

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Thursday, March 2, 2023 1:45 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016116001
Attachments: 2023.03.01 BCWK Hearing Request - Crystal Springs.pdf

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From: eallmon@txenvirolaw.com <eallmon@txenvirolaw.com>
Sent: Wednesday, March 1, 2023 4:34 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016116001

REGULATED ENTY NAME COPPERHEAD COVE WWTF

RN NUMBER: RN111447645

PERMIT NUMBER: WQ0016116001

DOCKET NUMBER:

COUNTY: MONTGOMERY

PRINCIPAL NAME: CRYSTAL SPRINGS WATER CO INC

CN NUMBER: CN600633655

FROM

NAME: Eric Allmon

EMAIL: eallmon@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX:

COMMENTS: Please see the attached request for a contested case hearing by Bayou City Waterkeeper.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

March 1, 2023

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78701-3087

Via TCEQ Online Comment Form

RE: Request for Contested Case Hearing on Application by Crystal Springs Water Co., Inc. for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016116001.

Dear Ms. Gharis:

Bayou City Waterkeeper (“BCWK”) requests a contested case hearing with regard to the application by Crystal Springs Water Co., Inc. (“Applicant”) for new TPDES Permit No. WQ0016116001. BCWK may be contacted at the phone number and address identified above. The Applicant has not demonstrated that the proposed discharge will protect designated uses of the receiving waters, that degradation of the receiving waters will not occur, and that odor will be adequately minimized.

I. Bayou City Waterkeeper is an affected person.

BCWK satisfies TCEQ’s rules regarding associational standing. That is, one or more members of the association would have standing to request a hearing in their own right; the interests the association seeks to protect are germane to the association’s purpose; and neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

Brandt Mannchen is a longtime member of BCWK. Mr. Mannchen lives in Houston, Texas, and spends a significant amount of time in and around the Sam Houston National Forest. He has actively worked to protect the Lone Star Hiking Trail, which is the longest, continuous, cross-country, wilderness-like hiking trail in the State of Texas via interaction with the U.S. Forest Service for about 45 years. He spends significant time hiking and driving around the forest, monitoring the health of the forest, and birding in and around the forest. He has recreational and

aesthetic interests in maintaining the health of the forest and waterways that flow through the forest. In addition to regularly submitting comments to the U.S. Forest Service to improve its oversight of the forest, Mr. Mannchen has participated in TCEQ permitting processes for projects with potential environmental impacts on the forest.

These interests will be impacted by the proposed facility to the extent the facility impacts wildlife habitat and the ecology and productivity of the forest. His interests will be impacted in a manner not common to members of the general public. While irrelevant in consideration of Mr. Mannchen's recreational interests, Mr. Mannchen's home address is 4300 Dunlavy Street, Apartment 3138, Houston, Texas 77006.

BCWK is a 501(c)(3) nonprofit corporation with the purpose of protecting the health of the waters and communities across the Lower Galveston Bay watershed. With this purpose as the focus, BCWK intends to represent its members by participating in the TCEQ decision-making process. Finally, neither the claim asserted, nor the relief requested—denial of the permit—requires participation of the individual members of BCWK.

II. The Executive Director has not adequately addressed Bayou City Waterkeeper's concerns, necessitating a hearing.

BCWK requests a contested case hearing on the following issues, which were not adequately addressed in the Executive Director's Response to Comments:

- (1) Whether the Applicant has demonstrated that water quality and uses of downstream waters will be protected;
- (2) Whether the permit includes adequate odor prevention measures;
- (3) Whether the permit complies with TCEQ requirements related to placement of a wastewater treatment plant in or near the 100-year floodplain; and
- (4) Whether issuance of the permit complies with Texas' regionalization requirements.

III. Conclusion

For the above reasons, Bayou City Waterkeeper respectfully requests a contested case hearing with regard to the draft permit for proposed TPDES Permit No. WQ0016116001.

Respectfully submitted,

/s/ Eric Allmon

Eric Allmon

State Bar No. 24031819

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COUNSEL FOR BAYOU CITY

WATERKEEPER

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:56 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016116001
Attachments: 2022.10.13 CWA & Bayou City Waterkeeper Comments.pdf

From: eallmon@txenvirolaw.com <eallmon@txenvirolaw.com>
Sent: Thursday, October 13, 2022 4:49 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016116001

REGULATED ENTY NAME COPPERHEAD COVE WWTF

RN NUMBER: RN111447645

PERMIT NUMBER: WQ0016116001

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COUNTY: MONTGOMERY

PRINCIPAL NAME: CRYSTAL SPRINGS WATER CO INC

CN NUMBER: CN600633655

FROM

NAME: Eric Allmon

EMAIL: eallmon@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

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FAX: 5124829346

COMMENTS: Please see the attached comments submitted on behalf of Clean Water Action and Bayou City Waterkeeper.

PERALES, ALLMON & ICE, P.C.

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October 13, 2022

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78701-3087

Via TCEQ Online Comment Form

RE: Comments regarding Application by Crystal Springs Water Co., Inc., for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016116001.

Dear Ms. Gharis:

Clean Water Action and Bayou City Waterkeeper submit these comments regarding the application by Crystal Springs Water Co., Inc., (“Applicant”) for new TPDES Permit No. WQ0016116001. The Applicant has not demonstrated that the proposed discharge will protect designated uses of the receiving waters, that degradation of the receiving waters will not occur, and that odor will be adequately minimized.

I. The Applicant has not proven that water quality and designated uses will be protected.

The Applicant has not proven that downstream uses, including primary contact recreation and high aquatic life use, will be sufficiently protected. The proposed discharge is to Camp Creek, thence to Caney Creek of the San Jacinto River. The Applicant proposes to discharge approximately 0.1 miles upstream of the creek flowing adjacent to the Sam Houston National Forest. The domestic wastewater to be discharged could impact dissolved oxygen and nutrient concentrations in a manner harmful to aquatic life, and could create conditions harmful to aesthetic enjoyment of the environment.

Segment 1010 of the San Jacinto River Basin is currently listed on the State's inventory of impaired and threatened waters, the recently approved 2022 Clean Water Act Section 303(d) list for bacteria. The Applicant has not shown that the proposed discharge will result in a less than de minimis lowering of water quality.

II. The permit has not been shown to include adequate odor prevention measures.

The Applicant has not demonstrated that odor will not be excessive or will be adequately prevented. This includes both odor from the facility and odor of the wastewater in the receiving waters. The facility only has a 150-foot buffer from units at the facility, which is insufficient to prevent nuisance odors. In addition, areas within that 150 area include a public park. The public's use of that park without interference by nuisance odors has not been adequately addressed. It has not been shown that the facility will not produce excessive odors.

Considering the downstream proximity of a public park, the Commission is also required to consider the odor which the effluent would cause in the receiving waters. This has not been adequately considered, and it has not shown that such excessive odors will not be created.

III. The permit has not been shown to be adequately protective of floodplain impacts.

The proposed facility is proposed to be located in close proximity to areas subject to significant flooding. It has not been shown that the facility design and operations are adequately protective to ensure proper functioning during flood conditions.

IV. Compliance with regionalization requirements has not been demonstrated.

Multiple wastewater treatment facilities are present in the proximity of the service area for the proposed plant. Applicant has not demonstrated that these facilities are unwilling and unable to provide the proposed wastewater treatment. A need for the proposed discharge has not been demonstrated in light of regional options.

V. Conclusion

For the above reasons, Clean Water Action and Bayou City Waterkeeper respectfully oppose issuance of the draft permit in its current form.

Respectfully submitted,

/s/ Eric Allmon

Eric Allmon

State Bar No. 24031819

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