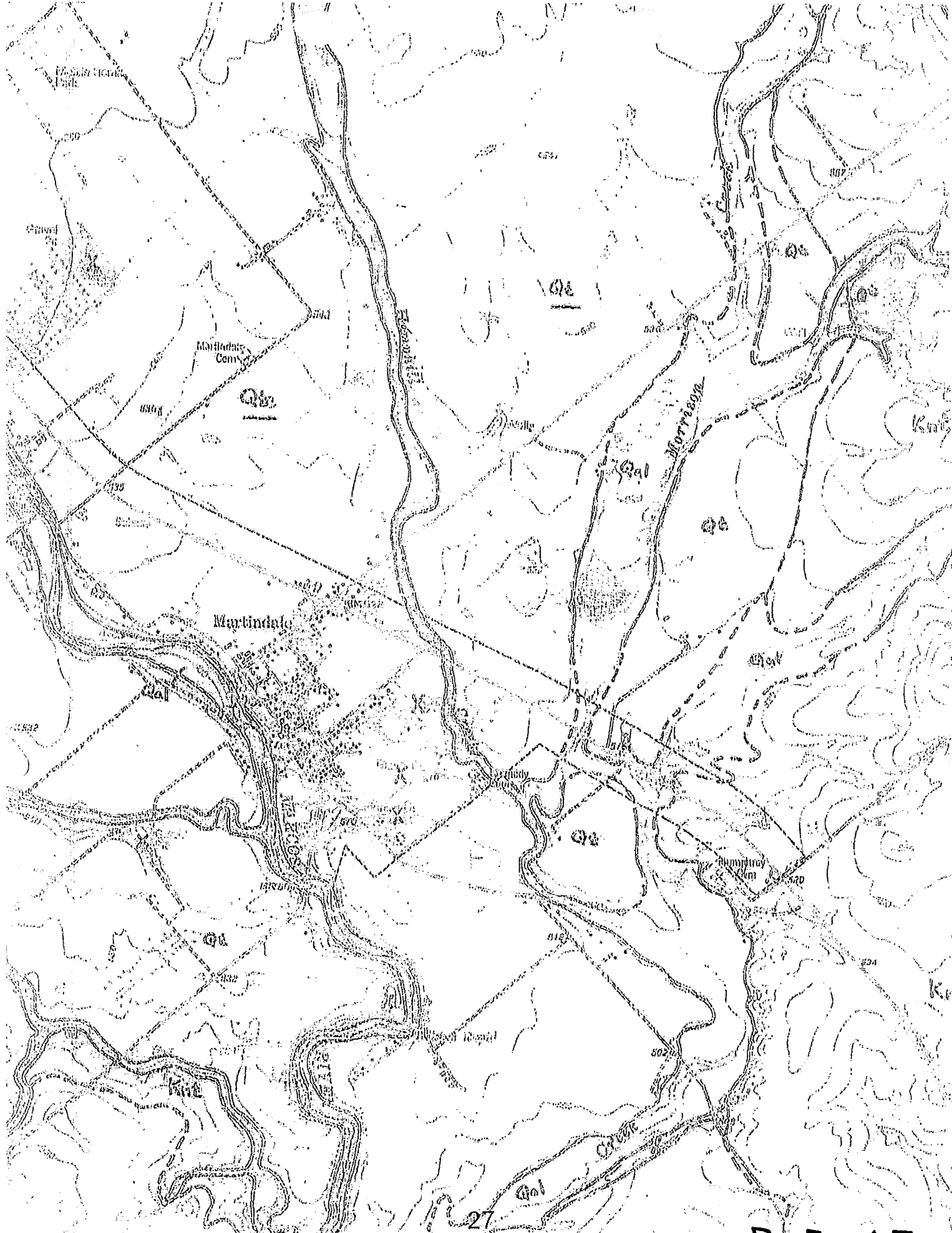


1 inch equals 2,500 feet

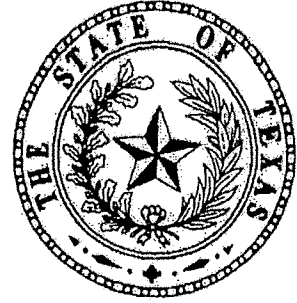
0 2,000 4,000 Feet

Figure 2-1  
**WELLHEAD PROTECTION AREA  
MARTINDALE  
PWS ID NO. 0280013**





TEXAS  
WATER  
DEVELOPMENT  
BOARD



REPORT 12

DIVISION FILE COPY

DO NOT REMOVE FROM REPORTS DIVISION FILES.

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GROUND-WATER RESOURCES OF  
CALDWELL COUNTY, TEXAS

JANUARY 1966

THIRD PRINTING  
SEPTEMBER 1975

MWVSC EX. 2  
Pg 1 of 11

TEXAS WATER DEVELOPMENT BOARD

REPORT 12

GROUND-WATER RESOURCES OF  
CALDWELL COUNTY, TEXAS

By

C. R. Follett, Hydraulic Engineer  
United States Geological Survey

Prepared by the U.S. Geological Survey  
in cooperation with the  
Texas Water Development Board  
Caldwell County Commissioners' Court  
and the  
Guadalupe-Blanco River Authority

January 1966

Third Printing  
September 1975

Pg. 2 of 11

TEXAS WATER DEVELOPMENT BOARD

Mills Cox, Chairman  
Robert B. Gilmore  
Milton T. Potts

Marvin Shurbet, Vice Chairman  
Groner A. Pitts  
W. E. Tinsley

Joe G. Moore, Jr., Executive Director

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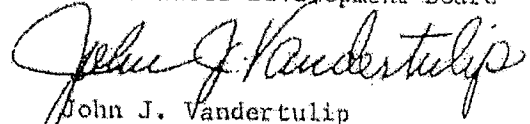
FOREWORD

On September 1, 1965 the Texas Water Commission (formerly, before February 1962, the State Board of Water Engineers) experienced a far-reaching realignment of functions and personnel, directed toward the increased emphasis needed for planning and developing Texas' water resources and for administering water rights.

Realigned and concentrated in the Texas Water Development Board were the investigative, planning, development, research, financing, and supporting functions, including the reports review and publication functions. The name Texas Water Commission was changed to Texas Water Rights Commission, and responsibility for functions relating to water-rights administration was vested therein.

For the reader's convenience, references in this report have been altered, where necessary, to reflect the current (post September 1, 1965) assignment of responsibility for the function mentioned. In other words credit for a function performed by the Texas Water Commission before the September 1, 1965 realignment generally will be given in this report either to the Water Development Board or to the Water Rights Commission, depending on which agency now has responsibility for that function.

Texas Water Development Board

  
John J. Vandertulip  
Chief Engineer

Pg. 4 of 11



GROUND - WATER RESOURCES OF  
CALDWELL COUNTY, TEXAS

ABSTRACT

Caldwell County is in the West Gulf Coastal Plain of south-central Texas. It has an area of 544 square miles and had a population of 17,222 in 1960. The economy depends chiefly on the raising of livestock, farming, small industries, and oil production.

The principal fresh to slightly saline water-bearing formations underlying the county, from oldest to youngest, are the Wilcox Group, Carrizo Sand, Reklaw Formation, Queen City Sand, Leona Formation, and Recent alluvium. Of these, the Carrizo Sand and Wilcox Group together constitute the most favorable aquifer for future large-scale ground-water development.

The yields of existing water wells in the county range from a few gallons per minute to as much as 600 gpm (gallons per minute), but much larger yields can be expected from properly constructed gravel-packed wells. The potential yields that can be expected from wells tapping the water-bearing formations are as follows: Carrizo Sand and Wilcox Group, 1,500 gpm; Reklaw Formation, 100 gpm; Queen City Sand, 100 gpm; Leona Formation, 500 gpm; and Recent alluvium, 300 gpm.

In 1963, 2,600 acre-feet or 2.3 mgd (million gallons per day) of ground water was pumped for all purposes in the county. About 1,670 acre-feet (1.5 mgd) was for municipal supply, 380 acre-feet (0.34 mgd) for irrigation, and 560 acre-feet (0.5 mgd) for domestic and stock use. Only 836 acre-feet (0.7 mgd) of surface water was pumped for industrial use and irrigation in 1963.

About 25,000,000 acre-feet of fresh to slightly saline ground water is in storage in the county. Of this amount, 92 percent or 23,000,000 acre-feet of water is stored in the Carrizo Sand and Wilcox Group, 900,000 acre-feet in the Queen City Sand, 700,000 acre-feet in the Reklaw Formation, 50,000 acre-feet in the Leona Formation, and 40,000 acre-feet in the Recent alluvium. However, only a small part of the water in storage is economically recoverable. It is estimated that about 23,000 acre-feet per year or about 20 mgd of water could be pumped perennially from the Carrizo Sand and Wilcox Group, which function as a single aquifer, without depleting the supply. Large quantities may be pumped at the expense of declining water levels--for example, 75 mgd could be pumped for perhaps 75 to 100 years, but after this time, most of the aquifer within 400 feet of the land surface would be dewatered.

Most of the ground water in the county is suitable for public supply and many irrigation and industrial purposes. Chemical analyses indicate that the

dissolved solids in 143 samples ranged from 128 to 3,750 ppm (parts per million), exceeding 1,000 ppm in 51 samples. Highly mineralized water occurs locally in the Wilcox Group, particularly in areas of faulting.

Contamination of the ground water by highly mineralized water is not a serious problem. The high chloride content of water in some places in the Wilcox outcrop is due principally to poor circulation caused by faulting and is not attributed to contamination by oil-field salt water. Although some oil-field contamination has occurred by hazardous disposal of salt water, the situation has been corrected for the most part, and in 1961, about 96 percent of the salt water produced was injected back into the oil-producing zones.

Along the edges of the Leona Formation where it is thin, the underlying formation may protrude above the water table at times, and in these places the Leona itself may not always contain water. For example, well BU-67-02-602, which was dug through the Leona and a few feet into the underlying Navarro Group, is supplied by water from the Leona when the water levels are high during periods of abundant rainfall. In dry seasons when the water level recedes, the well is dry.

Several wells have been used for irrigation in periods of extreme drought such as 1925 and 1955-56, and relatively large yields have been reported. Well BU-67-02-903, a 40 by 200-foot pit, yielded 1,820 gpm for several hours after which the pit was allowed to fill over night before pumping was resumed. Continuous yields of about 500 gpm could be expected from properly constructed wells at the most favorable locations where the gravel is highly permeable and the saturated thickness is greatest.

Because of the high topographic position of the Leona Formation and the relative impermeability of the underlying rocks northwest of Lockhart, at least part of the water is drained from the formation by gravity springs. As evidence, numerous springs and seeps that are fed by water from the Leona occur along Clear Fork Plum Creek and other smaller tributaries to Plum Creek. On April 15, 1964, Clear Fork Plum Creek had a flow of 90 gpm at State Highway 142 and a flow of 410 gpm at the swimming pool in Lockhart State Park about  $2\frac{1}{2}$  miles southwest of Lockhart, all of the water coming from seeps and springs in the Leona.

The total spring flow from the Leona Formation probably is large. The movement of water in the formation is generally toward the southeast, following the prevailing slope of the plain. South of Lockhart where the Leona rests upon the Wilcox, a relatively permeable unit, the Leona probably acts as a recharge facility for the underlying Wilcox. This is borne out by the fact that southeast of Lockhart only a few wells obtain all their water from the Leona because most of the water has drained down into the underlying Wilcox. Also, the quality of the water from the Wilcox seems to be improved where the Wilcox is overlain by the Leona. For example, water from well BU-67-11-309, which is on the Leona outcrop but produces from the Wilcox, is of better quality than the water from well BU-67-11-311, which is on the Wilcox outcrop. Leakage from the Leona into the Wilcox also is indicated by fewer and smaller springs along the margin of the Leona plain southeast of Lockhart.

#### Recent Alluvium

The Recent alluvium in Caldwell County is a continuation of the body of alluvium which starts along the Blanco River near San Marcos in Hays County and extends downstream along the San Marcos River (Figure 6). Numerous wells and cut banks show that the alluvium is resting on almost impermeable clay and shale of the Navarro or Midway Groups in the northwestern part of the county. Rasmussen (1947, p. 13) says that the alluvium consists of two distinct sedimentary units--the lower part is a sheet of stratified, in places crossbedded, gravel and sand about 15 feet thick, and the upper part is massive buff-colored clayey silt, also about 15 feet thick. The writer observed well BU-67-10-110 several times while it was being dug into the alluvium and noted that the material brought up was clay, silt, and gravel and little or no sand. The bottom few feet where water was found was not observed. The maximum thickness of the alluvium is about 45 feet. The downstream gradient of the surface of the

alluvium is about 15 feet per mile; the surface also has a component of slope toward the San Marcos River.

The alluvium yields small to moderate quantities of fresh to slightly saline water to numerous dug wells and to springs. The wells are used chiefly for domestic and stock purposes and to a small extent for irrigation. Several springs, which flow from the alluvium at its contact with the underlying rocks, occur along gullies near the San Marcos River and along the bank of the river. No estimate was made of the total natural discharge of these springs, but the flow probably fluctuates over a wide range as indicated by spring BU-67-09-303, which had an estimated flow of 150 gpm on July 3, 1946, and 25 gpm on November 7, 1963.

## GROUND WATER

### Occurrence of Ground Water

The occurrence of ground water only as it applies to Caldwell County is discussed briefly here. The general principles of the occurrence and movement of ground water in all types of rocks have been described in detail by many writers including Meinzer (1923, p. 2-142), Meinzer and others (1942, p. 385-478), and Tolman (1937).

The source of ground water is precipitation on the surface of the earth. A large part of the precipitation runs off or is soon consumed by evapotranspiration, or is stored in the soil to be evaporated or transpired later. A small part of the water infiltrates through the soil and subsoil, moves downward to the water table, and becomes recharge or part of the ground water in storage. Factors affecting recharge include the intensity and amount of rainfall, the slope of the land surface, the type of soil, the type of material between the soil and the water table, the permeability of the aquifer, the quantity of water in the aquifer, and the rate of evapotranspiration.

In sandy outcrop areas, ground water is unconfined and is under water-table conditions. Downdip from the outcrop or recharge areas where the aquifer is overlain by less permeable material, the water becomes confined and is under artesian conditions.

Water under artesian conditions, if not disturbed by man's withdrawals, will rise in wells to an elevation equal to its elevation in the recharge area less the loss in pressure due to friction. Where the elevation of the land surface near a well is considerably below the general level of the area of outcrop, the pressure may be sufficient to cause the water to rise above the land surface and the well will flow. A few wells in the Plum Creek valley flow small quantities of water.

Ground water moves slowly (tens to hundreds of feet a year) under the influence of gravity from areas of recharge to areas of discharge. The water is discharged naturally through seeps and springs in the outcrop of the aquifer, by transpiration where the water table is close enough to the surface to be reached by the roots of plants or trees, and by seepage through semiconfining beds, or along faults, into another aquifer having a lower pressure. Ground water is also discharged artificially through wells.

78.8 of 11

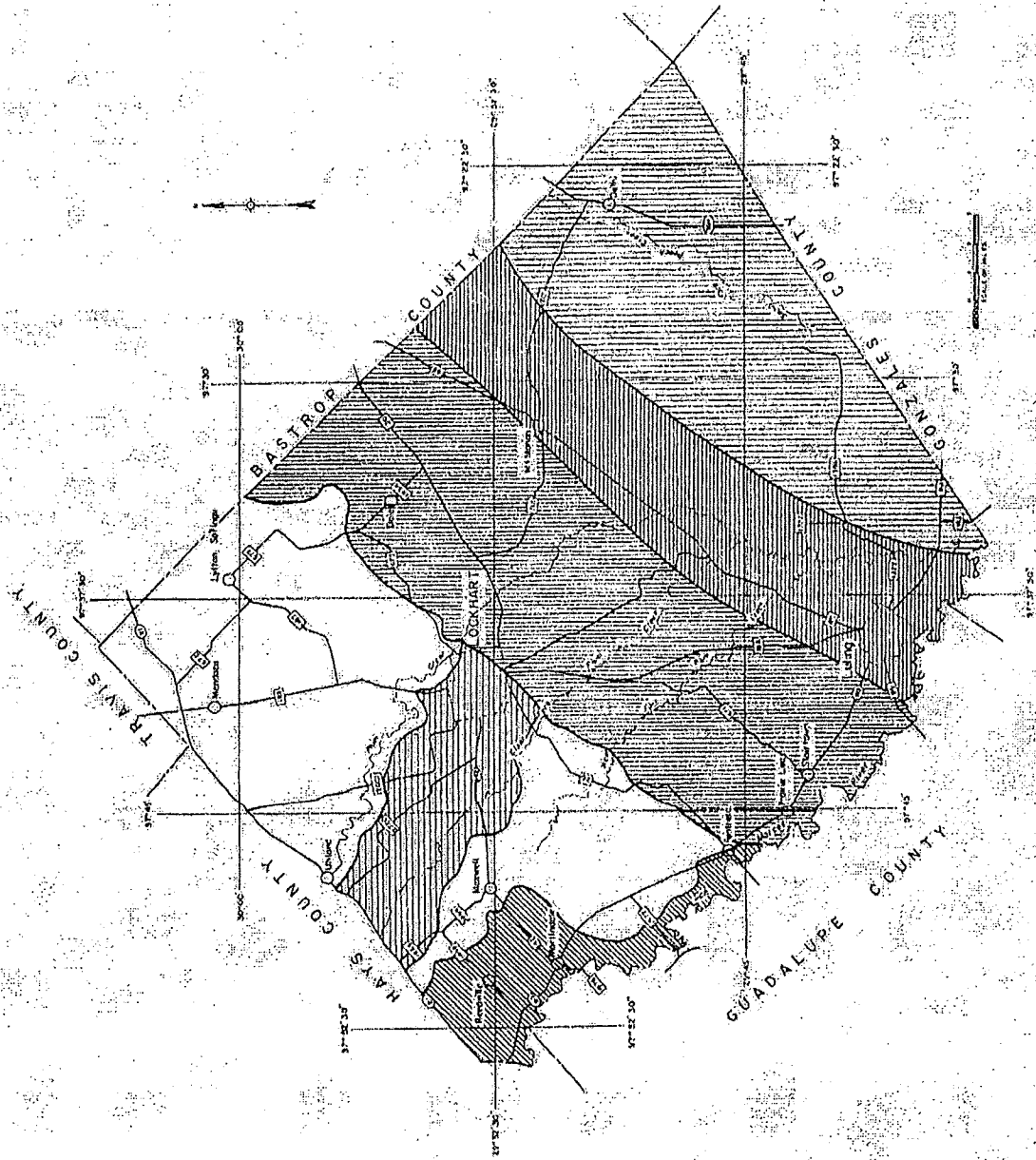


Figure 14.  
 Map Showing Estimated Potential Yields of Wells Tapping the Recent Alluvium, Leona Formation, and Carrizo Sand and Wilcox Group

U.S. Geological Survey in cooperation with the Texas Water Development Board,  
 Caldwell County Commissioners' Court and the Guadalupe-Blanco River Authority

Base compiled from county highway maps  
 at the Texas Highway Department

Aug. 9, 1911

Table 9.—Records of wells and springs—Continued

Well	Owner	Driller	Year completed	Depth of well (ft)	Diameter of well (in.)	Water-bearing unit	Altitude of land surface (ft)	Water table depth (ft)	Date of measurement	Method of measurement	Use of water	Remarks
801	H. A. Voight	J. B. Hancock Oil Co. Ltd.	1957	1715	--	Qz1	580	--	--	J, E	D	Dug well cased with brick. Old well.
802	do	Hughes Barreth	1956	419	4	Qz1	--	85	June 25, 1964	J, E	S	Cased to bottom; cased from 393 ft to bottom.
89-203	A. A. Harper	--	--	Spring	--	Qz1	--	--	--	Flores	S	Spring in creek bed near San Marcos River. Estimated flow 150 gpm on July 3, 1946 and 25 gpm on Nov. 7, 1961.
904	do	--	--	35	30	Qz1	--	38.4 29.0 29.6 28.8	Nov. 7, 1963 Dec. 30, 1963 Apr. 24, 1964 June 20, 1964	J, E	D	Dug well cased with concrete rings.
905	do	--	1956	35	30	Qz1	--	28.4	Nov. 7, 1963	J, E	D, S	Dug well cased with concrete rings.
906-101	I. B. Martin	--	1924	33	36, 60	Qz1	--	16.5 19.1	Apr. 8, 1964 Mar. 3, 1964	C, E	P	Dug well cased with concrete on bank of San Marcos River. Standby well.
907	do	--	1955	45	60	Qz1	--	36	1955	T, E, S	F	Dug well on bank of San Marcos River. Supplies water for 130 connections in Martin's quarters.
908	Mrs. Ed Rausch	--	--	29	36	Qz1	--	13.5 17.1	June 13, 1964 Nov. 7, 1963	J, E	D, S	Dug well cased with brick to 10 ft. Supplies water for several families at head-quarters.
909	Memory Lawn Memorial Park, Inc.	--	1963	23	30	Qz1	--	30.8 29.9 21.0 20.6	Nov. 8, 1963 Dec. 30, 1963 Apr. 24, 1964 June 20, 1964	J, E	Irr	Dug well cased with concrete rings. Irrigates about 2-acre lawn.
910	B. S. Engley	--	--	33	36	Qz1	--	25.9 25.9	Nov. 7, 1963 Dec. 30, 1963	C, E	Irr	Dug well cased with brick. Irrigates about 2 acres. Reported discharge 100 gpm. Old well.
911	T. D. Hagley	--	--	357	--	Qz1	--	--	--	C, E	Irr	Dug well. Irrigates about 1 acre. Old well.
912	H. W. Bagley & Sons	--	1930	327	--	Qz1	--	--	--	C, E	Irr	Dug well. Irrigates about 2 acres.
913	Robert Barber	--	1935	34	30	Qz1	--	28.9 28.9 28.9 28.0	Nov. 8, 1963 Dec. 30, 1963 Mar. 2, 1964 Apr. 24, 1964	T, E, S	Irr	Dug well. Irrigates about 40 acres from 2 wells.
914	do	--	--	33	60	Qz1	--	28.0 28.2 28.5 28.7	Nov. 8, 1963 Dec. 30, 1963 Mar. 2, 1964 June 20, 1964	T, E, S	Irr	Dug well cased with concrete blocks.

See footnotes at end of table.

78. 10 of 11



THIS MAP IS FOR GENERAL INFORMATIONAL PURPOSES ONLY. MARTINDALE WSC MAKES NO REPRESENTATIONS AS TO THE ACTUAL LOCATION OF WATER SERVICE LINES, METERS, VALVES, OR OTHER WATER SERVICE DEVICES OR SERVICE LINES DEPICTED ON THIS MAP. INTERESTED PARTIES MAY NOT RELY ON THIS MAP FOR ANY PURPOSE WHATSOEVER AND THE ACTUAL LOCATION OR EXISTENCE OF ANY WATER SERVICE LINES, METERS, VALVES, OR OTHER WATER SERVICE DEVICES MUST BE INDEPENDENTLY VERIFIED BY MARTINDALE WSC STAFF, IN THE FIELD, PRIOR TO SAME BEING DEEMED CORRECT AND RELIABLE.

LEGEND

EXISTING MARTINDALE WSC CCN

MARTINDALE WATER  
SUPPLY CORPORATION  
CCN VICINITY MAP

NOTE  
TOOT BACKGROUND INFORMATION  
OBTAINED FROM WEB SITE AND  
UTILIZED FOR EXHIBIT INFORMATION  
ONLY.

MARTINDALE WATER SUPPLY CORPORATION  
P.O. BOX 175  
MARTINDALE, TEXAS 78655  
(512) 357-6951




MWSC, EX.3

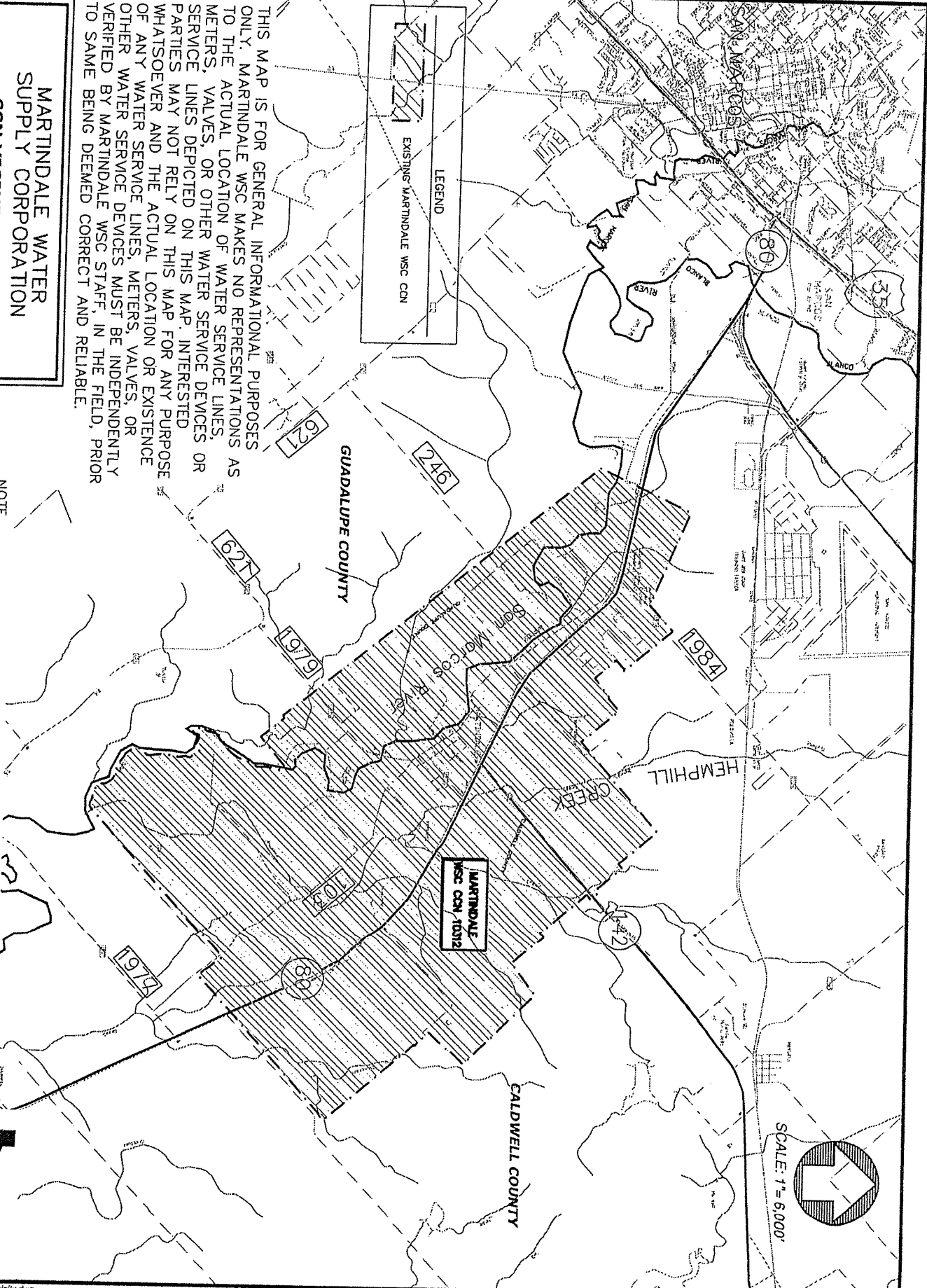


THIS MAP IS FOR GENERAL INFORMATIONAL PURPOSES ONLY. MARTINDALE WSC MAKES NO REPRESENTATIONS AS TO THE ACTUAL LOCATION OF WATER SERVICE LINES, METERS, VALVES, OR OTHER WATER SERVICE DEVICES OR SERVICE LINES DEPICTED ON THIS MAP. INTERESTED PARTIES MAY NOT RELY ON THIS MAP FOR ANY PURPOSE WHATSOEVER AND THE ACTUAL LOCATION OR EXISTENCE OF ANY WATER SERVICE LINES, METERS, VALVES, OR OTHER WATER SERVICE DEVICES MUST BE INDEPENDENTLY VERIFIED BY MARTINDALE WSC STAFF, IN THE FIELD, PRIOR TO SAME BEING DEEMED CORRECT AND RELIABLE.

LEGEND



EXISTING MARTINDALE WSC C&N



**MARTINDALE WATER SUPPLY CORPORATION**  
**CCN VICINITY MAP**

NOTE  
 TADOT BACKGROUND INFORMATION OBTAINED FROM WEB SITE AND UTILIZED FOR EXHIBIT INFORMATION ONLY.

MARTINDALE WATER SUPPLY CORPORATION  
 P.O. BOX 175  
 MARTINDALE, TEXAS 78655  
 (512) 357-6951



MWSC EX.3

HORN  
ATTORNEY  
101 EAST 2ND STREET  
SAN MARCO, TEXAS 78456



7014 3490 0001 8603 7311



RECEIVED  
FEB 16 2022  
TCEQ MAIL CENTER  
BC

Office of Chief Clerk  
TCEQ  
Mail Code MC-195  
P.O. Box 13087  
Austin, Texas 78711

COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
707 FEB 16 AM 9:39  
CHIEF CLERK'S OFFICE



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**\$8.56**

MWD  
122210

**HOHN & JANSSEN**  
Attorneys At Law

110 E. San Antonio St.  
San Marcos, Texas 78666

Telephone: 512-396-0066  
Fax: 512-396-0075  
Cellphone: 512-557-5432  
E-mail: jyhohn@centurytel.net

John Hohn \*  
Mark Janssen \*\*  
\* Admitted Texas and Oklahoma  
\*\* Admitted Texas and Colorado

April 12, 2022

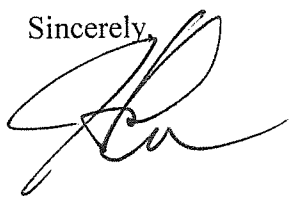
Office of Chief Clerk  
TCEQ  
Mail Code MC-105  
P.O. Box 13087  
Austin, Texas 78711

Re: Notice of Public Meeting  
Permit No. WQ0015918001  
Walton Texas, L.P.


TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2022 APR 14 AM 9:39  
CHIEF CLERKS OFFICE

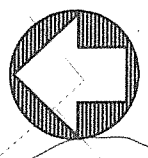
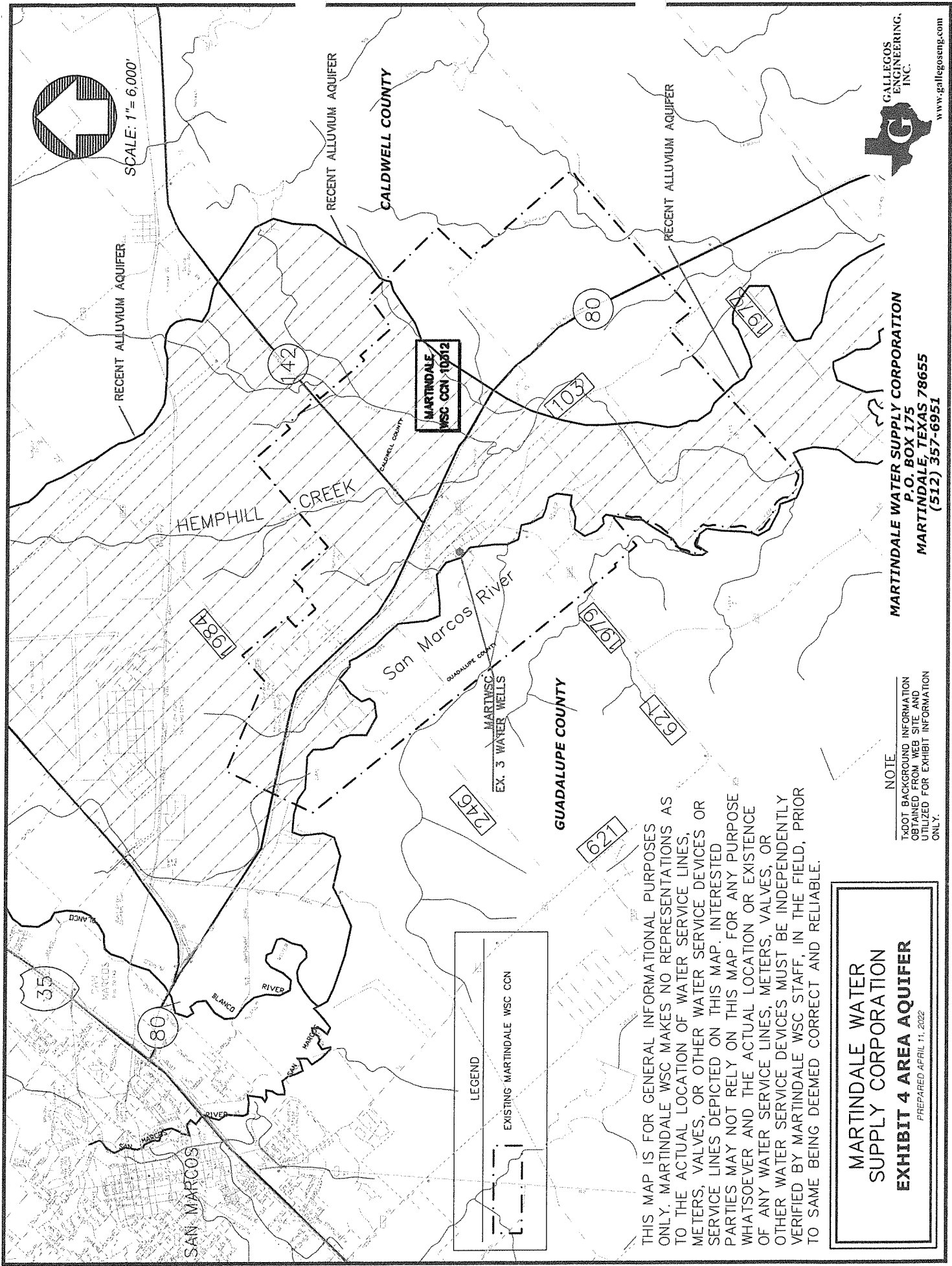
Dear Clerk:

My name is John Hohn and I am the attorney for Martindale Water Supply Corporation ("MWSC"). During last night's Public Meeting conducted by the Texas Commission on Environmental Quality ("TCEQ"), via audio only, regarding the above referenced permit application, Mr. Richard Gallegos, Professional Engineer representing MWSC, read into the record two documents marked for identification as MWSC Exhibit 4, Area Aquifer map, and Exhibit 5, Additional Facts. As a courtesy to those TCEQ staff members who were attempting to keep notes upon which TCEQ will produce writing responses to comments provided at the meeting I am transmitting herewith clean copies of those two documents.

Sincerely,  
  
John Hohn

Enclosures  
Cc: MWSC

**REVIEWED**  
APR 14 2022  
By 



SCALE: 1" = 6,000'

**LEGEND**

EXISTING MARTINDALE WSC CCA

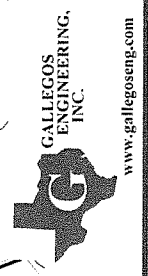
THIS MAP IS FOR GENERAL INFORMATIONAL PURPOSES ONLY. MARTINDALE WSC MAKES NO REPRESENTATIONS AS TO THE ACTUAL LOCATION OF WATER SERVICE LINES, METERS, VALVES, OR OTHER WATER SERVICE DEVICES OR SERVICE LINES DEPICTED ON THIS MAP. INTERESTED PARTIES MAY NOT RELY ON THIS MAP FOR ANY PURPOSE WHATSOEVER AND THE ACTUAL LOCATION OR EXISTENCE OF ANY WATER SERVICE LINES, METERS, VALVES, OR OTHER WATER SERVICE DEVICES MUST BE INDEPENDENTLY VERIFIED BY MARTINDALE WSC STAFF, IN THE FIELD, PRIOR TO SAME BEING DEEMED CORRECT AND RELIABLE.

**MARTINDALE WATER  
SUPPLY CORPORATION  
EXHIBIT 4 AREA AQUIFER**

PREPARED APRIL 11, 2022

**NOTE**  
TYPICAL BACKGROUND INFORMATION OBTAINED FROM WEB SITE AND UTILIZED FOR EXHIBIT INFORMATION ONLY.

**MARTINDALE WATER SUPPLY CORPORATION**  
P. O. BOX 175  
MARTINDALE, TEXAS 78655  
(512) 357-6951



www.gallegoseng.com

DATE: April 11, 2022

SUBJECT: Additional Facts  
TCEQ, Public Meeting  
Walton Texas, LP,  
Proposed Permit No. WQ0015918001

FROM: Richard Gallegos, P.E.  
President  
Gallegos Engineering for Martindale Water Supply Corp. ("MWSC")

TO: Texas Commission on Environmental Quality ("TCEQ")

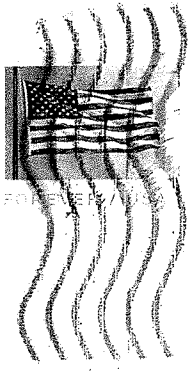
The following are a summary of additional facts that the TCEQ should consider when deciding whether on not the above permit should be issued, and if so, what conditions should be contained in that permit. The related facts are true and correct to the best of my knowledge. I have served MWSC as it engineer for over two decades and during that time have become familiar with intimately familiar with its water system and the surrounding terrain.

MWSC obtains all of the raw water that it feeds into its water purification facility ("the Plant") located at 206 Main Street, Martindale, Texas, from a shallow aquifer called the Recent Alluvium ("the Alluvium").

1. At its well heads at the Plant the water level in the Alluvium is approximately 35 feet below the surface.
2. The main pumps at the Plant that pump water from the Alluvium have the capacity and do during protracted period of dry weather literally pump the Alluvium down to a level where further pumping is not advisable.
3. The potable water produced by the Plant supplies on an annual basis over half of the water delivered to the approximate 3,000 people currently served by MWSC.
4. The Plant is not designed to remove nitrogen from the raw water feed. To add equipment designed to remove nitrogen from its raw water feed would be difficult for MWSC to add at the Plant due to limited space, expensive to purchase, and make the operation of the Plant more difficult.

**MWSC Exhibit 5**

HOHN AND JANSSEN  
ATTORNEYS AT LAW  
110 EAST SAN ANTONIO STREET  
SAN MARCOS, TEXAS 78666



AUSTIN TX 786  
RIO GRANDE DISTRICT  
12 APR 2022 PM 3 L

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2022 APR 14 AM 9:39

CHIEF CLERKS OFFICE

Office of Chief Clerk  
TCEQ  
Mail Code 105  
P.O. Box 13087  
Austin, Texas 78711

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APR 14 2022

TOFONM  
AJ

78711-308707

March 22, 2023

To: Laurie Gharis, Chief Clerk  
TCEQ, MC-105

RE: Walton Texas LP  
TPDES Permit No. WQ0015918001

REVIEWED  
MAR 23 2023  
Gcw H

TCEM OCC

27MAR '23 9:47

**I am writing this to request a contested case hearing** regarding the request by Walton Texas LP to release treated sewage into Hemphill and Morrison Creeks. Morrison Creek runs through the center of our farm and is adjacent to our home and well.

My name is John William (Bill) Jennings.  
My Address is: 3563 SE River Rd., Martindale, TX 78655  
My telephone number is: 512 212 0585  
The applicant is: Walton Texas LP  
The permit no. is: TPDES Permit No. WQ0015918001

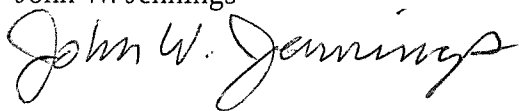
I am an affected person that would be harmed economically and threatened in several ways by the release of treated sewage into the creek. Here are five ways myself and others would be affected.

1. Crossing Morrison Creek is necessary to travel from our home to the side of our farm adjacent to state Highway 80. We have crossed it to move tractors for land cultivation, mowing, and movement from one side of the creek to the other. No bridge is available to drive over the creek. We have relied on dry sections and periods of no flow to accomplish this movement. We have been unable to afford the construction of a raised bridge to aid in this movement. The release of up to 450,000 gallons of flow per day from the treatment plant would make the free movement from one side of our farm to the other impossible due to an increase in flow and lack of bridge infrastructure.
2. Our home and others on our road have a shallow well which provides potable drinking water to us. During periods of flooding in the area, Morrison creek becomes a conduit for floodwater from the San Marcos River. In October 2015, floodwater moving along the creek rose to a height that touched the foundation of a structure adjacent to our well. We risk an increased level of contamination and an increased level of flooding due to Walton Texas LP's addition of flow volume to the creek.
3. We live off of a county road – Caldwell County Rd. 103 – that crosses Morrison Creek east of our home with a shallow bridge that allows residents of the road to travel by automobile south and east. In times of large flows this bridge becomes impassible by cars. Deaths have occurred as recent as 2017 by residents incorrectly judging the height of the flow. There has been no indication that the county or Walton Texas LP are prepared to pay for the construction of a bridge that would allow residents to pass over an increased flow in Morrison Creek.
4. The value of our farm is dependent on the adaptation of the land to cultivation, development, and the variety of uses that an owner can employ to profit and pay taxes on the property. Increased creek flow restricts usage, prohibits development, and divides the property into small, limited use portions that flood maps show. In addition worries about bacterial contamination and an increase in phosphate driven algae spreading add to the overall unattractiveness of a property to a potential buyer.

5. Part of my drinking water is supplied by the Martindale Water Corporation from wells in the Martindale area. I have reviewed a map showing the catchment area that supplies wells for MWC. Parts of that catchment map overlaps Hemphill Creek downstream from the Walton Texas LP's treated sewage discharge site. If the discharge is not safe, it shouldn't be allowed to contaminate Martindale water. If it is safe, it should be reused by the development to provide drinking water or landscape water for the residents. Better than releasing it into a small creek whose eventual destination is the San Marcos River.

Please consider all five of these ways that I am affected by Walton Texas LP's construction of a sewage treatment facility that discharges into our creeks and rivers.

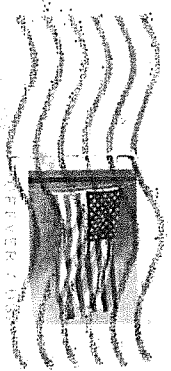
Yours truly,  
John W. Jennings

A handwritten signature in cursive script that reads "John W. Jennings". The signature is written in black ink and is positioned below the typed name.



John W. Jennings  
3563 SE River Rd.  
Martindale, TX 78655

AUSTIN TX 786  
POST OFFICE BOX 105  
20 MAR 2023 10:14 AM



RECEIVED

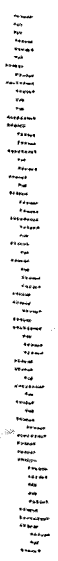
MAR 27 2023

TCEQ MAIL CENTER  
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0916 02 JUN22  
000 0001

Laurie Gharis, Chief Clerk  
TCEQ MC 105  
P.O. Box 13087  
Austin, TX 78711-3087

78711-3087



**Lori Rowe**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, April 8, 2022 10:21 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001

**From:** jj08@txstate.edu <jj08@txstate.edu>  
**Sent:** Friday, April 8, 2022 7:17 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** Bill Jennings

**EMAIL:** [jj08@txstate.edu](mailto:jj08@txstate.edu)

**COMPANY:**

**ADDRESS:** 3563 SE RIVER RD [jj08@txstate.edu](mailto:jj08@txstate.edu)  
MARTINDALE TX 78655-3010

**PHONE:** 5122120585

**FAX:**

**COMMENTS:** -how much is flow in Hemphill Creek and downstream expected to increase with the discharge and added impervious cover associated with the development? -at the proposed discharge rates of .052, .21, and .42 MGD, how far downstream will the effluent flow? -during normal conditions, will the effluent make it to the San Marcos River? -where will the sludge from the project be deposited and what will be the composition of the sludge? -is there any existing data or information on the receiving waters (Hemphill and Morrison creeks) and, if so, how was that used in the wastewater

modeling? -if no data on the receiving waters was available, I propose ongoing hydrologic, biologic and water quality monitoring of Hemphill and Morrison creeks to collect information on potential changes to the streams to inform future revisions to the permit -what is the source water for the Cotton Creek development?

Regarding the Cotton Center Sewage Discharge  
into Hemphill Creek:  
Permit Number WQ0015918001

REVIEWED  
OCT 27 2021  
By Gaw PM

Whereas Walton Texas LP has applied for a permit to discharge treated wastewater into Hemphill Creek, up to 420,000 gallons per day;

MWD  
122210

Whereas the proposed level of treatment in the draft TCEQ discharge permit is insufficient to protect the quality of the water in Hemphill Creek, thence to Morrison Creek, thence to the lower San Marcos River, and

Whereas there are families, livestock, and wildlife who will be adversely affected by this wastewater at that level of treatment, and

Whereas the Martindale Water Supply Corporation wellhead protection area could be adversely affected by this wastewater,

I, Bill Jennings  
Signature

request a public meeting regarding this permit. And, I wish to be added to the mailing list on this permit, so I receive notices about further steps in this permit process.

John William (Bill) Jennings  
Name, printed clearly

3563 SE River Rd. Martindale, TX  
Address

512 212 0585 Phone  
JJ08@tx.state.edu E-mail

Reasons that I am affected:

Hemphill creeks runs into Morrison Creek which runs through the middle of my farm and is a source of drinking water for live stock on the farm as well as native animals. It is dry most of the year and can be crossed to get to the other side of the farm. Morrison Creek runs directly into the San Marcos River. During All public comments or public meeting requests must be submitted to the Office of the Chief Clerk, MC-105, Texas Commission on Environmental Quality, PO Box 13087, Flooding the waters come close to my home.

CHIEF CLERKS OFFICE  
2021 OCT 25 AM 10:15  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Austin, TX 78711-3087 or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/) within 30 days from the date of newspaper publication of permit notice.

Jennings  
3563 SE River Rd.  
Martindale, TX 78655

STANDARD MAIL PERMIT NO. 56138  
CHIEF CLERK OFFICE

Office of the Chief Clerk, MC-105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

AUSTIN TX 787  
RIO GRANDE DISTRICT  
22 OCT 2021 PM 3 L



2021 ENERGY  
FOREVER / USA

POSTNET

OCT 25 2021

TOEPMAL CENTER  
VT

78711-3087



**Lori Rowe**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, October 22, 2021 1:20 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001

**From:** jj08@txstate.edu <jj08@txstate.edu>  
**Sent:** Friday, October 22, 2021 10:38 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** Bill Jennings

**E-MAIL:** [jj08@txstate.edu](mailto:jj08@txstate.edu)

**COMPANY:**

**ADDRESS:** 3563 SE RIVER RD [jj08@txstate.edu](mailto:jj08@txstate.edu)  
MARTINDALE TX 78655-3010

**PHONE:** 5122120585

**FAX:**

**COMMENTS:** The discharge water from this development's sewage system will run from Hemphill Creek to Morrison Creek which runs through the middle of my farm. The creek is a source of drinking water for livestock and wild animals on my farm. We are worried about the well on our farm as well as Martindale's wells which will be effected by contamination from treated sewage water.

**Lori Rowe**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 15, 2022 8:32 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001  
**Attachments:** GEAA Comments Walton\_MartindaleTX\_0214211.pdf

MWD  
122210

H

**From:** nathan@aquiferalliance.org <nathan@aquiferalliance.org>  
**Sent:** Monday, February 14, 2022 6:10 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** MR Nathan M Glavy

**E-MAIL:** [nathan@aquiferalliance.org](mailto:nathan@aquiferalliance.org)

**COMPANY:** Greater Edwards Aquifer Alliance

**ADDRESS:** PO BOX 15618  
SAN ANTONIO TX 78212-8818

**PHONE:** 2103200149

**FAX:** 2103206298

**COMMENTS:** Please accept the attached comments on behalf of the fifty-six member groups of the Greater Edwards Aquifer Alliance 1. Background. Walton Texas, L.P., 8800 N. Gainey Center Drive, Suite 345, Scottsdale, Arizona 85258, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015918001, to authorize the discharge of treated domestic wastewater at a daily



average flow not to exceed 420,000 gallons per day. The facility will be located approximately 2,100 feet northeast of the intersection of State Highway 80 and State Highway 142, in Caldwell County, Texas 78655. The treated effluent will be discharged to Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin 2. Greater Edwards Aquifer Alliance (GEAA). GEAA submits the following comments on behalf of our fifty-six member organizations and requests a contested case hearing regarding this permit application. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA has multiple members who would be adversely affected by the proposed application of Walton Texas L.P. GEAA's members have serious concerns regarding the permit application, regarding the degradation to Hemphill Creek, Morrison Creek and the Lower San Marcos River that will likely occur with the discharge of treated sewage into these waterways. GEAA and its members' specific areas of concern are summarized in the following section of this letter.

3. Comments on the application. As noted in the Notice of Public Meeting, Notice of Application and Preliminary Decision, the proposed discharge route is from the plant site via pipe to Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River. There are several areas of concern with the current application:

a. Effluent Discharge Levels: The effluent discharge levels in the draft permit currently depict a phased approach for effluent discharge levels as construction of the Walton Texas, L.P. WWTP occurs, ultimately granting an effluent discharge level limits of 10 mg/l CBOD, 15 mg/l Total Suspended Solids, 2 mg/l Ammonia nitrogen and an unknown mg/l amount for Phosphorus. These lax effluent limits pose a serious hazard to the safety and welfare of the local environment, humans and wildlife. Further, the effluent discharge levels violate the longstanding development agreement contract between the developer and the City of Martindale. The discharge limits set by this development agreement are 5 mg/l of CBOD, 5 mg/l of Total Suspended Solids, 2 mg/l Ammonia Nitrogen and 1 mg/l of Phosphorus. Representatives of Walton Texas, LP have confirmed that the discharge limits included in the permit application state that the plant is designed for much higher and more harmful permit limits and that the application contains errors throughout the document. The developer acknowledged the errors in their application and has maintained they will file a corrected application, which they have failed to do so to this point. The City of Martindale has recently passed a resolution regarding the discharge limits to be set at 5 mg/l CBOD, 5 mg/l of Total Suspended Solids, 2 mg/l of Ammonia Nitrogen, 0.5 mg/l of Phosphorus for all developments. Should this permit be granted, GEAA strongly encourages the adoption of the 5-5-2-.5 maximum limits for treated sewage discharge.

b. Implementation of Beneficial Reuse: As it stands today, the Walton Texas, L.P. WWTP draft permit does not include any capacity to conduct beneficial reuse, promoting environmental harm to the Lower San Marcos River and the surrounding watershed areas upon TCEQ approval of this permit. Accordingly, GEAA urges Walton Texas, L.P. to utilize a "One Water" approach for their wastewater treatment system, incorporating beneficial reuse of effluent, thereby eliminating the need to discharge effluent into Hemphill Creek. In the event Walton Texas, L.P. is unable to reuse all of the wastewater generated, it is GEAA's recommendation that the remaining amounts be land applied, with Walton Texas, L.P. purchasing the necessary land for such and obtaining the requisite TLAP permit from TCEQ. Currently, the City of Martindale is actively considering the development of a regional wastewater facility that would limit the number of facilities discharging wastewater into the river system and accommodate future demand for growth. A regional approach is a preferred option compared to a patchwork of independent treatment facilities. If a patchwork approach is approved by TCEQ, the City of Martindale requests that all independent treatment facilities commit to 75% beneficial reuse of the treated water. GEAA supports the City of Martindale's request of commitment to 75% beneficial reuse for all new independent treatment facilities.

c. Impacts on the Lower San Marcos River: The proposed effluent will flow from Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River at a volume of 420,000 gallons per day. This effluent volume will increase as the Walton Texas, L.P. development gets built out. Accordingly, it's critical that the allowable effluent limits be initially set so that people enjoying contact recreation in the river aren't adversely affected by the effluent. The river is a popular recreational spot year-round for snorkeling, fishing, swimming, tubing and kayaking. In conclusion, the more lenient the standards for the proposed Walton Texas, L.P. WWTP draft permit, the greater the impact to Hemphill and Morrison Creeks, Lower San Marcos River and the surrounding areas. We trust that the TCEQ will consider these factors when implementing the Walton Texas, LP permit and that effluent standards will be adopted that are in line with others in central Texas, following as a minimum the 5-5-2-.5 rule and implementation of beneficial reuse. Thank you for the opportunity to submit these comments.



Member Organizations

Alamo, Austin, and Lone Star chapters of the Sierra Club

Bexar Audubon Society

Austin, Bexar and Travis Green Parties

Bexar Grotto

Boerne Together

Bulverde Neighborhood Alliance

Bulverde Neighbors for Clean Water

Cibola Center for Conservation

Citizens for the Protection of Cibola Creek

Comal County Conservation Alliance

Environment Texas

First Universalist Unitarian Church of SA

Friends of Canyon Lake

Friends of Dry Comal Creek

Friends of Government Canyon

Fuerza Unida

Green Society of UTSA

Guadalupe River Road Alliance

Guardians of Lick Creek

Headwaters at Incarnate Word

Helotes Heritage Association

Hill Country Alliance

Kendall County Well Owners Association

Kinney County Ground Zero

Leon Springs Business Association

Native Plant Society of Texas – SA

Northwest Interstate Coalition of Neighborhoods

Pedernales River Alliance – Gillespie Co.

Preserve Castroville

Preserve Lake Dunlop Association

Preserve Our Hill Country Environment

RiverAid San Antonio

San Antonio Audubon Society

San Antonio Conservation Society

San Geronimo Valley Alliance

San Marcos Greenbelt Alliance

San Marcos River Foundation

Save Barton Creek Association

Save Our Springs Alliance

Scenic Loop/Boerne Stage Alliance

Securing a Future Environment

SEED Coalition

Signal Hill Area Alliance

Sisters of the Divine Providence

Solar San Antonio

Texas Cave Management Association

Trinity Edwards Spring Protection Assoc.

Water Aid – Texas State University

Wildlife Rescue & Rehabilitation

Wimberley Valley Watershed Association

February 14, 2022

Laurie Gharis, Chief Clerk

Office of the Chief Clerk, MC 105

Texas Commission on Environmental Quality

PO Box 13087

Austin, TX 78711-3087

Submitted electronically at <https://www14.tceq.texas.gov/epic/eComment/>

Re: Comments and Hearing Request Regrading Application of Walton Texas L.P. for TPDES Permit No. WQ0015918001

Please accept the attached comments on behalf of the fifty-six member groups of the Greater Edwards Aquifer Alliance

**1. Background.** Walton Texas, L.P., 8800 N. Gainey Center Drive, Suite 345, Scottsdale, Arizona 85258, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015918001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 420,000 gallons per day. The facility will be located approximately 2,100 feet northeast of the intersection of State Highway 80 and State Highway 142, in Caldwell County, Texas 78655. The treated effluent will be discharged to Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin

**2. Greater Edwards Aquifer Alliance (GEAA).** GEAA submits the following comments on behalf of our fifty-six member organizations and requests a contested case hearing regarding this permit application. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA has multiple members who would be adversely affected by the proposed application of Walton Texas L.P.

GEAA's members have serious concerns regarding the permit application, regarding the degradation to Hemphill Creek, Morrison Creek and the Lower San Marcos River that will likely occur with the discharge of treated sewage into these waterways. GEAA and its members' specific areas of concern are summarized in the following section of this letter.

**3. Comments on the application.** As noted in the Notice of Public Meeting, Notice of Application and Preliminary Decision, the proposed discharge route is from the plant site via pipe to Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River. There are several areas of concern with the current application:

a. Effluent Discharge Levels: The effluent discharge levels in the draft permit currently depict a phased approach for effluent discharge levels as construction of the Walton Texas, L.P. WWTP occurs, ultimately granting an effluent discharge level limits of 10 mg/l CBOD, 15 mg/l Total Suspended Solids, 2 mg/l Ammonia nitrogen and an unknown mg/l amount for Phosphorus. These lax effluent limits pose a serious hazard to the safety and welfare of the local environment, humans and wildlife.

Further, the effluent discharge levels violate the longstanding development agreement contract between the developer and the City of Martindale. The discharge limits set by this development agreement are 5 mg/l of CBOD, 5 mg/l of Total Suspended Solids, 2 mg/l Ammonia Nitrogen and 1 mg/l of Phosphorus. Representatives of Walton Texas, LP have confirmed that the discharge limits included in the permit application state that the plant is designed for much higher and more harmful permit limits and that the application contains errors throughout the document. The developer acknowledged the errors in their application and has maintained they will file a corrected application, which they have failed to do so to this point.

The City of Martindale has recently passed a resolution regarding the discharge limits to be set at 5 mg/l CBOD, 5 mg/l of Total Suspended Solids, 2 mg/l of Ammonia Nitrogen, 0.5 mg/l of Phosphorus for all developments. Should this permit be granted, **GEAA strongly encourages the adoption of the 5-5-2-.5 maximum limits for treated sewage discharge**

b. Implementation of Beneficial Reuse: As it stands today, the Walton Texas, L.P. WWTP draft permit does not include any capacity to conduct beneficial reuse, promoting environmental harm to the Lower San Marcos River and the surrounding watershed areas upon TCEQ approval of this permit. Accordingly, GEAA urges Walton Texas, L.P. to utilize a "One Water" approach for their wastewater treatment system, incorporating beneficial reuse of effluent, thereby eliminating the need to discharge effluent into Hemphill Creek. In the event Walton Texas, L.P. is unable to reuse all of the wastewater generated, it is GEAA's recommendation that the remaining amounts be land applied, with Walton Texas, L.P. purchasing the necessary land for such and obtaining the requisite TLAP permit from TCEQ.

Currently, the City of Martindale is actively considering the development of a regional wastewater facility that would limit the number of facilities discharging wastewater into the river system and accommodate future demand for growth. A regional approach is a preferred option compared to a patchwork of independent treatment facilities. If a patchwork approach is approved by TCEQ, the City of Martindale requests that all independent treatment facilities commit to 75% beneficial reuse of the treated water. GEAA supports the City of Martindale's request of commitment to 75% beneficial reuse for all new independent treatment facilities.

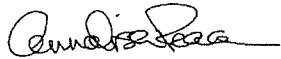
c. Impacts on the Lower San Marcos River: The proposed effluent will flow from Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River at a volume of 420,000 gallons per day. This effluent volume will increase as the Walton Texas, L.P. development gets built out. Accordingly, it's critical that the allowable effluent limits be initially set so that people enjoying contact recreation in the river aren't adversely affected by the effluent. The river is a popular recreational spot year-round for snorkeling, fishing, swimming, tubing and kayaking

In conclusion, the more lenient the standards for the proposed Walton Texas, L.P. WWTP draft permit, the greater the impact to Hemphill and Morrison Creeks, Lower San Marcos River and the surrounding areas. We trust that the TCEQ will consider these factors when implementing the Walton Texas, LP

permit and that effluent standards will be adopted that are in line with others in central Texas, following as a minimum the 5-5-2-.5 rule and implementation of beneficial reuse.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Annalisa Peace". The signature is fluid and cursive, with a long horizontal line extending from the end.

Annalisa Peace  
Executive Director  
Greater Edwards Aquifer Alliance

**Ellie Guerra**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, March 30, 2023 8:58 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001  
**Attachments:** Walton Cotton Contested Case Hearing Request.pdf

H

**From:** victoria@sosalliance.org <victoria@sosalliance.org>  
**Sent:** Wednesday, March 29, 2023 1:40 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** Victoria Rose

**EMAIL:** [victoria@sosalliance.org](mailto:victoria@sosalliance.org)

**COMPANY:** Save Our Springs Alliance

**ADDRESS:** 4701 W GATE BLVD Ste. D-401  
AUSTIN TX 78745-1479

**PHONE:** 5124772320

**FAX:**

**COMMENTS:** Please find a contested case hearing request on behalf of SMRF and TRPA in the attached PDF.

Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087 – MC 105  
Austin, Texas 787011 – 3087

April 3, 2023

**Via: Online Submission Form**

**Re: Request for Contested Case Hearing on the Application and Draft Permit of Walton Texas, LP for Proposed TPDES Permit No. WQ0015918001**

Dear Ms. Gharis,

The San Marcos River Foundation (SMRF) and Texas Rivers Protection Association (TRPA) request a contested case hearing on the proposed TPDES Permit No. WQ0015918001.

**I. Background.**

Walton Texas, LP (“the Applicant”) has applied for a new discharge permit, proposed TPDES Permit No. WQ0015918001 (“the Draft Permit”), to authorize wastewater discharge at a volume not to exceed 420,000 gallons per day in the final stage. The Applicant proposed to construct a new wastewater treatment plant, the Cotton Center Martindale Wastewater Treatment Facility. The Draft Permit would be allowed to discharge 420,000 gallons per day of treated effluent into Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin.

**II. The Requesting Parties Meet the Requirements to be Considered an “Affected Person” in Order to Contest the Draft Permit.**

Both SMRF and TRPA meet the requirements set out in 30 T.A.C. § 55.205 for a group or association to be considered an “affected person” for the purposes of requesting a contested case hearing.

**a. SMRF**

SMRF is a non-profit organization that was established to protect public access to and to preserve the San Marcos River. To carry out this mission, SMRF works to protect the flow of aquifer fed springs into the San Marcos River, improve the water quality of the river, and protect the beauty of the river and nearby parks. A large part of SMRF’s work involves water quality monitoring and scientific studies aimed at improving the quality of effluent discharged from wastewater facilities, and SMRF regularly participates in the wastewater permitting process. SMRF’s work and mission directly encompass protecting the receiving waters for the Draft Permit, and the issuance of the Draft Permit will harm SMRF’s interest in protection of water quality, aquatic life, property values, recreation, conservation, and aesthetic beauty of the San Marcos River. SMRF submitted timely comments on April 11, 2022, detailing the ways in which the Draft Permit will harm these interests and the receiving waters.

SMRF has members who would otherwise have standing to request a contested case hearing for the Draft Permit in their own right. Among these is SMRF member Frank Caldwell.

**b. TRPA**

TRPA is a non-profit organization whose mission is to protect public access and preserve the flow, water quality, and natural beauty of the rivers of Texas, including the lower San Marcos River. TRPA sponsors river clean-ups, engages in public outreach and education to its members and the public concerning preservation of water quality of Texas rivers and streams, and regularly participates in wastewater permitting cases. TRPA's work and mission directly encompass protecting the receiving waters for the Draft Permit, and the issuance of the Draft Permit will harm TRPA's interests in protection of water quality, aquatic life, property values, recreation, conservation, and aesthetic beauty of the receiving waters. TRPA submitted timely comments on April 11, 2022, detailing the ways in which the Draft Permit will harm these interests and the receiving waters.

TRPA has members who would otherwise have standing to request a contested case hearing for the Draft Permit in their own right. Among these is TRPA member Frank Caldwell.

**c. Mr. Frank Caldwell**

Mr. Frank Caldwell owns real property adjacent to the site of the proposed wastewater treatment facility and discharge point at 12876 Highway 142, Martindale Texas, 78655. The outfall is 500 ft away from Mr. Caldwell's property, right next to his back fence. Mr. Caldwell may be reached during the day at 512-299-0313 and flc.broker@gmail.com. Mr. Caldwell is a member of SMRF and TRPA.

Mr. Caldwell's economic, property, aesthetic, recreation, and personal health and safety interests will be harmed by the Draft Permit. Mr. Caldwell also has a groundwater well on his property that was the only source of potable water in the area during the 1950's drought of record and the proposed wastewater treatment facility would be built on top of the underground streams that provide water to the well. Any contamination of the well from the Draft Permit and proposed wastewater treatment facility would harm Mr. Caldwell's property, economic, safety interests, and ability to get safe water.

For these reasons, SMRF and TRPA are "affected person[s]" entitled to a contested case hearing on the application and Draft Permit. 30 T.A.C. § 55.205.

**III. The TCEQ Executive Director Did Not Sufficiently Address the Issues Raised by SMRF and TRPA, and SMRF and TRPA Request a Contested Case Hearing on These Issues.**

SMRF and TRPA remain concerned about the impacts of the Draft Permit on the receiving waters in light of, and among other concerns, the high levels of nutrients in the wastewater effluent. The following relevant and material issues were timely raised by SMRF and TRPA during the comment period for the Draft Permit and were not sufficiently addressed by the

TCEQ Executive Director (“ED”). SMRF and TRPA reiterate the concerns and comments raised during the comment period as the basis for SMRF’s and TRPA’s request for a contested case hearing, and to further show that the ED did not adequately address SMRF’s and TRPA’s comments.

These issues were raised by SMRF and TRPA and were not adequately addressed in the ED’s Response to Comments (“RTC”):

1. Whether the Draft Permit will Cause Nuisance Odor.
2. Whether the Draft Permit is Protective of Human Health and Aquatic and Terrestrial Animal Health.
3. Whether the Draft Permit complies with applicable antidegradation rules and is protective of existing instream uses and aquatic life uses.
4. Whether the total phosphorus limit in the Draft Permit is protective of water quality.
5. Whether the Draft Permit is protective of groundwater.
6. Whether the Applicant properly considered regionalization issues.

This request for Contested Case Hearing identifies specific comments made by SMRF and TRPA related to the above issues (as numbered by the ED), the ED’s corresponding response in her RTC, and the factual basis of each dispute, as well as any related disputed issues of law.

**Issue 1: Whether the Draft Permit will Cause Nuisance Odor.**

Comment 2. SMRF and TRPA commented that the nutrients contained in the wastewater effluent will cause the receiving waters to become choked with odor-causing algae, particularly in the warmer months. The odors from the algae will harm adjacent landowners’ ability to use and enjoy their property.

In response, the ED stated that the Applicant will comply with the buffer zone requirements for the abatement and control of nuisance odor according to 30 Texas Admin Code (TAC) § 309.13(e) and that nuisance odor is not expected to occur as a result of the permitted activities.

This response is inadequate because the ED provided no explanation to support her conclusion that odor-causing algae would not lead to nuisance odor conditions. The response is also inadequate because the ED only addressed nuisance odor in reference to the buffer zone and 30 Texas Admin Code (TAC) § 309.13(e) while failing to address SMRF’s and TRPA’s concerns with nuisance odor related to increased algal growth.



**Issue 2: Whether the Draft Permit is Protective of Human Health and Aquatic and Terrestrial Animal Health.**

Comments 3, 20, & 26. SMRF and TRPA commented that the wastewater discharge would introduce bacteria and nitrogen into public and private wells in the area, creating a public health risk. SMRF and TRPA also commented that ammonia nitrogen is not an effective surrogate for controlling contaminants like nitrates which can cause blue baby syndrome and poison livestock and wildlife. SMRF and TRPA requested that a total nitrogen limit be added to the Draft Permit. SMRF and TRPA are also concerned that the total phosphorus limit in the Draft Permit will allow for the proliferation of algae and harm human health and wildlife health.

The ED responded that she had determined that the Draft Permit and facility would meet all applicable requirements to protect human health and the health of aquatic and terrestrial wildlife.

This response is inadequate because the ED failed to provide an explanation for how the Draft Permit would protect human health and aquatic and terrestrial life from nitrogen and bacteria in the wastewater effluent contrary to SMRF's and TRPA's concerns.

**Issue 3: Whether the Draft Permit Complies with Applicable Antidegradation Rules and is Protective of Existing Instream Uses and Aquatic Life Uses.**

Comments 5 & 26. SMRF and TRPA commented that the wastewater discharge would impair the current uses of the receiving waters. TRPA submitted studies showing that when instream total phosphorus concentrations reach 20 µ/L for waterbodies like the receiving waters, nuisance algal growth and shifts in aquatic communities that constitute a violation of Texas Water Quality Standards and the Tier 1 antidegradation rule.

The ED responded that she reviewed the application with the Texas Water Quality Standards in mind and performed a Tier 1 antidegradation analysis. And even though she claimed that a Tier 2 antidegradation analysis was not conducted, the ED also concluded there would be no significant degradation of water quality.

This response is inadequate because the ED provided no evidence to support her contention that the Draft Permit is protective of instream uses and complies with the Texas Water Quality Standards. The ED also failed to address the studies submitted by TRPA that show the Draft Permit will violate the water quality standards and harm instream uses.

**Issue 4: Whether the Total Phosphorus Limit in the Draft Permit is Protective of Water Quality.**

Comments 12 & 26. SMRF and TRPA commented that the total phosphorus limit for the Draft Permit should be set at least .5 mg/L or lower to avoid algal blooms, decreases in instream dissolved oxygen concentrations, and impairment of instream uses. TRPA submitted studies showing that when instream total phosphorus concentrations reach 20 µ/L for waterbodies like the receiving waters, the concerns outlined in the previous sentence are likely to occur.

The ED responded that according to the Implementation Procedures, a total phosphorus limit was not warranted for the Draft Permit and that the Applicant asked to add a 1mg/L total phosphorus limit to the Draft Permit.

This response is inadequate because the Draft Permits are required to comply with the antidegradation rules, and the Texas Water Quality Standards and the Implementation Procedures cannot replace the rules nor is compliance with the procedures a surrogate for compliance with the rules themselves. The ED provided no evidence that the Draft Permit will comply with the rules while TRPA submitted evidence showing that the Draft Permit will fail to comply with the rules.

**Issue 5. Whether the Draft Permit is Protective of Groundwater.**

Comment 17, 20, & 1. SMRF and TRPA commented that the wastewater effluent may contaminate nearby groundwater for public and private wells with nitrates, chlorine, bacteria, and other contaminants associated with wastewater effluent. SMRF and TRPA also expressed concern that flooding in the area will lead to wastewater getting into the groundwater and contaminating groundwater.

The ED responded that since the Draft Permit will protect surface water, then the Draft Permit will protect groundwater. The ED also did not respond to SMRF's and TRPA's concerns about the impacts of flooding on groundwater.

This response is inadequate, because as mentioned above, the Draft Permit will not protect surface water, and the flooding potential in the area leaves an important source of groundwater vulnerable to contamination.

**Issue 6. Whether the Applicant Properly Considered Regionalization Issues.**

Comment 7. TRPA commented that the Applicant failed to properly consider regionalization of wastewater treatment plants.

The ED responded that there were no wastewater treatment facilities within 3 miles of the proposed facility, so there was no need to consider regionalization.

This response is inadequate because it is likely that the City of Martindale will soon collaborate with a company to update the City's existing wastewater treatment facility to be able to provide service to the area.

**IV. Conclusion**

SMRF and TRPA respectfully request a contested case hearing on the application and Draft Permit for TPDES Permit No. WQ0015918001. SMRF and TRPA request that the TCEQ Commissioners refer the case to the State Office of Administrative Hearings on the issues listed and discussed above.

SMRF and TRPA continue to urge the Applicant and TCEQ to provide for the re-use of wastewater effluent and/or to apply for a TLAP permit to avoid the discharge of treated sewage into the sensitive receiving waters.

Thank you for considering SMRF's and TRPA's comments and concerns associated with the Application and Draft Permit and for considering SMRF's and TRPA's Contested Case Hearing Request.

Please use the contact information below for all communications with SMRF and TRPA on this matter.

Sincerely,

/s/ Victoria Rose

Victoria Ann Rose

State Bar No. 24131088

victoria@sosalliance.org

Bill Bunch

State Bar No. 03342520

bill@sosalliance.org

Save Our Springs Alliance

4701 Westgate Blvd.

Bldg. D, Suite 401

Austin, Texas 78745

Tel.: 512-477-2320

Fax: 512-477-6410

*Attorneys for San Marcos River Foundation*

*Attorneys for Texas Rivers Protection Association*

**Lori Rowe**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, April 11, 2022 4:02 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0015918001  
**Attachments:** Walton Texas Comments.pdf

**From:** victoria@sosalliance.org <victoria@sosalliance.org>  
**Sent:** Monday, April 11, 2022 3:41 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0015918001

**REGULATED ENTY NAME** COTTON CENTER MARTINDALE WWTP

**RN NUMBER:** RN111097283

**PERMIT NUMBER:** WQ0015918001

**DOCKET NUMBER:**

**COUNTY:** CALDWELL

**PRINCIPAL NAME:** WALTON TEXAS LP

**CN NUMBER:** CN604017491

**FROM**

**NAME:** Victoria Rose

**EMAIL:** [victoria@sosalliance.org](mailto:victoria@sosalliance.org)

**COMPANY:** Save Our Springs Alliance

**ADDRESS:** 4701 W GATE BLVD Ste. D-401  
AUSTIN TX 78745-1479

**PHONE:** 5124772320

**FAX:**

**COMMENTS:** Please find my comments on behalf of the San Marcos River Foundation and Texas Rivers Protection Association attached.

Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087 – MC 105  
Austin, Texas 787011 – 3087

April 11, 2022

**Via: Online Submission Form**

**RE: Comments on the Application and Draft Permit of Walton Texas, LP for Proposed TPDES Permit No. WQ0015918001.**

Dear Ms. Gharis:

These comments are submitted on behalf of the San Marcos River Foundation (SMRF) and the Texas River Protection Association (TRPA), regarding the Application and Draft Permit of Walton Texas, LP, for proposed TPDES Permit No. WQ0015918001.

Walton Texas, LP has applied for a new discharge permit, proposed TPDES Permit No. WQ0015918001 (“the Draft Permit”), to authorize wastewater discharge at a volume not to exceed 420,000 gallons per day in the final stage. The Applicant proposed to construct a new wastewater treatment plant, the Cotton Center Martindale Wastewater Treatment Facility. The draft permit would allow the discharge of treated effluent into Hemphill Creek, thence to Morrison Creek, thence to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin.

SMRF is a non-profit organization that was established to protect public access to and to preserve the San Marcos River. More specifically, SMRF works to protect the flow of aquifer fed springs into the San Marcos River, improve the water quality of the river, and protect the beauty of the river and nearby parks. A large part of SMRF’s work involves water quality monitoring and scientific studies aimed at improving the quality of effluent discharged from wastewater facilities.

TRPA is a non-profit organization whose mission is to protect public access and preserve the flow, water quality, and natural beauty of the rivers of Texas, including the San Marcos and Guadalupe Rivers. TRPA sponsors river clean-ups, engages in public outreach and education to its members and the public concerning preservation of water quality of Texas rivers and streams, and participate in wastewater permitting cases.

Both SMRF and TRPA are concerned about the impacts that the Draft Permit will have on the water quality of the receiving waters, most notably the San Marcos River, and the impacts that the Draft Permit will have on their members and others who enjoy the river. Many of these concerns stem from the high levels of nutrient pollution permitted in the Draft Permit and the impacts that this will have on water quality, wildlife, and the ability of SMRF and TRPA members to continue using the receiving waters as they do now. The algae, odor, harm to aquatic and terrestrial wildlife, and increased turbidity of the receiving waters from the proposed discharge would harm the interests of SMRF, TRPA, and their members.

In these comments, SMRF and TRPA highlight some of the ways, in addition to the inaccurate information and discrepancies in the Application regarding the current conditions of the receiving waters, that the Application and Draft Permit for proposed TPDES Permit No. WQ0015918001 violate applicable TCEQ regulations and leave the receiving waters at high risk from nutrient pollution and other hazards.

## **I. THE DRAFT PERMIT WILL NEGATIVELY IMPACT SURFACE AND GROUNDWATER.**

Elevated levels of Carbonaceous Biochemical Oxygen Demand (CBOD), Total Suspended Solids (TSS), nitrogen and phosphorus from treated wastewater, like the levels allowed in the Draft Permit, causes increased algal growth, proliferation of cyanotoxins, and increased murkiness in water. U.S. ENVIRONMENTAL PROTECTION AGENCY, *A COMPILATION OF COST DATA ASSOCIATED WITH THE IMPACTS AND CONTROL OF NUTRIENT POLLUTION* (2015). The discharge of pollutants allowed in the Draft Permit will impair water quality in the receiving waters, harm the existing biological communities, and impair any agricultural, fishing, and contact and noncontact recreation uses of the receiving waters. Further, SMRF and TRPA are particularly concerned by the high levels of total phosphorus in the wastewater effluent permitted in the Draft Permit given the well documented detrimental impacts associated with increasing phosphorus levels in a phosphorus limited ecosystems.<sup>1</sup> The harmful impacts associated with the pollution from the Draft Permit are of great concern since the receiving waters of Hemphill Creek are often in low or no flow conditions, exacerbating the harmful impacts of the pollution.

The Draft Permit will allow wastewater sewage containing high levels of nutrients and other pollutants to be discharged into the San Marcos River, impairing the uses of the iconic Texas river. The San Marcos River is an important feature of the Texas Hill Country and currently supports active recreational use by thousands every day in summer, good fishing, and several water intakes for public and private water supplies. Use of the San Marcos River for fishing and recreation will be impaired with the increased nutrients, algae, odors, and spills that will occur if Draft Permit is issued. TCEQ needs to consider these negative impacts to surface water quality and how they will affect landowners and the recreational and tourism economy dependent upon an attractive and safe San Marcos River.

In addition to the negative impacts on the surface water downstream of the discharge, there is the strong possibility that groundwater will be contaminated once the wastewater discharge reaches the San Marcos River, as the San Marcos River crosses alluvial aquifers and seeps underground through gravel. Should this occur, the wastewater discharge would introduce bacteria and nitrogen into public and private wells in the area, creating a public health risk. Furthermore, the proposed wastewater treatment facility will be located on top of underground streams and flow into areas that sit atop underground streams, increasing the probability of groundwater contamination.

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<sup>1</sup> U.S. Environmental Protection Agency, *Indicators: Phosphorus*, (last visited Apr. 11, 2022) <https://www.epa.gov/national-aquatic-resource-surveys/indicators-phosphorus>; USGS, *Phosphorus and Water*, (last visited Apr. 11, 2022) <https://www.usgs.gov/special-topics/water-science-school/science/phosphorus-and-water>.

Additionally, the wastewater effluent from the Draft Permit would flow near a hand-dug well from the 1800s that is used as a water source by adjacent landowners. Groundwater wells constructed prior to 1989, due to construction practices at the time, are particularly susceptible to contamination from surface water. Moreover, the City of Martindale has expressed concern that the wastewater effluent is likely to contaminate one or more groundwater wells used as a source for public drinking water. These wells are an important source of water, and the risk of contamination posed by the Draft Permit cannot be disregarded.

TCEQ cannot ignore the negative impacts that increased pollutants, including phosphorus, will have on the surface water and groundwater downstream of the wastewater discharge.

## **II. THE DRAFT PERMIT, IF ISSUED, MUST INCLUDE MORE STRINGENT POLLUTION PARAMETERS.**

The Draft Permit must include a more stringent pollution parameter for total phosphorus and include a limit on total nitrogen in order to protect human health and the health of wildlife.

In the current Draft Permit, TCEQ is only requiring an effluent quality of 5 mg/L CBOD, 5 mg/L TSS, 2 mg/L Ammonia Nitrogen, and 1 mg/L Total Phosphorus in the final phase of the Draft Permit. The Draft Permit, if issued, should set limits on these pollutants at levels no less stringent than 5-5-2-0.5 for all phases of the discharge.<sup>2</sup> However, even more stringent effluent levels are achievable and should be in place to better protect wildlife and human health. A 2007 report by the U.S. Environmental Protection Agency (EPA), the agency found that wastewater treatment plants are capable of treating wastewater to reduce total phosphorus levels below .5 mg/L. U.S. EPA, ADVANCED WASTEWATER TREATMENT TO ACHIEVE LOW CONCENTRATION OF PHOSPHORUS (2007). Moreover, the impacts from increased phosphorus can be eliminated altogether with the implementation of a zero-discharge system.

In addition to more stringent effluent limitations, the Draft Permit also needs to include a limit on total nitrogen to adequately protect against adverse ecological and human health effects. Although the Draft Permit has a limit on ammonia nitrogen, studies show that this is not an effective surrogate for controlling other forms of nitrogen in wastewater, including nitrates. Exposure to nitrates in humans can lead to a potentially fatal condition in infants known as blue baby syndrome, and exposure to nitrates in livestock and wildlife can lead to nitrate toxicity. Moreover, the EPA has set maximum contaminant levels for nitrates in drinking water at 10 mg/L. Although potable water suppliers are responsible for treating drinking water to the applicable standards, recreational users of the receiving waters, including the San Marcos River, may ingest raw water unintentionally or humans might be exposed by drinking water from groundwater wells drawn from alluvial aquifers.

Since the negative ecological and human health impacts of phosphorus enrichment and nitrogen pollution of the receiving waters can be mitigated through more stringent, yet achievable, standards or by using a zero-discharge system, the Draft Permit, if issued, must

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<sup>2</sup> 5-5-2-0.5 is a shorthand referenced for effluent parameters of 5 mg/L CBOD, 5 mg/L TSS, 2 mg/L Ammonia Nitrogen, and 0.5 mg/L Total Phosphorus.

include a more stringent phosphorus limit and impose a limit on total nitrogen or instead require the use of a zero-discharge system.

### **III. THE DRAFT PERMIT, IF ISSUED, SHOULD INCLUDE PROVISIONS THAT REQUIRE THE REUSE OF EFFLUENT.**

Setting more stringent treatment standards would support the inclusion of a re-use provision in the Draft Permit. The higher quality treated wastewater can be sold for irrigation or industry, making it a valuable commodity for Walton Texas, LP. For example, treated wastewater can also be reused in landscape irrigation, gray water systems, and cooling towers, and presents a much better option than groundwater. There are many other uses for good quality treated wastewater, uses better than polluting the San Marcos River. With water prices skyrocketing and demand for water rising steeply, including a reuse provision in the Draft Permit would be a win-win to meet the growing demand for treated wastewater and lessen the impacts of wastewater pollution in the San Marcos River. Furthermore, the City of Martindale has asked that any wastewater treatment facilities not complying with their regionalization plan reuse at least 75% of their treated wastewater. Having good quality wastewater, a small lake for storing some of it, and a re-use provision in the Draft Permit, if issued, will make treated wastewater a valuable commodity for Walton Texas, LP, while also helping to protect those downstream of the wastewater treatment plant.

### **IV. THE DRAFT PERMIT WILL CAUSE ODORS AND OTHER IMPACTS TO NEARBY NEIGHBORS.**

The Walton Texas, LP has not shown that the proposed wastewater treatment facility will adequately protect against nuisance odors. In addition to odors from the operation of the proposed wastewater treatment plant, the nutrients from the wastewater effluent will cause the receiving waters to be choked with odor-causing algae, especially in the warmer months, since there is little shade along the small tributaries that run into the San Marcos River, which will at times be mostly or totally wastewater. The odors from the algae will harm the adjacent landowners' ability to use and enjoy their property and violates TCEQ's water quality standards regarding aesthetic parameters. 30 T.A.C. § 307.4.

In addition to odor impacts, the Draft Permit will also increase the flow in the receiving waters, particularly Hemphill Creek and Morrison Creek, to levels that will impede adjacent landowners' access to their property. The discharge allowed by the Draft Permit will also increase the likelihood that adjacent landowners' property will be flooded and their property destroyed. The Draft Permit will also contaminate groundwater that adjacent landowners and the City of Martindale depend on through the ordinary course of its operation and in flood events. The high levels of nitrates, high levels of chlorine, and the increased algal growth due to the wastewater effluent will also impact adjacent landowners' use of the receiving waters to water their livestock and use the receiving waters for fishing and contact recreation uses. Neighboring landowners will also be subjected to increased light pollution and traffic as a result of the proposed wastewater treatment plant.



The Draft Permit and proposed wastewater treatment plant will harm nearby neighbors through odors, flooding, and impairment of current uses of the receiving waters. TCEQ cannot approve this Draft Permit, particularly when it comes at such a high cost to those living nearby.

#### **V. THE PROPOSED DISCHARGE IS NOT PROTECTIVE OF WILDLIFE.**

The Draft Permit poses significant risk to aquatic and terrestrial wildlife. In addition to the risks associated with increased algal blooms and cyanotoxins, wildlife is at risk from the impacts linked with excessive nitrate consumption. Isaza et al., *Living in Polluted Waters: A Meta-Analysis of the Effects of Nitrate and Interactions with Other Environmental Stressors on Freshwater Taxa*, 261 ENVIRONMENTAL POLLUTION 1 (2020). Moreover, the Draft Permit, if issued, should require the wastewater treatment plant to treat wastewater with UV disinfection as the chlorine disinfection authorized by the Draft Permit has been found to be toxic to wildlife. The risks posed to aquatic and terrestrial wildlife by the Draft Permit are significant, and TCEQ has failed to fully evaluate them.

The wildlife in the San Marcos River continues to require high-quality, clear water. Wildlife such as otters, fish, sensitive mussels, benthic creatures, and other invertebrates need clean water to survive and reproduce. Additionally, the Comal Springs Riffle Beetle, Texas Blind Salamander, San Marcos Salamander, and the Fountain Darter, all endangered species, can be found in the impacted segment of the San Marcos River and require high-quality clear water in order to recover. Further, several Texas freshwater mussel species found in the San Marcos River, are currently being considered for listing under the Endangered Species Act and are currently listed as threatened under Texas state law. To avoid or minimize adverse impacts to the aquatic and terrestrial wildlife dependent on the San Marcos River, the Draft Permit, if issued, must include more stringent effluent requirements and consider increasing dissolved oxygen to protect aquatic life uses or include reuse provisions.

#### **VI. THE PROPOSED WASTEWATER TREATMENT FACILITY DOES NOT ADDRESS FLOODING.**

Walton Texas, LP has not demonstrated that the proposed wastewater treatment facility is protected from a 100-year flood, and the Draft Permit provides no specific requirements for protecting the facility from a 100-year flood. Adjacent landowners are aware that the proposed wastewater treatment facility is located in a flood plain that is prone to flooding and that there have been no improvements in drainage or flood management in the area that would make it safe for the proposed wastewater treatment facility to be built in the currently proposed location. As is, the proposed wastewater treatment facility poses high risks of sewage spills and leaks due to flood events. Landowners adjacent to the discharge point are also aware of the fact that Hemphill Creek is prone to flooding and can lead to conditions that imperil human life. This oversight leaves nearby landowners and wildlife at risk to hazards and spills of wastewater that are likely to occur in the event of a 100-year flood in the area.

**VII. THE APPLICANT HAS NOT DEMONSTRATED A NEED FOR THE DISCHARGE OR COMPLIANCE WITH THE STATE'S REGIONALIZATION POLICY.**

State policy encourages and promotes the development and use of regional and area-wide waste collection, treatment, and disposal systems to prevent pollution and maintain and enhance the quality of water in the state. Tex. Water Code § 26.801(a). When considering whether to issue a discharge permit, TCEQ must consider the need for the permit and the availability of existing or proposed regional waste collection, treatment, and disposal systems. Walton Texas, LP has not demonstrated why it needs its own permit and cannot tie into existing wastewater treatment infrastructure and participate in regionalization plans already in place.

In fact, the City of Martindale is actively considering and developing a regional wastewater facility plan to limit harmful wastewater discharges in the San Marcos River while still accommodating growth in the area. Furthermore, the City of Martindale has criticized the Draft Permit and the proposed wastewater treatment facility for not complying with the City's wastewater regionalization plans and for violating the development agreement between the City and the developer because the effluent discharge allowed under the Draft Permit will harm the environment, humans, and wildlife. TCEQ should not ignore the City of Martindale's request to deny the Draft Permit based on regionalization and environmental concerns.

For the above reasons, SMRF and TRPA oppose the proposed TPDES Permit No. WQ0015918001 and ask that the Application for WQ0015918001 be denied. To summarize, SMRF and TRPA emphasize and urge TCEQ to amend the Draft Permit to require, at a minimum, 5-5-2-0.5 as the permit parameters, encourage as much reuse of the wastewater as possible, and consider the critical issue of nutrients negatively affecting the uses of the San Marcos River, including recreation, wildlife, and public water supply. SMRF and TRPA believe that more stringent effluent limitations or a zero-discharge system would alleviate many of the issues mentioned in the previous sections. A zero-discharge system would allow the treated wastewater to stay on the site of the development to be put to beneficial use for the subdivision, including, reuse, landscape irrigation, potential dual piped systems to homes, and other beneficial uses rather than allowing the treated sewage to pollute the waters of the San Marcos River.

Thank you for considering SMRF's and TRPA's comments and for holding a public meeting to allow the impacted community to learn more and express their concerns about the Draft Permit.

Sincerely,

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