

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2023

TO: All interested persons.

RE: BL 12 Holdings LLC
TPDES Permit No. WQ0016297001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
BL 12 Holdings LLC
TPDES Permit No. WQ0016297001

The Executive Director has made the Response to Public Comment (RTC) for the application by BL 12 Holdings LLC for TPDES Permit No. WQ0016297001 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0016297001) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

10 de octubre de 2023

TO: Todas las personas interesadas.

RE: BL 12 Holdings LLC
TPDES Permiso No. WQ0016297001

Decisión del Director Ejecutivo.

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

Cómo solicitar una audiencia de caso impugnado.

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una "**persona afectada**". Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a www.tceq.texas.gov/agency/decisions/cc/comments.html o por correo a la siguiente dirección:

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

Procesamiento de solicitudes.

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

Cómo obtener información adicional.

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/erg

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
BL 12 Holdings LLC
TPDES Permiso No. WQ0016297001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de BL 12 Holdings LLC del permiso de TPDES No. WQ0016297001. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0016297001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov.

Información adicional

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

MAILING LIST / LISTA DE CORREO
for / para
BL 12 Holdings LLC
TPDES Permit No. WQ0016297001 / TPDES Permiso No. WQ0016297001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Sudharsan Vembutty, Manager
BL 12 Holdings LLC
101 Parklane Boulevard, Suite 104
Sugar Land, Texas 77478

Adan Rangel, P.E., Project Engineer
BGE, Inc.
101 West Louis Henna Boulevard, Suite 400
Austin, Texas 78728

Daniel LaCour, E.I.T.
BGE, Inc.
101 West Louis Henna Boulevard, Suite 400
Austin, Texas 78728

INTERESTED PERSONS /
PERSONAS INTERESADAS:

See attached list.

FOR THE EXECUTIVE DIRECTOR /
PARA EL DIRECTOR EJECUTIVO
via electronic mail /
por correo electrónico:

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Aubrey Pawelka, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

John Hearn, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /
PARA ABOGADOS DE INTERÉS PÚBLICO
via electronic mail /
por correo electrónico:

Garrett T. Arthur, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /
PARA EL SECRETARIO OFICIAL
via electronic mail
por correo electrónico:

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

ANDREWS , CRISTEN
291 S MAIN ST
FENTRESS TX 78622

ANDREWS , CRISTEN
PO BOX 217
FENTRESS TX 78622-0217

BANDA , CHRISTINE
PO BOX 126
FENTRESS TX 78622-0126

BANDA , JOE
PO BOX 57
FENTRESS TX 78622-0057

CALDWELL , MELANIE
PO BOX 335
PRAIRIE LEA TX 78661-0335

DAVIS , LINDA G
PO BOX 424
FENTRESS TX 78622-0424

HOLIFIELD , ZAY
APT B
1005 CROCKETT ST
LOCKHART TX 78644-3392

PARKER CONDIE , MRS VIRGINIA
SAN MARCOS RIVER FOUNDATION
1061 MARTINDALE FALLS RD
MARTINDALE TX 78655-2536

PARKER CONDIE , MRS VIRGINIA
SAN MARCOS RIVER FOUNDATION
PO BOX 1393
SAN MARCOS TX 78667-1393

ROSE , VICTORIA
SAVE OUR SPRINGS ALLIANCE
STE D401
4701 W GATE BLVD
AUSTIN TX 78745-1479

VORDENBAUM , MICHAEL T
PO BOX 13
FENTRESS TX 78622-0013

WILLIAMSON , EDWARD & RUTH
PO BOX 49
FENTRESS TX 78622-0049

ZAFFIRINI , THE HONORABLE JUDITH STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 21
PO BOX 12068
AUSTIN TX 78711-2068

ZAFFIRINI , THE HONORABLE JUDITH STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 21
PO BOX 627
LAREDO TX 78042-0627

TPDES Permit No. WQ0016297001

Application by BL 12 Holdings LLC for new Texas Pollutant Discharge Elimination System Permit No. WQ0016297001	§ § § §	Before the Texas Commission on Environmental Quality
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Executive Director’s Response to Public Comment

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) files this Response to Public Comment on BL 12 Holdings LLCs application for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016297001 and the ED’s preliminary decision. As required by title 30, section 55.156 of the Texas Administrative Code (30 Tex. Admin. Code § 55.156), before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk received timely comments from Virginia Parker Condie on behalf of the San Marcos River Foundation (SMRF), Joe Banda, Melanie Caldwell, Michael Vordenbaum, and Zay Holifield. This response addresses all such timely public comments received, whether or not withdrawn. For more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found on TCEQ’s website at <http://www.tceq.texas.gov>.

I. Background

(A) Facility Description

BL 12 Holdings LLC has applied to the TCEQ for a new permit that would authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 850,000 gallons per day. The JK Ranch Wastewater Treatment Facility will be an activated sludge process plant operated in the conventional mode. Treatment units in the Interim I phase will include a bar screen, two aeration basins, one final clarifier, one aerobic sludge digester, and a chlorine contact basin. Treatment units in the Interim II phase will include a bar screen, four aeration basins, two final clarifiers, two aerobic sludge digesters, and a chlorine contact basin. Treatment units in the Final phase will include a bar screen, nine aeration basins, five final clarifiers, six aerobic sludge digesters, and three chlorine contact basins. The facility has not been constructed.

The effluent limitations in the Interim I and Interim II phases of the draft permit, based on a 30-day average, are 5 mg/l five-day carbonaceous biochemical oxygen demand (CBOD₅), 5 mg/l total suspended solids (TSS), 2 mg/l ammonia-nitrogen (NH₃-N), 1 mg/l total phosphorous (TP), 126 colony forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml, and 4.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a total chlorine residual of at least 1.0 mg/l and shall not exceed a total chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The effluent limitations in the Final phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD₅, 5 mg/l TSS, 2 mg/l NH₃-N, 1 mg/l TP, 126 CFU or MPN of *E.*

coli per 100 ml and 4.0 mg/l DO. The effluent shall contain a total chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow). The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l total chlorine residual.

The facility will be located approximately 3,450 feet northeast of the intersection of Political Road and San Marcos Highway, in Caldwell County, Texas 78644. The treated effluent will be discharged to Callihan Creek, thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Callihan Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use.

(B) Procedural Background

TCEQ received the application on February 15, 2023, and declared it administratively complete on March 29, 2023. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) was published in English on April 6, 2023, in the *Lockhart Post Register* and in Spanish on April 6, 2023, in *El Mundo*. ED staff completed the technical review of the application on May 9, 2023, and prepared a draft permit. The Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater was published in English on July 20, 2023, in the *Lockhart Post Register* and in Spanish on July 20, 2023, in *El Mundo*. The Public Meeting Notice was published July 20, 2023. The public meeting was held on August 29, 2023. The public comment period ended on August 29, 2023, at the close of the public meeting.

This application was administratively complete on or after September 1, 2015. Therefore, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and Senate Bill 709, 84th Legislature, 2015.

(C) Access to Rules, Statutes, and Records

- Secretary of State website for all Texas administrative rules: <http://www.sos.state.tx.us/texreg/index.shtml>
- TCEQ rules in title 30 of the Texas Administrative Code: <http://www.sos.state.tx.us/tac/index.shtml> (select “View the current *Texas Administrative Code*,” then “Title 30 Environmental Quality”)
- Texas statutes: <http://www.statutes.capitol.texas.gov>
- TCEQ website: <http://www.tceq.texas.gov>
- Federal rules in title 40 of the Code of Federal Regulations: <http://www.ecfr.gov>
- Federal environmental laws: <http://www.epa.gov/laws-regulations>

TCEQ records for this application are available for viewing and copying at TCEQ’s main office in Austin, 12100 Park 35 Circle, Building F, First Floor (Office of the Chief Clerk), until TCEQ takes final action on the application. Some documents located at the Office of the Chief Clerk may also be located in the Commissioners’ Integrated Database at <https://www14.tceq.texas.gov/epic/eCID/>. The application, draft permit, and Statement of Basis/Technical Summary and ED’s Preliminary Decision are also available for viewing and copying at Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 11 Office directly at 512-339-2929. Citizen complaints may also be filed by sending an email to complaint@tceq.texas.gov or online at the TCEQ website (select “Reporting,” then “Make an Environmental Complaint”). If the facility is found to be out of compliance, it may be subject to an enforcement action.

II. Comments and Responses

Comment 1

San Marcos River Foundation (SMRF) expresses concern that the draft permit will violate Texas Surface Water Quality Standards and antidegradation rules in Callihan Creek. SMRF states that elevated levels of carbonaceous biochemical oxygen demand (CBOD), total suspended solids (TSS), nitrogen, and phosphorous from treated wastewater, like the levels allowed in the draft permit, will cause increased algal growth, proliferation of cyanotoxins, increased murkiness in the water, and large decreases in dissolved oxygen. SMRF recommends the following treatment levels: 5 for total suspended solids (TSS), 6 for dissolved oxygen (DO), and 0.15 for phosphorus. Joe Banda expresses general concern about water quality in Callihan Creek as he lives within one mile of the discharge point. Melanie Caldwell expresses concern that granting the draft permit will decrease water quality and requests the most stringent effluent limitations and the highest level of filtration. SMRF expresses concern that the draft permit will cause the water quality of the San Marcos River to become impaired. San Marcos River Foundation (SMRF) alleges that TCEQ should have conducted a Tier 2 antidegradation analysis in addition to a Tier 1 analysis because the San Marcos River is designated as having primary contact recreation, public water supply, and high aquatic life use. SMRF expresses concern that the phosphorous levels of the proposed discharge will bring an excess of phosphorous to a limited phosphorous ecosystem and cause deleterious effects. Michael Vordenbaum requests that the applicant consider tightening their effluent limits.

Response 1

The TCEQ is responsible for the protection of water quality with federal regulatory authority over discharges of pollutants to Texas surface water. The TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific statues regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards to be protective of water quality, provided that BL 12 Holdings LLC operates and maintains the proposed facility according to TCEQ rules and the proposed permit’s requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (IPs; June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be

allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

As part of the application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

In accordance with § 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. BOD₅, TSS, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

Comment 2

SMRF expressed concern that the discharge travelling down the San Marcos River will cross alluvial aquifers and negatively impact groundwater.

Response 2

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.” Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.”

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is

protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater.

Further, 30 TAC § 309.13(c) states that a wastewater treatment plant unit may not be located closer than 500 feet from a public water well nor 250 feet from a private water well. Public water supply systems in Texas are regulated by the TCEQ's Water Supply Division. Please contact the Water Supply Division at 512-239-4691 for more information.

The Ground Water Rule does not address private wells because they are not under the jurisdiction of the Safe Drinking Water Act and are therefore not subject to TCEQ regulation. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. It is the responsibility of the private well owner to take steps to have his or her water quality tested at least annually for possible constituents of concern—or more often if the well is thought to have a surface water connection. Please see <http://wellowner.org/water-quality/water-testing/> for more information about testing private water wells. If your well tests positive for fecal coliform bacteria, please see the Texas A&M AgriLife Extension publication titled “What to Do About Coliform Bacteria in Well Water” at <https://twon.tamu.edu/wp-content/uploads/sites/3/2021/06/what-to-do-about-coliform-in-well-water.pdf> or the TCEQ publication titled “Disinfecting Your Private Well” at <https://www.tceq.texas.gov/downloads/drinking-water/preparedness-resources/gi-432.pdf> for more information.

Comment 3

SMRF and Melanie Caldwell expressed concern regarding effects of discharge during drought conditions or periods of low flow.

Response 3

The potential impact of the proposed discharge on instream dissolved oxygen levels is evaluated under hot and dry, low-flow summertime conditions, which are typically the most restrictive conditions in regard to dissolved oxygen levels. Critical low-flow, as defined in 30 TAC § 307.3(a)(16), is a “low-flow condition that consists of the seven-day, two-year flow (7Q2),” which is the lowest seven-day average discharge with a recurrence interval of two years. The criteria of the Texas Surface Water Quality Standards (30 TAC Chapter 307) are applicable even during critical low-flow, therefore critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge.

The effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the Texas Surface Water Quality Standards and 30 TAC §§ 307.1 - 307.10. The proposed draft permit includes effluent limitations and monitoring requirements to ensure that the proposed wastewater treatment plant meets water quality standards for the protection of surface water quality, even during periods of low flow, according to TCEQ rules and policies.

Comment 4

San Marcos River Foundation (SMRF) expresses concern that discharge travelling down the San Marcos River will cross alluvial aquifers, causing bacteria and nitrogen to be introduced to public and private wells in the area, creating a public health risk. SMRF is also concerned that the current parameters for total nitrogen and phosphorous are not stringent enough and will lead to deleterious effects on human health. SMRF expresses further concern that, without limits placed on total nitrogen, human health may suffer due to exposure to potentially high nitrate levels. Melanie Caldwell expresses general concern that human health may be adversely affected by the granting of this permit. Joe Banda expresses general concern for human health, especially in the event of a flood.

Response 4

The Water Quality Division has determined that the draft permit is in accordance with the TSWQS, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater; this includes residual chlorine concentration in the treated effluent.

Comment 5

San Marcos River Foundation (SMRF) expresses concern that the discharge of pollutants allowed in the draft permit will have a negative impact on the existing biological communities downstream of the discharge point. SMRF is also concerned that the current parameters for total nitrogen and phosphorous are not stringent enough and will lead to deleterious effects on wildlife. SMRF expresses further concern that, without limits placed on total nitrogen, wildlife health may suffer due to exposure to potentially high nitrate levels. SMRF also comments that wildlife such as otters, fish, mussels, benthic creatures, and other invertebrates will be adversely affected by the issuance of the draft permit. Melanie Caldwell expresses general concern for the health of wildlife that may drink from Callihan Creek and aquatic life present in Callihan Creek.

SMRF proposes for TCEQ to place more stringent effluent limits on the draft permit. SMRF also suggests that a zero-discharge system be required to eliminate impacts from increased phosphorous. SMRF additionally requests that a limit on total nitrogen be included in the draft permit. Joe Banda expresses concern about the effluent limits and requests more stringent effluent limits. He specifically would like to see the TSS limit reduced to 5, the phosphorous limit reduced to 0.15 mg/L, and D.O. at 6, not 4.

Response 5

Consistent with the Texas Surface Water Quality Standards (TSWQS) nutrients from permitted discharges must not cause excessive growth of aquatic vegetation that impairs any existing, designated, presumed, or attainable use. The permit underwent a rigorous technical review and water quality assessment that included nutrient screenings consistent with EPA-approved Procedures to Implement the Texas Surface Water Quality Standards. Because the discharge route is located in the blackland prairies ecoregion and has a clay/sand substrate lacking in limestone bedrock, it was determined that a 1 mg/L TP limit was sufficient to protect the receiving stream from excessive growth of aquatic vegetation. A total nitrogen limit was not deemed necessary to be protective of the designated uses. This permit contains stringent limits and if it is meeting the requirements within the permit, it should be safe and maintained to preclude adverse toxic effects on aquatic life, terrestrial wildlife, livestock, or domestic animals resulting from contact, or consumption of water.

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health.

As part of the application process, TCEQ staff must determine the uses of the receiving waters and set effluent limits that are protective of those uses. In order to achieve the goal of maintaining a level of water quality sufficient to protect existing water body uses, the proposed permit contains several water quality specific parameter requirements that limit the potential impact of the discharge on the receiving waters.

The Executive Director has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of the applicant's permit application.

Effluent limitations in the draft permit for the conventional effluent parameters (i.e. BOD₅, TSS, and minimum DO) are based on stream standards and waste load allocations for water quality-limited streams as established in the Texas Surface Water Quality Standards and the State of Texas Water Quality Management Plan (WQMP). Furthermore, the maximum daily average for Total Suspended Solids has been reduced in the draft permit from 12 mg/l to 5 mg/l.

Comment 6

SMRF expressed concern regarding endangered species, specifically the discharges effect on the Comal Springs Riffle Beetle, Texas Blind Salamander, San Marcos Salamander, and the Fountain Darter. SMRF is also concerned that several Texas freshwater mussel species found in the San Marcos River, which are currently being considered for listing under the federal Endangered Species Act and are currently listed as threatened under Texas law, may be adversely effected by the issuance of the draft permit.

Response 6

As provided in the *Procedures to Implement the State Surface Water Quality Standards* (June 2010) the Executive Director reviewed the application for potential impacts to aquatic or aquatic-dependent federally listed endangered or threatened species. The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

The United States Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) were afforded an opportunity to review the permit application and proposed permit. Neither of these agencies expressed concern about the discharge effects on wildlife in the area. These effluent limitations in the draft permit will further safeguard water quality and minimize potential threats to endangered species such as potential habitat degradation. Potential impacts to endangered terrestrial species do not specifically fall under the purview of the Executive Director's evaluation of the proposed discharge; however, the requirements included in the draft permit to protect aquatic and aquatic-dependent endangered species should also benefit terrestrial species.

Comment 7

Joe Banda expressed concern regarding livestock, specifically during periods of flooding.

Response 7

The proposed permit was drafted in accordance with 30 TAC § 307.5 and the TCEQ *Procedures for the Implementation of the Texas Surface Water Quality Standards* (IPs; June 2010). The Texas Surface Water Quality Standards (TSWQS) provide that surface waters cannot be toxic to aquatic or terrestrial organisms. While the TSWQS and the IPs do not specifically designate criteria for the protection of cattle or livestock, they do designate criteria for the protection of aquatic life that should preclude negative impacts to the health and performance of cattle or wildlife.

The Executive Director has determined that the proposed draft permit for the facility meets the requirements of the TSWQS, which are established to protect human health, terrestrial, and aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms.

Comment 8

SMRF and Joe Banda express concerns related to nuisance odors from the facility.

Response 8

All wastewater treatment facilities have the potential to generate odors. To control and abate odors the TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. BL 12 Holdings LLC can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by BL 12 Holdings LLC; or 3) providing nuisance odor control.

According to its application, BL 12 Holdings LLC intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line. This requirement is incorporated in the draft permit. Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

Further, BL 12 Holdings LLC proposes in its application that the JK Ranch WWTP will be an activated sludge process plant operated in the conventional aeration mode. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the conventional aeration variation has been known to produce highly treated effluent with low biosolids production. When properly treated by the proposed wastewater treatment process, the effluent is not expected to have an offensive odor.

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling toll-free 1-888-777-3186, or the TCEQ Region 11 Office in Austin at

(512) 339-2929. Citizen complaints may also be filed on-line at <http://www2.tceq.texas.gov/oce/complaints/index.cfm>.

Moreover, the permit does not limit the ability of an individual to seek legal remedies against BL 12 Holdings LLC regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

Comment 9

SMRF alleges that the Spanish Language Notice for the draft permit is insufficient. SMRF states that the links under the Alternative Language Notice section in the Notice of Application and Preliminary Decision did not, as of August 28, 2023, include information on the draft permit.

Response 9

There are two public notices regarding this permit action, the Notice of Receipt of Application and Intent to Obtain a Wastewater Permit (NORI) and the Notice of Application and Preliminary Decision (NAPD). The TCEQ's notice rules require applicants to provide public notices for wastewater permits by publishing the NORI in a "newspaper of largest circulation in the county in which the facility is located or proposed to be located ... if the facility is located or proposed to be located in a municipality, the applicant [must] publish notice in any newspaper of general circulation in the municipality." After the Office of the Chief Clerk has mailed the preliminary decision and the NAPD to the applicant, they are required to publish the NAPD "at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge."

Additionally, the TCEQ's notice rules for a new permit or major amendment require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point.

In accordance with TCEQ's notice rules, two public notices were published for the submitted application. BL 12 Holdings LLC published The Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) in English on April 6, 2023, in the *Lockhart Post Register* and in Spanish on April 6, 2023, in *El Mundo*. BL 12 Holdings LLC published The Notice of Application and Preliminary Decision (NAPD) for TPDES Permit for Municipal Wastewater in English on July 20, 2023, in the *Lockhart Post Register* and in Spanish on July 20, 2023, in *El Mundo*. The link referred to by the commenter was a link to TCEQ's website where the public is able to view TCEQ's information on TCEQ's pending permit applications, in both English and Spanish. The application, draft permit, and Statement of Basis/Technical Summary and ED's

Preliminary Decision are also available for viewing and copying at Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

Comment 10

SMRF asserts that, because the location of the outfall has been changed, the Notice of Receipt of Application is now insufficient and must be reissued. SMRF also requests that TCEQ redo its technical review of the application and draft permit due to the relocation of the outfall.

Response 10

The proposed outfall was requested to be changed during the technical review of the application. The applicant submitted all the updated portions of the application needed in order to redo a technical analysis with the new proposed outfall coordinates. The NORI was not reissued, however, the change in outfall was stated in the Combined notice of Public Meeting and NAPD to notify all affected landowners of the new proposed outfall location.

Comment 11

SMRF proposes that TCEQ require the applicant to use a UV sterilizer as an alternative to chlorine disinfection. SMRF expresses concern that chlorine disinfection will be toxic to aquatic and terrestrial wildlife and humans. SMRF alleges that TCEQ has not fully evaluated these risks.

Response 11

The rules in 30 TAC § 309.3(g)(1) require that disinfection of domestic wastewater must be protective of both public health and aquatic life, however the rules do not require a specific method of disinfection. A permittee may disinfect domestic wastewater through use of: 1) chlorination, 2) ultra-violet light, or 3) an equivalent method of disinfection with prior approval of the Executive Director. For this facility, BL 12 Holdings LLC has chosen chlorine disinfection. Chlorination may be via gaseous, liquid, or tablet forms. Whichever form is used, the design criteria for chemical disinfection by chlorine, including safety requirements, in 30 TAC Chapter 217, Subchapter K shall be observed.

The Water Quality Division has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation also include the residual chlorine concentration in the treated effluent. The permit limitation for maximum total chlorine residual is 4.0 mg/l to be monitored five times per week in the Interim I and Interim II phases. In the Final phase, the permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process.

Comment 12

SMRF commented regarding reuse of wastewater instead of discharge.

Response 12

The TCEQ's rules applicable to the beneficial reuse of reclaimed water are found in 30 TAC Chapter 210. TCEQ's rules provide that use of reclaimed water may only be authorized for "on a demand" use, which prevents treated water from being provided during times it cannot be beneficially used and allows the reclaimed water user to refuse delivery of reclaimed water at any time. Subsequently, the reclaimed water producer must have a guaranteed method of effluent disposal via either a TPDES or TLAP permit. The TCEQ does not have the authority to require a permittee to obtain a Chapter 210 reuse authorization.

If the permit is issued, BL 12 Holdings LLC will have to notify the Executive Director that it intends on using the reclaimed water and obtain approval to provide reclaimed water. Treated effluent that is used for irrigation under a reuse authorization must meet the appropriate effluent limits as required by 30 TAC Chapter 210.

Comment 13

Joe Banda expressed concerns regarding operation of the plant, and requests that the plant be physically manned every hour of the day and every day of the week.

Response 13

A permittee may operate the facility itself or contract with an individual operator, company, and other entity to operate the facility. Other Requirement No. 1 in the permit requires that this Category C facility be operated by a chief operator or an operator holding a Class C license or higher. Furthermore, the facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

Comment 14

SMRF expresses concern that the discharge of pollutants allowed in the draft permit will harm recreational uses such as fishing and other contact and non-contact recreational uses in Callihan Creek and the San Marcos River. SMRF also comments that impairment of the San Marcos River will lead to impairment of its uses, such as recreation, fishing, and water intake for public and private water supply. SMRF is concerned that fishing and recreational use will become impaired by increased nutrients, algae, odors, and spills that may occur if the draft permit is issued. SMRF requests that TCEQ consider how impacts to surface water quality will affect adjacent

landowners and the recreational and tourism economy dependent on the San Marcos River. San Marcos River Foundation (SMRF) expresses concern that the discharge of pollutants allowed in the draft permit will impact agricultural uses of Callihan Creek. Joe Banda expresses concern about water quality affecting his livestock.

Response 14

The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters will also maintain the groundwater quality. See also Response No. 1.

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals. The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

In this case, the designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use. The Executive Director determined that these uses should be protected if the facility is operated and maintained as required by the proposed permit and regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements.

The Texas Parks and Wildlife Department (TPWD) is the state agency that oversees and protects wildlife and their habitat. It can be contacted by calling 1-800-792-1112 or by mail at 4200 Smith School Road, Austin, Texas 78744. The TPWD received notice of BL 12 Holding's permit application.

Comment 15

Joe Banda and Zay Holifield expressed concern regarding decreases in property values, increases in light pollution, increases in traffic, and whether the new plant will bring more jobs to the community.

Response 15

The TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize the TCEQ to consider issues such as traffic, light pollution, the local job market, or property values.

However, the permit does not limit the ability of an individual to seek legal remedies against BL 12 Holdings LLC regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human

health or property or that may interfere with the normal use and enjoyment of property.

III. Changes Made to the Draft Permit in Response to Comment

The ED revised the Total Suspended Solids effluent requirement from a maximum daily average of 12 mg/l to a maximum daily average of 5 mg/l.

Respectfully submitted,

Texas Commission on Environmental Quality

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