

## Vincent Redondo

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, November 8, 2024 3:18 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** 20241107 HCUWCD Request for CCH (final with attachments).pdf

PM  
H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** Greg@gmellis.law <Greg@gmellis.law>  
**Sent:** Friday, November 8, 2024 11:40 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Gregory M. Ellis

**EMAIL:** [Greg@gmellis.law](mailto:Greg@gmellis.law)

**COMPANY:** GM Ellis Law Firm PC

**ADDRESS:** 2104 MIDWAY CT  
LEAGUE CITY TX 77573-6297

**PHONE:** 7137054861

**FAX:**

**COMMENTS:** Re: The Village at Grape Creek, LLC, TPDES Permit No. WQ0016363001 File Upload: November 7, 2024 letter from Paul Babb, General Manager, Hill Country Underground Water Conservation District with Attachments A and B (13 pages) to Office of the Chief Clerk, Texas Commission on Environmental Quality.

# **HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT**

508 South Washington \* Fredericksburg, TX 78624

Phone: (830) 997-4472 \* Email: [hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com)

Website: [www.hcuwcd.org](http://www.hcuwcd.org)

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November 7, 2024

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

VIA ELECTRONIC FILING

RE: The Village at Grape Creek, LLC  
TPDES Permit No. WQ0016363001

Dear Chief Clerk:

The following comments by the Hill Country Underground Water Conservation District ("District") are in response to the proposed DRAFT Texas Land Application Permit (TLAP) amendment of TCEQ Permit No. WQ0016363001 filed by the Village of Grape Creek LLC. Please accept these comments as a request for a contest case hearing on the issues presented and a request that the commissioners reconsider the Executive Director's decision. The District is also requesting a public meeting in Fredericksburg, Texas.

The proposed permit authorizes the discharge, into an unnamed tributary of the Pedernales River, at a daily average flow of up to 20,000 gallons per day of treated domestic wastewater. The discharge would occur directly over and upon the Hensel outcrop of the Middle Trinity aquifer, which also directly contributes to the recharge of the underlying Ellenburger aquifer. Discharge into the Pedernales and its associated tributaries also provides direct recharge to the above-mentioned aquifers.

The Hill Country Underground Water Conservation District is a political subdivision of the state authorized by Chapter 8844, Special District Local Laws Code, and Chapter 36, Water Code, to protect and manage the quality and quantity of the Trinity Aquifer within the boundaries of its jurisdiction, which includes the proposed discharge site.

The Pedernales River in Segment No. 1414 of the Colorado River Basin crosses the recharge zone of the Trinity Aquifer. Studies document that The Pedernales River in Segment No. 1414 of the Colorado River recharge into the aquifer supplies many public and private water wells with water for domestic, agriculture, and commercial use.

## **Gillespie County and the Village of Grape Creek Disposal**

The Hill Country Underground Water Conservation District recognizes the Village of Grape Creek LLC needs to dispose of treated effluent. The District is opposed to direct discharge

to creeks and tributaries that cross the Trinity Aquifer recharge zone, which creates a danger of water quality degradation in wells adjacent to and downstream of discharge points. See "Resolution of the Hill Country Underground Water Conservation District to Contest the issuance of any Permit by the TCEQ Allowing Direct Discharge of Effluent Into or Onto the Recharge Zone of any Aquifer in Gillespie County," attached hereto and incorporated herein for every purpose. (ATTACHMENT A) The District also opposes land application of treated wastewater effluent in areas with insufficiently thick soils, sink holes, caves, or recharge features. The karst geology of the region and the interchange between surface and groundwater create special vulnerability to effluent discharge that may significantly harm groundwater quality and availability in the Trinity Aquifer. When clay soils associated with karst and decaying limestone are saturated, they are unable to absorb irrigation<sup>1</sup> and are prone to run-off into creeks and recharge features. This threat is serious to land owners who have an investment-backed expectation of clean, clear water<sup>2</sup> in the Pedernales River and well owners who have similar expectations regarding their water wells.

It is imperative that this permit contain sufficient conditions for monitoring and operating requirements to avoid any point or non-point discharges of wastewater into surface water that recharges the county's groundwater resources. A thorough field study of the proposed discharge sites should be completed and reviewed before permit approval.

#### **Comments on the Specifics of Draft Permit No. WQ0016363001**

- **The draft permit should set effluent limitations on nitrate and total nitrogen, given the potential risk to contaminate groundwater.** Disposal of wastewater effluent with high nitrate concentrations will increase naturally occurring nitrogen concentrations in existing groundwater. According to the Technical Memorandum provide by Paul Tybor, Texas Professional Geoscientist #253 (attached hereto and incorporated herein for all purposes) (ATTACHMENT B), groundwater can be contaminated as rainfall incorporates the nitrogen rich material, and through the nitrogen cycle converts nitrogen to nitrate (NO<sub>3</sub>). Nitrates are readily incorporated into groundwater. This process has contaminated aquifers in several areas of Gillespie County, one being only 2.3 miles to the east of the Village at Grape Creek at the Woodlands subdivision.
- **The draft permit should set effluent limitations on the concentration of E. coli and other harmful and more virulent bacteria and pathogens.** Wastewater containing E. coli or other bacteria and pathogens would degrade groundwater quality and potential health and safety problems for nearby wells. The District database shows 20 wells within a 1/2 mile of the approximate discharge location. The Hensel unit of the Trinity aquifer directly overlies the Ellenburger aquifer with some wells producing from both units. Hensel thickness in this area of the District varies from approximately 130 feet to 0 feet at points of contact between the Hensel

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<sup>1</sup> *Land-Applied Wastewater Effluent Impacts on the Edwards Aquifer*, by Dr. Lauren Ross, available at: <http://www.aquiferalliance.net/Library/GEAAPublications/GlenroseEdwardsWastewaterReport20111103.pdf>.

<sup>2</sup> *Nitrate concentrations and potential sources in the Barton Springs segment of the Edwards aquifer and its contributing zone, Central Texas*; USGS Fact Sheet 2011-3035; <https://doi.org/10.3133/fs20113035>

and Ellenburger where the Ellenburger outcrops east of the proposed site. The receiving unnamed tributary of the Pedernales River only has natural flow present at the proposed drainage site under heavy rainfall conditions. Under normal conditions, discharge will directly recharge the Hensel and underlying Ellenburger with no dilution. Discharging biologically active wastewater into the recharge zone of the above-mentioned aquifers poses a danger and risk to current groundwater users whose sole source of drinking water is the Hensel and or Ellenburger aquifers. The current proposed volume of total annual discharge has the potential to negatively affect neighboring wells and onsite wells.

- **The draft permit should prohibit discharge of pharmaceuticals, micro plastics, and certain other compounds.** Domestic wastewater effluent contains pharmaceuticals, micro plastics, and other compounds and constituents with either no natural occurrence or at levels exceeding natural conditions. The District considers the introduction of these constituents to groundwater unacceptable pollution, and a danger to groundwater quality. The Commission should prohibit the discharge of these pollutants in an area that will recharge local aquifers.

Thank you for considering these concerns. If you have any questions regarding these comments, please contact me at 830-997-4472.

Sincerely,



Paul Babb  
General Manager  
Hill Country Underground Water Conservation District

Attachments

cc: Ronnie C. Manning, Vice-President (via First Class Mail)  
The Village at Grape Creek, LLC  
15119 Memorial Drive, Suite 113  
Houston, TX 77079

# **ATTACHMENT A**

**RESOLUTION NO. 2024-2**

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**A RESOLUTION OF THE HILL COUNTRY UNDERGROUND WATER  
CONSERVATION DISTRICT TO CONTEST THE ISSUANCE OF ANY PERMIT  
BY THE TCEQ ALLOWING DIRECT DISCHARGE OF EFFLUENT INTO OR  
ONTO THE RECHARGE ZONE OF ANY AQUIFER IN GILLESPIE COUNTY.**

**WHEREAS**, the Hill Country Underground Water Conservation District (District) was created by Acts of the 70<sup>th</sup> Legislature (1987), HB 792, Chapter 865, codified as Chapter 8844, Special District Local Laws Code, and whose boundaries are coterminous with Gillespie County; and

**WHEREAS**, Section 36.101(a) of Subchapter D of the Texas Water Code allows that a district may make and enforce rules to provide for conserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater; and

**WHEREAS**, one definition of waste in Section 36.0018(D) means “pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;” and

**WHEREAS**, the karst outcrop of the Edwards limestone in Gillespie County, Texas, has been identified as an important recharge area for a regional aquifer; and

**WHEREAS**, the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas; and

**WHEREAS**, aquifers are the main source of water for Gillespie County, Texas residents, inclusive of the City of Fredericksburg, a town of greater than 10,000 residents; and

**WHEREAS**, discharging sewage effluent onto aquifer recharge zones may result in degradation of water quality or waste of groundwater; and

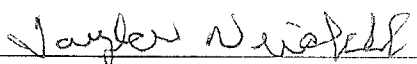
**WHEREAS**, the Texas Commission on Environmental Quality (“TCEQ”) issues permits for wastewater discharge permits in Texas; and

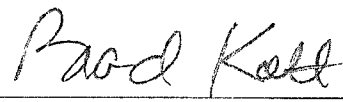
**WHEREAS**, the District’s duty to conserve and protect the groundwater resources in Gillespie County requires it to oppose the direct discharge of sewage effluent onto any aquifer recharge zone in Gillespie County.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT:**

- 1) Opposes approval by the TCEQ of any direct discharge permit application that would result in the discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County;
- 2) Directs its staff and counsel to provide public comment to TCEQ that provides scientific and policy justifications for opposing any such application;
- 3) Directs its staff and counsel to work with TCEQ and other affected parties to produce an outcome that provides sufficient additional wastewater treatment capacity, as warranted, and maintains and protects the water quality and existing uses of the surface water and groundwater resources of Gillespie County; and if a satisfactory outcome cannot be achieved;
- 4) Directs its staff and counsel to file letters of opposition against and prosecution of a contested case challenging any discharge permit application filed with TCEQ that would result in the direct discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County.

**PASSED and APPROVED** on this 14th day of May 2024.

  
\_\_\_\_\_  
Taylor Virdell  
Chairman of the Board

  
\_\_\_\_\_  
Attest: Brad Kott  
Secretary of Board

# ATTACHMENT B

**To: Prepared for Paul Babb, General Manager of the Hill Country Underground Water Conservation District**

**By: Paul Tybor, Texas Professional Geoscientist #253**

## **TECHNICAL MEMORANDUM**

Hydrogeology in the area of the Village at Grape Creek and its sensitivity to contamination from concentrated pollutants.

### **Introduction**

This technical memorandum is prepared for the Hill Country Underground Water Conservation District ("District") which covers Gillespie County, Texas and is contesting the permit application for Texas Pollutant Discharge Elimination System Permit No. WQ0016363001 ("Permit") by the Village at Grape Creek, LLC.

As to the background of the preparer of this memorandum, I am Paul Tybor, Professional Geoscientist ("P.G.") #235. I recently retired from the District having served 35 years as the General Manager from May 1989 to June 2024. I obtained a Bachelor of Science degree in Geology from the University of Houston in 1972. After being hired by the District I completed two graduate courses in hydrogeology from the University of Texas at San Antonio.

### **Hydrogeology of the Village at Grape Creek Area**

The Village at Grape Creek is located in southeastern Gillespie County on the south side of US Highway 290 East, approximately halfway between Fredericksburg to the west and Stonewall to the east. This general area is within the Pedernales river valley. At the surface in the Cretaceous-age Hensel sand, which is a middle member of the Trinity aquifer. The Hensel is predominantly a sand; however, it also contains clay, silt and limestone.

The accompanying map, Figure 1, shows all the wells located in District records in this portion of the county, within a one-mile radius (red circle) around the proposed discharge site for the Village at Grape Creek. This map has the wells labeled with the owner at the time the well was drilled, it's total depth and the yield in gallons per minute ("gpm"). The wells are also given symbols that indicate their use (i.e. domestic, livestock, irrigation, public supply & commercial). Within the one-mile radius, well yields vary from 0 gpm to 1000 gpm, with total depths generally greater than 100 feet.

The Hensel aquifer overlies the Ordovician-age Ellenburger aquifer. The Ellenburger aquifer is predominantly a dolomite with secondary amounts of limestone. This carbonate rock unit is very hard and dense with very little primary porosity. The reason that this rock unit is an aquifer is due to the secondary porosity, which resulted from the intense fracturing that occurred after the unit was deposited, and before the Hensel was deposited upon it. Figure 2 shows the wells that encountered the Ellenburger and the depths at which the unit was encountered. These range from 40 feet to 202 feet, which shows the irregular nature of this surface. The higher well yields

shown on Figure 1 are from the Ellenburger, which gets these yields from the multiple fractures present in this unit. The Ellenburger is the most critical aquifer within the county. The City of Fredericksburg ("City") is totally dependent upon the Ellenburger to meet its demand from wells completed in the Ellenburger west of this area. The City's wells are in two areas where the Ellenburger is highly fractured, which result in well yields in excess of 1000 gpm. The only other area in the county where similar fracturing and high well yields within the Ellenburger are present, is the area around the Village at Grape Creek. As a result, this portion of Gillespie County is very critical for meeting future groundwater demands. Protecting water quality within the Ellenburger is vital.

Local rainfall recharges the Hensel sand, which in turn, percolates through the Hensel and recharges the underlying Ellenburger aquifer. The Pedernales River also directly recharges the Ellenburger where it outcrops in the river bed to the west of this area. Water levels in wells, in both aquifers, respond very quickly to heavy rainfall events, which suggests quick recharge.

#### **Aquifer Sensitivity to Contamination from Concentrated Pollutants**

Figure 1 shows the proposed site for the discharge of treated effluent into the Beckman Branch at the Village at Grape Creek. Beckman Branch is not a perennial stream. It is a dry drainage and only flows water during heavy rainfall events. It connects with the Pedernales River a little more than a mile away from the proposed discharge location, after passing through several downstream properties not owned by the Village at Grape Creek, see Figure 1.

The proposed method of waste water treatment at the Village at Grape Creek is effective of removing bacterial pathogens, but is it effective at removing dissolved solids that are considered contaminants, such as nitrates? Nitrates can become incorporated into groundwater through agriculture activities, such as over fertilization, livestock and poultry manure concentrations, and any other high ammonium nitrogen materials.

In those areas containing high nitrogen concentration, groundwater can be contaminated, as rainfall incorporates the nitrogen rich material, and through the nitrogen cycle converts nitrogen to nitrate ( $\text{NO}_3$ ). Nitrates are readily incorporated into groundwater. This process has contaminated aquifers in several areas of Gillespie County, one being only 2.3 miles to the east of the Village at Grape Creek at the Woodlands subdivision. Prior to the subdivision being built, the area was a turkey farm. Turkey farms were fairly common in Gillespie County in the past. Private water wells supply water to the home sights in the subdivision. The surface geology there is similar to the surface geology at the Village at Grape Creek. That being the Hensel outcropping at the surface with the Ellenburger and older Paleozoic age rocks underlying the Hensel.

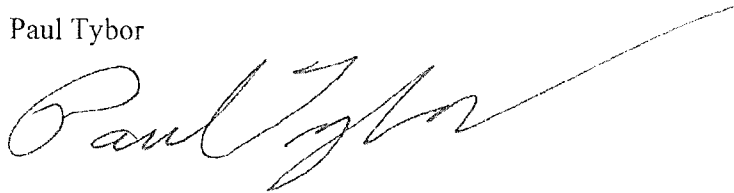
The District acquired water testing equipment from Hach Scientific. One of the analyses is for testing nitrates using a Spectrophotometer. The District is not a certified water testing facility with the State, and sampling protocols were not followed using preservatives, as the Texas Water Development Board does in their water sampling program. However, the District analyzed samples very quickly after sampling, and the results obtained should be representative of the

nitrate concentrations in the aquifer on the date sampled. Many of the wells tested came back exceeding the maximum contaminated level of 10 mg/L for nitrates (Table 1).

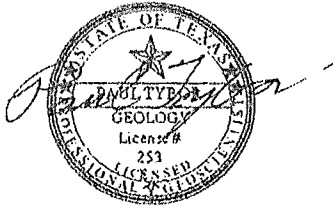
It needs to be pointed out that nitrate data does not exist prior to the development of the subdivision. Therefore, there is no way to know if the aquifer was contaminated prior to the subdivision, or if the wells drilled after subdivision development acted as conduits for aquifer contamination. The District adopted well completion rules that are more stringent than the State's because of concerns for wells acting as conduits for aquifer contamination. Nonetheless, this example serves as a model for an aquifer becoming contaminated from a concentrated surface source.

As a result, the District has concerns for discharging effluent into a sensitive area, where contaminants will build up over time due to the receiving site not being a perennial stream. As mentioned above, the aquifer recharges quickly after heavy rainfall events. Consequently, if this permit is approved and these concerns come to fruition, then a very important and critical aquifer to the people of Gillespie County will be negatively impacted. This should also be a concern for people of the Village at Grape Creek.

Paul Tybor



Texas Professional Geoscientist #253





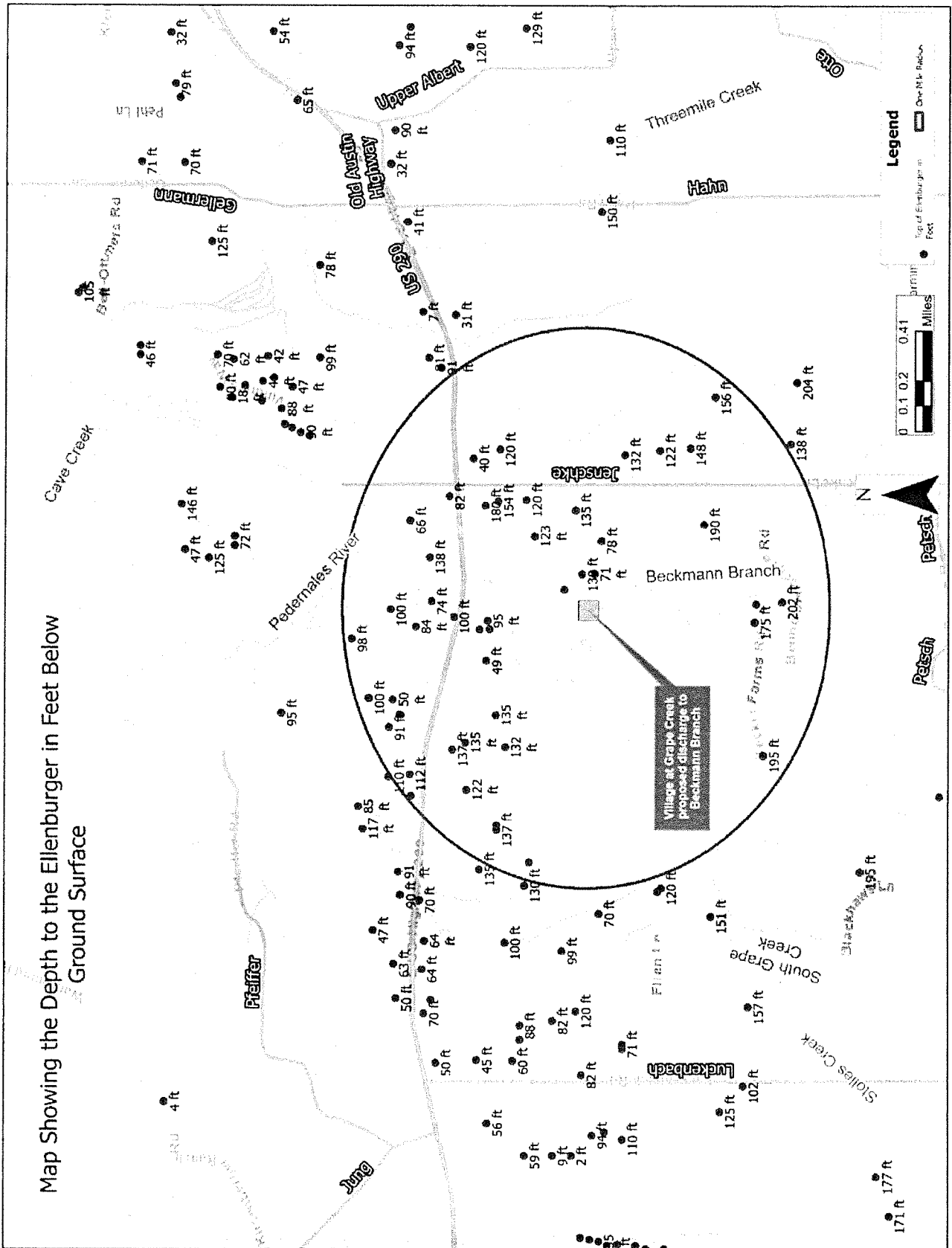
Villages Map Showing Proposed Discharge Point for Waste Water and Wells within the One Mile Radius (red circle)

Note: Wells showing 0 gpm are wells for which the yield was not determined following drilling



FIGURE 2

Map Showing the Depth to the Ellenburger in Feet Below Ground Surface



**TABLE 1**

**Nitrate Levels**

**Woodland Subdivision 2.3 Miles From Village At Grape Creek**

HCUWCD #	Nitrates (No3) mg/L	Well Cemented To (ft)	Driller
ER-00819	14.1	No cement	Virdell
ER-00115	25.8	No cement	Virdell
	7.5		
	7.2		
ER-02282	10.6	Cemented to 18 feet	Itz
R-00585	16.4	Cemented to 63 feet	Virdell
	13.8		
	13.4		
	13.1		
	13.4		
	7		
ER-03421	27.7	Cemented to 22 feet	Itz
R-00219	14	Cemented to 15 & 50-90 feet	Virdell
	10.5		
	5.2		
	9.4		
KK-57.5119	20.3	No cement data available	Not available
	20.2		
R-00532	12.4	Cemented to 50 feet	Virdell
	10.6		
ER-03033	15	Cemented to 20 feet	Itz
	8.7		
	11.1		
	9.6		
ER-02741	6.9	Cemented to 20 feet	L&L
	10.7		
ER-02661	1.1	Cemented to 70 feet	L&L
	14.1		
	11.7		
WT-0043	20	No cement data available	Not available
R-00447	10.3	Cemented to 79 feet	Virdell

**Deerwood Subdivision**

ER-02850	19.1	Cemented to 15 feet	Itz
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## Jennifer Cox

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 6, 2024 8:07 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** CORRECTION: Public comment on Permit Number WQ0016363001  
**Attachments:** Resolution\_2024-2 w\_comments1.pdf

H, RFR for the eComment and attached letter signed by Richard Paul Babb. Associate both to Babb.

H for the attached resolution signed by Taylor Virdell. Associate to Virdell.

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, June 5, 2024 5:24 PM  
**To:** PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; PUBCOMMENT-WQ <pubcomment-wq@tceq.texas.gov>  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H  
RFR

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** [hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com) <[hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com)>  
**Sent:** Wednesday, June 5, 2024 1:16 PM  
**To:** PUBCOMMENT-OCC <[PUBCOMMENT-OCC@tceq.texas.gov](mailto:PUBCOMMENT-OCC@tceq.texas.gov)>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Richard Paul Babb

**EMAIL:** [hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com)

**COMPANY:** Hill Country Underground Water Conservation District

**ADDRESS:** 508 S WASHINGTON ST  
FREDERICKSBURG TX 78624-4557

**PHONE:** 8309974472

**FAX:**

**COMMENTS:** June 5, 2024 Office of the Chief Clerk MC 105 Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711-3087 VIA ELECTRONIC FILING RE: Proposed Permit No. WQ0016363001 The following comments and questions by the Hill Country Underground Water Conservation District are in response to the application and preliminary decision for Texas Pollutant Discharge Elimination System Permit No. WQ0016363001 as filled by The Village at Grape Creek, LLC, 15119. Please accept these comments as a request for a contested case hearing on the issue presented and a request that the Commissioners reconsider the Executive Director's decision. In the event that a contested case hearing is granted, the District requests affected party status. The proposed permit authorizes the discharge, into an unnamed tributary of the Pedernales River, at a daily average flow of up to 20,000 gallons per day of treated domestic wastewater. The discharge would occur directly over and upon the Hensel outcrop of the Middle Trinity aquifer which also directly contributes to the recharge of the underlying Ellenburger aquifer. Discharge into the Pedernales and its associated tributaries also provides direct recharge to the above-mentioned aquifers. The Hill Country Underground Water Conservation District (District) is a state agency authorized by Chapter 36 of the Texas Water Code to protect and manage water quality and quantity of the aquifers within its boundaries, which includes the proposed discharge site. Both the Hensel and Ellenburger aquifers are among the primary sources of drinking water for the citizens of Gillespie County, with the City of Fredericksburg being almost completely reliant on the Ellenburger aquifer for citizens' needs. Given the District's mandate to protect water quality and the vulnerability of aquifers within the District to discharge pollution degrading the water quality of the only source of drinking water for the majority of Gillespie County citizens the District provides the following comments and questions. Comments and Questions on the specifics of Proposed Permit No. WQ0016363001 The District database shows 20 wells within a 1/2 mile of the approximate discharge location. The Hensel unit of the Trinity aquifer directly overlies the Ellenburger aquifer with some wells producing from both units. Hensel thickness in this area of the District varies from approximately 130 feet to 0 feet at points of contact between the Hensel and Ellenburger where the Ellenburger outcrops east of the proposed site. Flow is only present at the proposed drainage site under heavy rainfall conditions. Under normal conditions discharge will directly recharge the Hensel and underlying Ellenburger with no dilution. The current proposed volume of total annual discharge has the potential to negatively affect neighboring wells and onsite wells. Discharging biologically active wastewater into the recharge zone of the above-mentioned aquifers poses a danger and risk to current groundwater users whose sole source of drinking water is the Hensel and or Ellenburger aquifers. The proposed concentration of E. coli is at levels unacceptable for drinking water and indicative of the possible presence of other harmful and more virulent bacteria and pathogens which would degrade groundwater quality and pose a health risk to groundwater users. Domestic wastewater effluent contains pharmaceuticals, micro plastics, and other compounds and constituents with either no natural

occurrence or at levels exceeding natural conditions. The District considers the introduction of these constituents to groundwater unacceptable pollution, and a danger to groundwater quality. What will the concentration of the above-mentioned constituents be which are not listed under Effluent Limitations and Monitoring Requirements? What treatment options are available to the applicant for removal or significant reduction of constituents of concern to the District? What other wastewater disposal methods are potentially available to the applicant? What actions will the TCEQ take to protect the local aquifers and groundwater users from degradation of groundwater quality? Can the TCEQ guarantee there will not be a deterioration of groundwater quality as a result of approving this permit as currently proposed? Paul Babb Co-General Manager Hill Country Underground Water Conservation District 508 S Washington Fredericksburg, TX 78624 830-997-4472

**RESOLUTION NO. 2024-2**

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**A RESOLUTION OF THE HILL COUNTRY UNDERGROUND WATER  
CONSERVATION DISTRICT TO CONTEST THE ISSUANCE OF ANY PERMIT  
BY THE TCEQ ALLOWING DIRECT DISCHARGE OF EFFLUENT INTO OR  
ONTO THE RECHARGE ZONE OF ANY AQUIFER IN GILLESPIE COUNTY.**

**WHEREAS**, the Hill Country Underground Water Conservation District (District) was created by Acts of the 70<sup>th</sup> Legislature (1987), HB 792, Chapter 865, codified as Chapter 8844, Special District Local Laws Code, and whose boundaries are coterminous with Gillespie County; and

**WHEREAS**, Section 36.101(a) of Subchapter D of the Texas Water Code allows that a district may make and enforce rules to provide for conserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater; and

**WHEREAS**, one definition of waste in Section 36.0018(D) means “pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;” and

**WHEREAS**, the karst outcrop of the Edwards limestone in Gillespie County, Texas, has been identified as an important recharge area for a regional aquifer; and

**WHEREAS**, the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas; and

**WHEREAS**, aquifers are the main source of water for Gillespie County, Texas residents, inclusive of the City of Fredericksburg, a town of greater than 10,000 residents; and

**WHEREAS**, discharging sewage effluent onto aquifer recharge zones may result in degradation of water quality or waste of groundwater; and

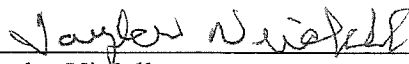
**WHEREAS**, the Texas Commission on Environmental Quality (“TCEQ”) issues permits for wastewater discharge permits in Texas; and


**WHEREAS**, the District’s duty to conserve and protect the groundwater resources in Gillespie County requires it to oppose the direct discharge of sewage effluent onto any aquifer recharge zone in Gillespie County.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT:**

- 1) Opposes approval by the TCEQ of any direct discharge permit application that would result in the discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County;
- 2) Directs its staff and counsel to provide public comment to TCEQ that provides scientific and policy justifications for opposing any such application;
- 3) Directs its staff and counsel to work with TCEQ and other affected parties to produce an outcome that provides sufficient additional wastewater treatment capacity, as warranted, and maintains and protects the water quality and existing uses of the surface water and groundwater resources of Gillespie County; and if a satisfactory outcome cannot be achieved;
- 4) Directs its staff and counsel to file letters of opposition against and prosecution of a contested case challenging any discharge permit application filed with TCEQ that would result in the direct discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County.

**PASSED and APPROVED** on this 14th day of May 2024.

  
\_\_\_\_\_  
Taylor Virdell  
Chairman of the Board

  
\_\_\_\_\_  
Attest: Brad Kott  
Secretary of Board

# HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT

508 South Washington • Fredericksburg, TX 78624

Phone: (830) 997-4472 • Email: [hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com)

Website: [www.hcuwcd.org](http://www.hcuwcd.org)

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June 5, 2024

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

VIA ELECTRONIC FILING

## **RE: Proposed Permit No. WQ0016363001**

The following comments and questions by the Hill Country Underground Water Conservation District are in response to the application and preliminary decision for Texas Pollutant Discharge Elimination System Permit No. WQ0016363001 as filed by The Village at Grape Creek, LLC, 15119. Please accept these comments as a request for a contested case hearing on the issue presented and a request that the Commissioners reconsider the Executive Director's decision. In the event that a contested case hearing is granted, the District requests affected party status.

The proposed permit authorizes the discharge, into an unnamed tributary of the Pedernales River, at a daily average flow of up to 20,000 gallons per day of treated domestic wastewater. The discharge would occur directly over and upon the Hensel outcrop of the Middle Trinity aquifer which also directly contributes to the recharge of the underlying Ellenburger aquifer. Discharge into the Pedernales and its associated tributaries also provides direct recharge to the above-mentioned aquifers.

The Hill Country Underground Water Conservation District (District) is a state agency authorized by Chapter 36 of the Texas Water Code to protect and manage water quality and quantity of the aquifers within its boundaries, which includes the proposed discharge site.

Both the Hensel and Ellenburger aquifers are among the primary sources of drinking water for the citizens of Gillespie County, with the City of Fredericksburg being almost completely reliant on the Ellenburger aquifer for citizens' needs.

Given the District's mandate to protect water quality and the vulnerability of aquifers within the District to discharge pollution degrading the water quality of the only source of drinking water for the majority of Gillespie County citizens the District provides the following comments and questions.

### **Comments and Questions on the specifics of Proposed Permit No. WQ0016363001**

The District database shows 20 wells within a 1/2 mile of the approximate discharge location.

The Hensel unit of the Trinity aquifer directly overlies the Ellenburger aquifer with some wells producing from both units.

Hensel thickness in this area of the District varies from approximately 130 feet to 0 feet at points of contact between the Hensel and Ellenburger where the Ellenburger outcrops east of the proposed site.

Flow is only present at the proposed drainage site under heavy rainfall conditions. Under normal conditions discharge will directly recharge the Hensel and underlying Ellenburger with no dilution.

The current proposed volume of total annual discharge has the potential to negatively affect neighboring wells and onsite wells.

Discharging biologically active wastewater into the recharge zone of the above-mentioned aquifers poses a danger and risk to current groundwater users whose sole source of drinking water is the Hensel and or Ellenburger aquifers.

The proposed concentration of E. coli is at levels unacceptable for drinking water and indicative of the possible presence of other harmful and more virulent bacteria and pathogens which would degrade groundwater quality and pose a health risk to groundwater users.

Domestic wastewater effluent contains pharmaceuticals, micro plastics, and other compounds and constituents with either no natural occurrence or at levels exceeding natural conditions. The District considers the introduction of these constituents to groundwater unacceptable pollution, and a danger to groundwater quality.

What will the concentration of the above-mentioned constituents be which are not listed under Effluent Limitations and Monitoring Requirements?

What treatment options are available to the applicant for removal or significant reduction of constituents of concern to the District?

What other wastewater disposal methods are potentially available to the applicant?

What actions will the TCEQ take to protect the local aquifers and groundwater users from degradation of groundwater quality?

Can the TCEQ guarantee there will not be a deterioration of groundwater quality as a result of approving this permit as currently proposed?

Paul Babb  
Co-General Manager  
Hill Country Underground Water Conservation District  
508 S Washington  
Fredericksburg, TX 78624  
830-997-4472

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 6, 2024 4:53 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** 2nd Comment Letter for Village at Grape Creek Permit.pdf

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:  
[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** hcuwcd@austin.rr.com <hcuwcd@austin.rr.com>  
**Sent:** Wednesday, June 5, 2024 11:10 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Richard Paul Babb

**EMAIL:** [hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com)

**COMPANY:** Hill Country Underground Water Conservation District

**ADDRESS:** 508 S WASHINGTON ST  
FREDERICKSBURG TX 78624-4557

**PHONE:** 8309974472

**FAX:**

**COMMENTS:** June 5, 2024 Office of the Chief Clerk MC 105 Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711-3087 VIA ELECTRONIC FILING RE: Proposed Permit No. WQ0016363001 The Hill Country Underground Water Conservation District (District) is a state agency authorized by Chapter 36 of the Texas Water Code to protect and manage water quality and quantity of the aquifers within its boundaries, which includes the proposed discharge site. Given the Districts mandate to protect water quality and the vulnerability of aquifers within the District to discharge pollution degrading the water quality of the only source of drinking water for the majority of Gillespie County citizens the District provides the following comments and questions. Comments and Questions on the specifics of Proposed Permit No. WQ0016363001 District Monitor well PCL-005 also known as the 290 East\* Elgin-Behrends Road Monitor Well and serves as a licensed Public Water Supply RN109748129 is equipped with continues water level monitoring equipment. District monitor well records indicate local groundwater levels near the proposed discharge site are shallow at approximately 45 feet beneath the land surface. The above refenced well is approximately 2500' from the proposed discharge site. With other proposed Public Water Supply wells also located in this area or even closer to the proposed area of discharge. Is there a potential for the local groundwater quality to be impacted negatively and current Public Water Supply wells to become contaminated given the current hydrologic conditions of the aquifer? Paul Babb Co-General Manager Hill Country Underground Water Conservation District 508 S Washington Fredericksburg, TX 78624 830-997-4472

# HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT

508 South Washington \* Fredericksburg, TX 78624

Phone: (830) 997-4472 \* Email: [hcuwcd@austin.rr.com](mailto:hcuwcd@austin.rr.com)

Website: [www.hcuwcd.org](http://www.hcuwcd.org)

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June 5, 2024

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

VIA ELECTRONIC FILING

## **RE: Proposed Permit No. WQ0016363001**

The Hill Country Underground Water Conservation District (District) is a state agency authorized by Chapter 36 of the Texas Water Code to protect and manage water quality and quantity of the aquifers within its boundaries, which includes the proposed discharge site.

Given the District's mandate to protect water quality and the vulnerability of aquifers within the District to discharge pollution degrading the water quality of the only source of drinking water for the majority of Gillespie County citizens the District provides the following comments and questions.

### **Comments and Questions on the specifics of Proposed Permit No. WQ0016363001**

District Monitor well PCL-005 also known as the 290 East\* Elgin-Behrends Road Monitor Well and serves as a licensed Public Water Supply RN109748129 is equipped with continuous water level monitoring equipment. District monitor well records indicate local groundwater levels near the proposed discharge site are shallow at approximately 45 feet beneath the land surface.

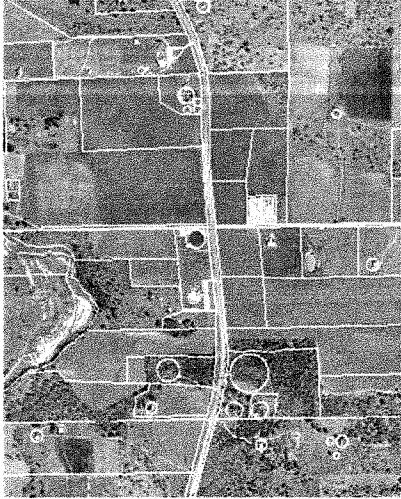
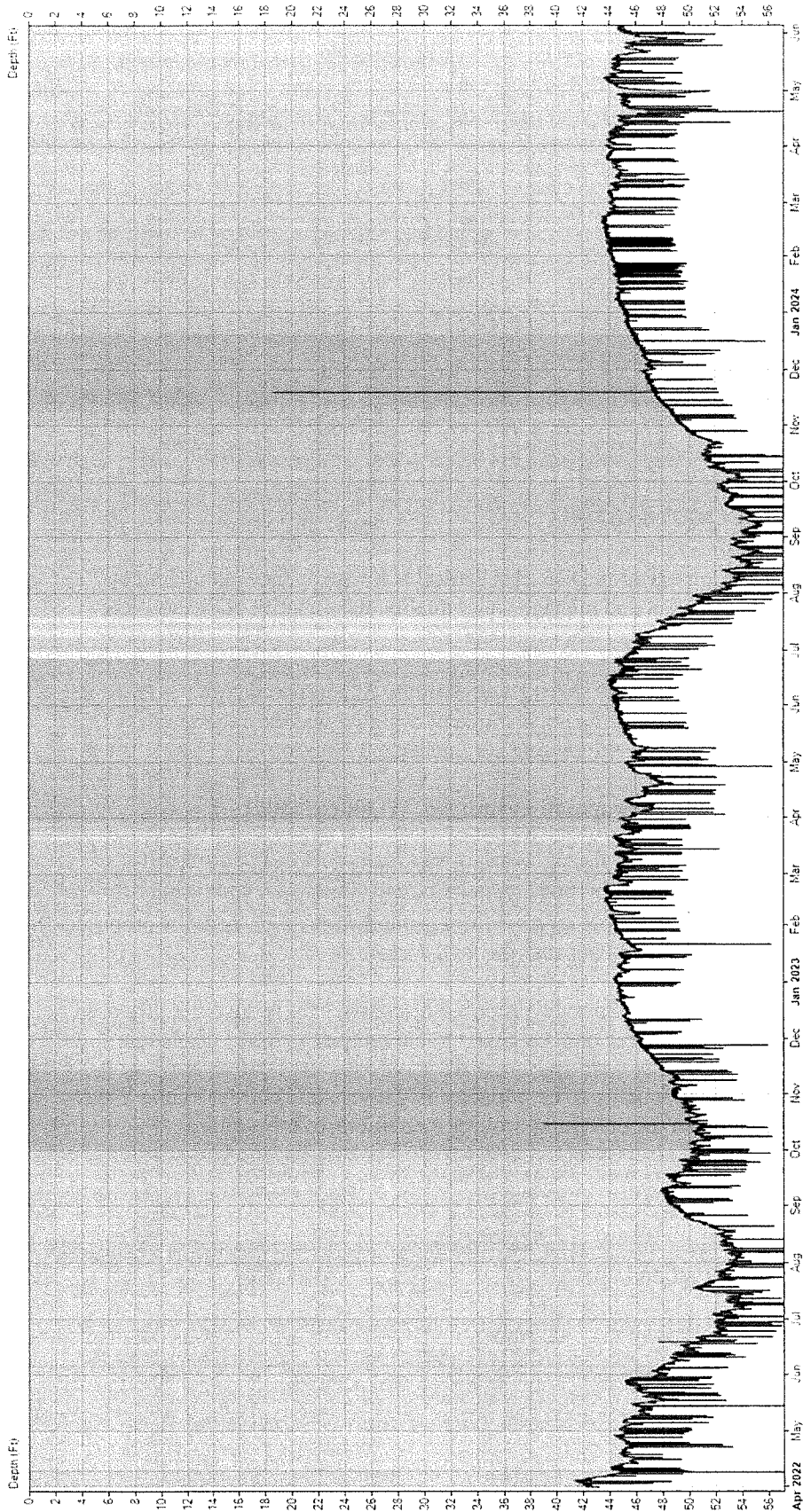
The above referenced well is approximately 2500' from the proposed discharge site. With other proposed Public Water Supply wells also located in this area or even closer to the proposed area of discharge.

Is there a potential for the local groundwater quality to be impacted negatively and current Public Water Supply wells to become contaminated given the current hydrologic conditions of the aquifer?

Paul Babb  
Co-General Manager  
Hill Country Underground Water Conservation District  
508 S Washington  
Fredericksburg, TX 78624  
830-997-4472

290 East Elgin-Behrends Road Well - Well Level

Water levels in feet below land surface



**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 8:03 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

**From:** reedb692@gmail.com <reedb692@gmail.com>  
**Sent:** Wednesday, June 12, 2024 9:17 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Reed Bass

**EMAIL:** [reedb692@gmail.com](mailto:reedb692@gmail.com)

**COMPANY:**

**ADDRESS:** 206 SUNDAY CIR  
FREDERICKSBURG TX 78624-9550

**PHONE:** 4322085652

**FAX:**

**COMMENTS:** I, Reed Bass, of Gillespie County, Texas, submit the the following comments in opposition of the TPDES permit (WQ0016363001) regarding the Village at Grape Creek. I request a contested case hearing regarding this permit, and the disposal of water into Beckman Creek, the Pedernales River, and any other tributaries that may affect the water supply (both surface and groundwater), livestock, fish, wildlife, vegetation, insects, etc. I have several concerns regarding this project: 1) If the

company/individual is responsible for reporting the amount of waste water, and it's toxicity levels to the state; who monitors the waste to verify what is being reported is true and accurate? 2) What happens when there is a flood, and all of the chemicals sitting in the creek do get washed from the creek and onto nearby land, and into the Pedernales River? 3) Won't these things possibly kill insects as well as aquatic life? 4) Aren't things such as chlorine, ammonia, phosphorus, microplastics, etcetera responsible for algae to grow? 5) Is it possible for these things to seep into nearby water wells, and possibly even the aquifer?

## **Marielle Bascon**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, March 5, 2024 4:01 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:  
[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** jay@x8it.net  
**Sent:** Tuesday, March 5, 2024 12:11 PM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** MR Jay Choquette

**EMAIL:** [jay@x8it.net](mailto:jay@x8it.net)

**COMPANY:**

**ADDRESS:** 1650 HERMIT HILL RD  
FREDERICKSBURG TX 78624-3374

**PHONE:** 8309988895

**FAX:**

**COMMENTS:** We are seriously concerned about the impact the dumping of wastewater regardless of whether or not it is "dirty" has on the Pedernales River and the surrounding aquifers. The dumping of this water can not only introduce contaminants, but also change water temperatures in large enough volumes to adversely affect fish and wildlife, as well as our drinking water from our wells. We have become increasingly concerned over both this and the use of toxic herbicides and pesticides polluting our river as well. Our community relies heavily on the aquifer and Pedernales and it is imperative that we not only stop the issue of new permits like these, but suspend previously distributed ones and take back control of the health of our community water systems. We request a public hearing on this matter immediately.

Thank you Jay Choquette

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, June 11, 2024 8:40 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** Attachment A - The Village at Grape Creek II.docx

eComment = H  
Attachment = comment

**From:** donny.clark@brenntag.com <donny.clark@brenntag.com>  
**Sent:** Monday, June 10, 2024 2:17 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** MR Donny Clark

**EMAIL:** [donny.clark@brenntag.com](mailto:donny.clark@brenntag.com)

**COMPANY:**

**ADDRESS:** 120 G C SCHAEFFER LN  
FREDERICKSBURG TX 78624-5879

**PHONE:** 7132533869

**FAX:**

**COMMENTS:** Date: June 9, 2024 Laurie Gharis, Chief Clerk Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality PO Box 13087 Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001 I, Donny P. Clark, submit the following public comments regarding the

Village at Grape Creek TPDES permit, No. WQ0016363001. In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing My address and phone number are Donny P. Clark 713-253-3869 120 G.C. Schaefer Lane Fredericksburg, TX 78624 My home is located within 1,000 ft of the development & 600 ft. of the dry creek bed (discharge creek) and my water well is within 400 ft. All measurements above are approximate. I am strongly opposed to the issuance of this TPDES permit for the following reasons. • Ground Water Supply Impact • Waste Water Discharge Impact • Wildlife Impact • Further Questions & Concerns are included in "Attachment A" of this document. • The Village at Grape Creek hereinafter in Attachment A will be referred to as "The Company". Thank you for the attention on this matter Respectfully Submitted, Donny P Clark 120 G.C. Schaefer Lane Fredericksburg, TX 713-253-5869

Attachment A

- Does the Company own or operate any other developments in the State of Texas?
- Does the Company own or operate developments in states other than Texas?
- Does the Company have current Wastewater permits in place for either of the above?
- Does the Company have any current or former violations of wastewater discharge permits?
- And if so, what were the remedies that were set forth by the regulating authorities?
- What is the method of Wastewater treatment the Company will use? Mechanical, anaerobic, chemical?
- The Company plans to discharge wastewater into a dry creek bed that eventually discharges into the Pedernales River, correct?
- If the wastewater is deemed “safe” for the creek bed, why isn’t safe to discharge directly into the river via pipeline directly from the development?
- How does the Company ensure that there will not be a deleterious buildup of contaminants in the creek bed during periods of dry weather or drought?
- How is the Company going to assure that no solid matter reaches the creek bed from the wastewater, ie, hypodermic needles, syringes, feminine hygiene products, prophylactics, diapers, etc enter in the dry creek bed and especially left there during dry weather?
- What is the Company’s plan for Storm Water discharge?
- What is the source of fresh (potable) water for the Development?
- Are the Company’s common areas going to be irrigated?
- Is the Company limited to how much water they can use per day?
- Do individual lot shareholders limited to their water use per day?
- Has a Ground Water Impact study been done and were the surrounding neighbors advised of the effects formally?
- Was a Wildlife Impact study performed and the surrounding neighbors notified?
- Has Law Enforcement and Fire/EMS/Fire departments performed a study of men/women power study been done on what their needs will be for this 185 lot community?
- Who is going to pay the taxes/expense for the additional resources needed? The Company or the individual lot shareholders?



Reviewed By 

Date: June 10, 2024

JUN 18 2024

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX 78711-3087

Subject: Public Comment Submission and Hearing Request Regarding the  
Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001

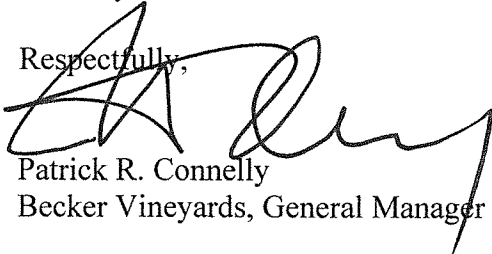
I, Patrick Connelly, an official representative of Becker Vineyards, submit the following public comments regarding the Village at Grape Creek (now Fredericksburg) TPDES permit, No. WQ0016363001. In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing. My address and phone number are:

Patrick R. Connelly  
Nichole Bendele is granted authority to speak on our behalf for this topic  
Becker Vineyards  
464 Becker Farms Rd  
Fredericksburg, TX 78624  
830-644-2681

While not stating opposition to the development project overall, as a very nearby business and based on the available information we have, we are opposed to the issuance of this TPDES permit for the following reasons.

- 1) Water quality issues for surface water/groundwater supplies (well water)
- 2) Concerns about impacts to recreational ability
- 3) Negative impacts on the air quality and foul aromas, as we host 10's of thousands of guests in our outdoor hospitality venues, very nearby the discharge site.
- 4) If the proposed treatment site is indeed inside a flood zone, then flooding concerns are certainly a concern.

Respectfully,



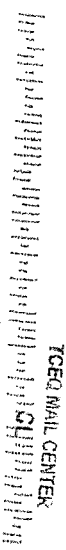
Patrick R. Connelly  
Becker Vineyards, General Manager

Becker Vineyards  
484 Becker Farms Rd  
Fredericksburg, TX 78624

RECEIVED  
JUN 17 2024  
CHECKS OFFICE  
JUN 17 PM 3:26  
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Laurie Charis, Chief Clerk  
Office of the Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX 78711-3087

78711-308787

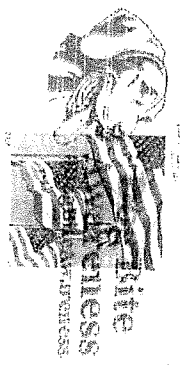


TCEQ MAIL CENTER

JUN 17 2024

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AUSTIN TX 787  
RIO GRANDE DISTRICT  
13 JUN 2024 PM 4 L



**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 8:06 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

**From:** patrick@beckerwines.com <patrick@beckerwines.com>  
**Sent:** Wednesday, June 12, 2024 5:29 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Patrick Connelly

**EMAIL:** [patrick@beckerwines.com](mailto:patrick@beckerwines.com)

**COMPANY:** Becker Vineyards

**ADDRESS:** 464 BECKER FARMS RD  
FREDERICKSBURG TX 78624-2378

**PHONE:** 7075293450

**FAX:**

**COMMENTS:** Date: June 10, 2024 Laurie Gharis, Chief Clerk Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality PO Box 13087 Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001 I, Patrick Connelly, an official representative of Becker Vineyards, submit the following public comments regarding the Village at Grape Creek (now Fredericksburg) TPDES permit, No.

WQ0016363001. In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing. My address and phone number are: Patrick R. Connelly Nichole Bendele is granted authority to speak on our behalf for this topic Becker Vineyards 464 Becker Farms Rd Fredericksburg, TX 78624 830-644-2681 While not stating opposition to the development project overall, as a very nearby business and based on the available information we have, we are opposed to the issuance of this TPDES permit for the following reasons. 1) Water quality issues for surface water/groundwater supplies (well water) 2) Concerns about impacts to recreational ability 3) Negative impacts on the air quality and foul aromas, as we host 10's of thousands of guests in our outdoor hospitality venues, very nearby the discharge site. 4) If the proposed treatment site is indeed inside a flood zone, then flooding concerns are certainly a concern. Respectfully, Patrick R. Connelly Becker Vineyards, General Manager

## Jennifer Cox

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 1:13 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

**From:** Jcbluebt@tstar.net <Jcbluebt@tstar.net>  
**Sent:** Thursday, June 13, 2024 1:01 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Levi Deike

**EMAIL:** [Jcbluebt@tstar.net](mailto:Jcbluebt@tstar.net)

**COMPANY:**

**ADDRESS:** PO BOX 241  
HYE TX 78635-0241

**PHONE:** 8309920810

**FAX:**

**COMMENTS:** Date: June 12, 2024 Laurie Gharis, Chief Clerk<sup>[SEP]</sup>Office of the Chief Clerk, MC 105<sup>[SEP]</sup>Texas Commission on Environmental Quality<sup>[SEP]</sup>PO Box 13087<sup>[SEP]</sup>Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the<sup>[SEP]</sup>Application of the Village at Grape Creek LLC for TPDES Permit No.<sup>[SEP]</sup>WQ0016363001 I, Levi Dieke, submit the following public comments regarding the Village at Grape Creek TPDES permit, No. WQ0016363001. In addition, I request a

contested case hearing regarding this permit and to be named an affected party with standing. My physical address and phone number are: 360 Sumac Road, Johnson City, 78636 My contact: 830-992-0810 I am strongly opposed to the issuance of this TPDES permit for the following reasons. My family has lived and thrived on the Pedernales River all of our lives. Both Grandparents and Parents lived on and ranched on the River. We drank from the springs and currently have wells on our property along the Pedernales. My wife and son and grandparents are buried on the banks of the Pedernales across from where Lyndon Johnson is buried. The Pedernales river has been the lifeblood of our communities historically. I currently raise livestock on my land along the Pedernales River. I fish and recreate on the Pedernales River. Also, I hold over several hundred acres that hold value based on being located on The Pedernales River. I have many questions on this permit for the development and plan on reviewing more info. For example, who is responsible for cleaning up violations related to this permitted development? How often are the permitted releases checked for waste content and violations? I have questions on how the release of waste water affects the groundwater supplies? We have multiple wells along the river on our property. As mentioned, I graze livestock along the land on The Pedernales. Water quality will impact this business. I have concerns on the river water quality for wildlife, specifically deer, Turkey, water fowl and fishes. We hunt on my property annually. This is also a source of income for leases. I have questions on the impacts of water quality on the game on my property? A major concern is the effects of developments waste waters in the case of the regular flooding that has become a part of the climate issues of droughts then high flooding. How will the wastewater be managed in such droughts and flooding? And, ultimately, the natural beauty and resources that the Pedernales River provides to the land in The Texas Hill Country, is a critical concern. What brings Texans to visit the Hill Country is these resources and beauty. There is only one Pedernales River that must not be fouled based on dense developments requesting access for profit on a River that belongs to everyone. I will have further questions on this permitting as I learn more. Thank you for the attention on this matter. Respectfully Submitted, <sup>[1]</sup><sub>[SEP]</sub> Levi Dieke

6

# TCEQ Registration Form

JUNE 13, 2024

**THE VILLAGE AT GRAPE CREEK LLC**  
**Proposed Water Quality Permit Number**  
**WQ0016363001**

*PLEASE PRINT*

Name: PAUL GABRIEL FOLSE

Mailing Address: 502 JENSCHKE LANE

Physical Address (if different): \_\_\_\_\_

City/State: FREDERICKSBURG, TX Zip: 78624

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: GabrielFolse@aol.com

Phone Number: (512) 626-5566

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

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

RECEIVED  
JUN 13 2024  
AT PUBLIC MEETING

June 12, 2024

Subject: Public Comment Submission and Hearing Request Regarding the Application of Village at Grape Creek, LLC for TPDES Permit No. WQ0016363001 (note: name changed to "The Village- Fredericksburg" due to a cease and desist by Grape Creek Vineyards).

We are submitting the following public comments and request denial of the Application of the Village at Grape Creek, LLC for new TPDES Permit No. WQ0016363001. If the permit is not denied, we request a contested case hearing and request that we be named as affected parties.

Our names are Paul Gabriel Folse and Litsa Folse, and our business entity is Style 208, LLC. Our address is 502 Jenschke Lane, Fredericksburg, Texas 78624, and our contact number is 830-733-2465. My wife and I through our LLC own the property on 502 Jenschke Lane, where we currently reside. We are affected parties and have the authority to speak on behalf of, to file comments for, and request affected party status for our business entity and for ourselves as landowners and homeowners of 502 Jenschke Lane, Fredericksburg, TX.

#### GROUNDWATER

We own one well with a high flow of clear drinking water. It is 518 feet deep and outputs 160 gallons per minute. We also use this water for our crops: Dahl Grass, organic produce, cut flowers, and our honey bee colonies. We live on 12 acres just a few hundred feet east from the proposed permit site. Our well will be directly affected by the discharge of effluent into any recharge zone of the aquifers we overlie, the Hensel and Ellenberger. The application does not demonstrate that groundwater quality and our health or the viability of our farm, which directly relies on our clean well water, will be protected. Understanding that a discharge permit is a permit to pollute, what are the guidelines that this permit will not affect our well? In dry periods, any effluent discharged into Beckman Branch will just build up. With the next substantial rainfall, the ensuing flush will be a concentrated and toxic stew flowing into the river. How can this be good for the ecosystem supported by the Pedernales River? Should dumping of treated waste water into Beckman Branch be approved, how will the health and economic impacts of the dumping be measured and what would the solutions entail for affected families and businesses? The EPA has standards as a part of the effluent guidelines for the purpose of controlling plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage. If the permit is granted, who will ensure on a day-to-day basis that the myriad guidelines are being followed? What happens if the system fails? How many of these MBS systems are in use in the Hill Country currently? And what are the challenges with this type of system? What chemicals are used in the cleaning process of a membrane system? Are there any known carcinogens?

#### ECONOMIC

Due to the nature of our soil and the excellence of our well, we began an organic farm. We use no pesticides nor herbicides on our farm. We currently harvest Dahl grass and also raise honey bees; we have planted a peach orchard and are starting a cut flower operation this year. We rely heavily on our clean well water for irrigation. Foraging bees can pick up heavy metals from contaminated water, air particulates, and toxins that accumulate on leaves and petals. If

the permit is granted and the groundwater quality is compromised, we may be economically affected.

#### QUIET ENJOYMENT

We currently enjoy dark skies, and serene evenings. With the addition of hundreds of tiny homes or RVs, motorcycles, cars, nighttime activities and continuous coming and going of hundreds of people, this entire area of farms will be permanently negatively altered. In addition to the noise and light pollution created by the development, the prevailing westerly winds will place us downwind of the various wastewater, swimming pool, and cooking odors from hundreds of people. If the permit is granted, please explain what the sound and odor outputs of the Membrane Bioreactor System will be. How are these values measured? We are CURRENTLY experiencing a disturbance with having to endure the vibration of earth movers and other heavy equipment, the sounds of beeping and ongoing construction, not to mention watching acres of trees being torn down and thrown into burn piles. I think we can all agree that we chose to live in the Hill Country BECAUSE of the clean air, the beautiful rivers and streams, the diverse wildlife, the grand old oaks, the gorgeous vistas and our charming towns. We all, as residents, concerned residents, take pride in being good stewards of our land, and we only hope and pray that developers who are coming here do the same.

Conclusion: We ask that the permit be denied. If the permit is not denied, we request a contested case hearing.

Respectfully submitted,  
Gabriel and Litsa Folse, Landowners and Residents  
Style 208, LLC, Landowner

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, June 12, 2024 5:25 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

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Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** gabrielfolse@aol.com <gabrielfolse@aol.com>  
**Sent:** Wednesday, June 12, 2024 4:52 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Paul Gabriel Folse

**EMAIL:** [gabrielfolse@aol.com](mailto:gabrielfolse@aol.com)

**COMPANY:** Style 208, LLC

**ADDRESS:** 502 JENSCHKE LN  
FREDERICKSBURG TX 78624-7413

**PHONE:** 5126265566

**FAX:**

**COMMENTS:** Laura Gharis, Chief Clerk Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality PO Box 13087 Austin, TX 78711-3087 June 12, 2024 Subject: Public Comment Submission and Hearing Request Regarding the application of Village at Grape Creek, LLC for new TPDES Permit No. WQ0016363001 (note: name changed to "The Village - Fredericksburg" due to a cease and desist by Grape Creek Vineyards). We are submitting the following public comments and request denial of the application of the Village at Grape Creek, LLC for new TPDES Permit No. WQ001636001. If the permit is not denied, we request a contested case hearing and request that we be named as affected parties. Our names are Paul Gabriel Folse and Litsa Folse, and our business entity is Style 208, LLC. Our address is 502 Jenschke Lane, Fredericksburg, Texas 78624, and our contact number is 830 733-2465. My wife and I through our LLC own the property on 502 Jenschke Lane, where we currently reside. We are affected parties and have the authority to speak on behalf of, to file comments for, and request affected party status for our business entity and for ourselves as landowners and homeowners of 502 Jenschke Lane, Fredericksburg, Texas. **GROUNDWATER:** We own one well with a high flow of clear drinking water, 518 feet deep with outputs of 160 GPM. We also use this water for our crops, Dahl grass, organic produce, cut flowers, and our honey bee colonies. We live on 12 acres just a few hundred feet east of the proposed permit site. Our well will be directly affected by the discharge of effluent into any recharge zone of the aquifers we overlie, the Hensel and Ellenberger. The application does not demonstrate that groundwater quality and our health or the viability of our farm, which directly relies on our clean well water, will be protected. Understanding that a discharge permit is a permit to pollute, what are the guarantees that this permit will not affect our well? In dry periods, any effluent discharged into Beckman Branch will just build up. With the next substantial rainfall, the ensuing flush will be a concentrated and toxic stew flowing into the river. How can this be good for the ecosystem supported by the Pedernales River? Should dumping of treated waste water into Beckman Branch be approved, how will the health and economic impacts of the dumping be measured, and what would the solutions entail for affected families and businesses? The EPA has standards as a part of the effluent guidelines for the purpose of controlling plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage. If the permit is granted, who will ensure on a day-to-day basis that the myriad guidelines are being followed? What happens if the system fails? How many of these MBS systems are in use in the Hill Country currently? And what are the challenges with this type of system? What chemicals are used in the cleaning process of a membrane system? Are there any known carcinogens? **ECONOMIC:** Due to the nature of our soil and the excellence of our well, we began an organic farm. We use no pesticides nor herbicides on our farm. We currently harvest Dahl grass and also raise honey bees; we have planted a peach orchard and are starting a cut flower operation this year. We rely heavily on our clean well water for irrigation. Foraging bees can pick up heavy metals from contaminated groundwater, air particulates and toxins that accumulate on leaves and petals. If the permit is granted and the groundwater quality is compromised, we may be economically affected. **QUIET ENJOYMENT:** We currently enjoy dark skies and serene evenings. With the addition of hundreds of tiny homes or RVs, motorcycles, cars, nighttime activities and continuous coming and going of hundreds of people, this entire area of farms will be permanently negatively altered. In addition to the noise and light pollution created by the development, the prevailing westerly winds will place us downwind of the various wastewater, swimming pool, and cooking odors from hundreds of people. If the permit is granted, please explain what the sound and odor outputs of the Membrane Bioreactor System will be. How are these values measured? We are **CURRENTLY** experiencing a disturbance with having to endure the vibration of earth movers and other heavy equipment, the sounds of beeping and ongoing construction, not to mention watching acres of trees being torn down and thrown into burn piles. I think we can all agree that we chose to live in the Hill Country **BECAUSE** of the clean air, the beautiful rivers and streams, the diverse wildlife, the grand old

oaks, the expansive vistas and our charming towns. We all, as residents, concerned residents, take pride in being good stewards of our land, and we only hope - and pray - that developers who are coming here do the same. Conclusion: We ask that the permit be denied. If the permit is not denied, we request a contested hearing. Respectfully submitted, Gabriel and Litsa Folse, Landowners and Residents Style 208, LLC, Landowner

## Jennifer Cox

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, June 12, 2024 9:05 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** TCEQ questions The Village at Grape Creek LLC.docx

H

**From:** jimfritz98@gmail.com <jimfritz98@gmail.com>  
**Sent:** Tuesday, June 11, 2024 7:31 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** James and Laura Fritz

**EMAIL:** [jimfritz98@gmail.com](mailto:jimfritz98@gmail.com)

**COMPANY:**

**ADDRESS:** 175 VINTNERS WAY  
FREDERICKSBURG TX 78624-2974

**PHONE:** 5125877256

**FAX:**

**COMMENTS:** We are James and Laura Fritz. We own 175 Vintners Way Fredericksburg, TX. Our property has riverfront access on the Pedernales River and is approximately 1 mile from The Village at Grape Creek. We purchased our property on the Pedernales River specifically for the ability to enjoy everything that goes with living on the water. I grew up fishing and playing in the Pedernales and look forward to spending time with our grandkids doing the same. We also have pets that enjoy playing in the river. The

idea of treated effluent being dumped less than a mile away and what it will do to the wildlife, fish and ecosystem of our wonderful river is maddening. Not to mention what kind of odors this could bring to our clean country air. We have a well on our property that is our only source of water for both the land and our house. There is no way that anyone can say with certainty that treated effluent that is dumped into a body of water near water wells won't have a negative impact on the water coming from those wells. We built our retirement home on the Pedernales River in order to enjoy everything in life that we worked for, which didn't include living on a polluted river where we are relying on the polluters to self-govern within the limits of the law. There are other ways that The Village of Grape Creek can use that effluent on their own property which would benefit themselves, like using it for irrigation. We want to be considered for Affected Party Status and request a contested case hearing regarding the permit The Village at Grape Creek LLC's application to dump effluent in Gillespie County. Along with our concerns stated above regarding our quality of life, recreation and water on our property, we are very concerned with the environmental, health, and procedural aspects of this application. Below are questions we would like answered by TCEQ regarding The Village at Grape Creek LLC's application.

**Environmental Impact Water Quality:** 1. How will the effluent discharge affect the quality of local groundwater and surface water? 2. What specific contaminants are expected to be present in the effluent, and what measures are being taken to monitor and mitigate these contaminants?

**Ecosystem Health:** 3. What impact will the effluent have on the local aquatic and terrestrial ecosystems, particularly on native plant and animal species? 4. Have any environmental impact assessments or studies been conducted to evaluate potential damage to local wildlife habitats?

**Vegetation and Soil Health:** 5. How might the effluent discharge affect the vegetation and soil health on our riverfront property? 6. Will there be any long-term soil monitoring?

**Flooding Concerns:** 7. During periods of high rainfall or flooding, how will the effluent discharge be managed to prevent overflow or increased contamination risk to our property?

**Health and Safety Human Health:** 8. What are the potential health risks to local residents from exposure to the effluent, both directly and indirectly (e.g., through drinking water or recreational water use)? 9. Are there plans for regular testing of drinking water sources to ensure they remain safe?

**Emergency Response:** 10. What contingency plans are in place in case of accidental spillage or excessive discharge of effluent?

**Regulatory and Compliance Permit Conditions:** 11. What specific conditions and standards must The Village at Grape Creek LLC meet to comply with their effluent discharge permit? 12. How frequently will the site be inspected to ensure compliance with these conditions?

**Public Reporting:** 13. Will the results of water quality tests and other monitoring activities be made publicly available? If so, how and where can the public access this information?

**Long-Term Monitoring and Maintenance Ongoing Monitoring:** 14. What long-term monitoring plans are in place to assess the impact of the effluent discharge over time? 15. How will TCEQ ensure that The Village at Grape Creek LLC continues to meet environmental standards in the future?

**Infrastructure and Maintenance:** 16. What infrastructure will be put in place to manage the effluent discharge, and how will it be maintained to prevent leaks or failures?

**Public Involvement and Transparency Community Involvement:** 17. What steps is TCEQ taking to ensure transparency and provide regular updates to the community about the status of the permit and the effluent discharge?

**Immediate Notification:** 18. What mechanisms are in place to ensure we are immediately notified if there is a significant change in water quality or an accidental discharge occurs?

**Complaint Mechanisms:** 19. What mechanisms are in place for residents to report concerns or violations related to the effluent discharge? 20. How does TCEQ plan to address and resolve any complaints or issues raised by the community?

**Property Impact Property Value:** 21. How will the effluent discharge affect the value of our river property? 22. Have any property value assessments been conducted for similar cases?

**River Access:** 23. Will the effluent discharge limit or restrict our access to the river for recreational purposes such as swimming or fishing?

**Water Use Wells and Drinking Water:** 24. We have a private well on our property. What measures will be taken to ensure the well water remains uncontaminated and safe for drinking?

**Legal and Financial Aspects Legal Recourse:** 25. What legal

recourse do we have if our property or health is negatively impacted by the effluent discharge? 26. Are there any established precedents or cases in similar situations? Compensation for Damages: 27. If our property suffers damage due to the effluent discharge, what compensation or remediation measures are available to us?

We are James and Laura Fritz. We own 175 Vintners Way Fredericksburg, TX. Our property has riverfront access on the Pedernales River and is approximately 1 mile from The Village at Grape Creek. We purchased our property on the Pedernales River specifically for the ability to enjoy everything that goes with living on the water. I grew up fishing and playing in the Pedernales and look forward to spending time with our grandkids doing the same. We also have pets that enjoy playing in the river. The idea of treated effluent being dumped less than a mile away and what it will do to the wildlife, fish and ecosystem of our wonderful river is maddening. Not to mention what kind of odors this could bring to our clean country air. We have a well on our property that is our only source of water for both the land and our house. There is no way that anyone can say with certainty that treated effluent that is dumped into a body of water near water wells won't have a negative impact on the water coming from those wells. We built our retirement home on the Pedernales River in order to enjoy everything in life that we worked for, which didn't include living on a polluted river where we are relying on the polluters to self-govern within the limits of the law. There are other ways that The Village of Grape Creek can use that effluent on their own property which would benefit themselves, like using it for irrigation. We want to be considered for Affected Party Status and request a contested case hearing regarding the permit The Village at Grape Creek LLC's application to dump effluent in Gillespie County. Along with our concerns stated above regarding our quality of life, recreation and water on our property, we are very concerned with the environmental, health, and procedural aspects of this application. Below are questions we would like answered by TCEQ regarding The Village at Grape Creek LLC's application.

## **Environmental Impact**

### **Water Quality:**

1. How will the effluent discharge affect the quality of local groundwater and surface water?
2. What specific contaminants are expected to be present in the effluent, and what measures are being taken to monitor and mitigate these contaminants?

### **Ecosystem Health:**

3. What impact will the effluent have on the local aquatic and terrestrial ecosystems, particularly on native plant and animal species?
4. Have any environmental impact assessments or studies been conducted to evaluate potential damage to local wildlife habitats?

### **Vegetation and Soil Health:**

5. How might the effluent discharge affect the vegetation and soil health on our riverfront property?
6. Will there be any long-term soil monitoring?

### **Flooding Concerns:**

7. During periods of high rainfall or flooding, how will the effluent discharge be managed to prevent overflow or increased contamination risk to our property?

## **Health and Safety**

### **Human Health:**

8. What are the potential health risks to local residents from exposure to the effluent, both directly and indirectly (e.g., through drinking water or recreational water use)?
9. Are there plans for regular testing of drinking water sources to ensure they remain safe?

### **Emergency Response:**

10. What contingency plans are in place in case of accidental spillage or excessive discharge of effluent?

## **Regulatory and Compliance**

### **Permit Conditions:**

11. What specific conditions and standards must The Village at Grape Creek LLC meet to comply with their effluent discharge permit?
12. How frequently will the site be inspected to ensure compliance with these conditions?

### **Public Reporting:**

13. Will the results of water quality tests and other monitoring activities be made publicly available? If so, how and where can the public access this information?

## **Long-Term Monitoring and Maintenance**

### **Ongoing Monitoring:**

14. What long-term monitoring plans are in place to assess the impact of the effluent discharge over time?
15. How will TCEQ ensure that The Village at Grape Creek LLC continues to meet environmental standards in the future?

### **Infrastructure and Maintenance:**

16. What infrastructure will be put in place to manage the effluent discharge, and how will it be maintained to prevent leaks or failures?

## **Public Involvement and Transparency**

### **Community Involvement:**

17. What steps is TCEQ taking to ensure transparency and provide regular updates to the community about the status of the permit and the effluent discharge?

### **Immediate Notification:**

18. What mechanisms are in place to ensure we are immediately notified if there is a significant change in water quality or an accidental discharge occurs?

**Complaint Mechanisms:**

19. What mechanisms are in place for residents to report concerns or violations related to the effluent discharge?
20. How does TCEQ plan to address and resolve any complaints or issues raised by the community?

**Property Impact****Property Value:**

21. How will the effluent discharge affect the value of our river property?
22. Have any property value assessments been conducted for similar cases?

**River Access:**

23. Will the effluent discharge limit or restrict our access to the river for recreational purposes such as swimming or fishing?

**Water Use****Wells and Drinking Water:**

24. We have a private well on our property. What measures will be taken to ensure the well water remains uncontaminated and safe for drinking?

**Legal and Financial Aspects****Legal Recourse:**

25. What legal recourse do we have if our property or health is negatively impacted by the effluent discharge?
26. Are there any established precedents or cases in similar situations?

**Compensation for Damages:**

27. If our property suffers damage due to the effluent discharge, what compensation or remediation measures are available to us?

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 4:29 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

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Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** Dhahn9495@gmail.com <Dhahn9495@gmail.com>  
**Sent:** Thursday, June 13, 2024 1:19 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** David Hahn

**EMAIL:** [Dhahn9495@gmail.com](mailto:Dhahn9495@gmail.com)

**COMPANY:**

**ADDRESS:** 2054 RANCH ROAD 1320  
JOHNSON CITY TX 78636-4786

**PHONE:** 3105051849

**FAX:**

**COMMENTS:** Date: June 12, 2024 Laurie Gharis, Chief Clerk, [SEP]Office of the Chief Clerk, MC 105[SEP]Texas Commission on Environmental Quality[SEP]PO Box 13087[SEP]Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the [SEP]Application of the Village at Grape Creek LLC for TPDES Permit No. [SEP]WQ0016363001 I, David Hahn, submit the following public comments regarding the Village at Grape Creek TPDES permit, No. WQ0016363001. In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing My address and phone number are 2054 Ranch Road 1320, Johnson City, TX, 78636, Contact: (310) 505-1849 I am strongly opposed to the issuance of this TPDES permit for the following reasons. I hold my riverfront acreage, as a homestead and an active business on the Pedernales River. I also recreate, and enjoy the pristine river wildlife. Additionally, I share the nature associated with a very clean Pedernales River with others. My Business, in the Hospitality Industry, is dependent on the beauty, access and quality of this natural resource. We have a Premiere Wedding (King River Ranch) and Event Venue as well as accommodate Guests on an AirBnB short-term stay type basis. Our Business depends on our protecting the natural resources we share along the Pedernales River. We work hard to leave and protect the natural to thrive - wildlife, water fowl, birds, grasses and native plants. We use the Pedernales River for photography related to our Events, and for public requests to be photographed in Hill Country Pedernales River settings. Most importantly, the value of my land holding is directly impacted by The Pedernales River quality and access. Specifically, we have made large investments in this property based on its uniqueness on the pristine Pedernales Riverfront and the Natural qualities inherent to the land and river. We also have livestock on our River fronting land. We have water wells on this same land. Dense developments sourcing water from the drought stressed aquifers, and in turn, releasing plant treated waste waters into tributaries that are connected, or on the Pedernales, will affect the water quality and ecosystem that is The Pedernales. One River, under duress from climate impact, resulting in alternating extreme drought and massive flooding is not an ecosystem that can be predicted for allowances of human disposal of wastewater. This ecosystem also cannot support such release when its natural waters are compromised. I have questions on the choices being made by this developer in request for the permit. \*Why is the development's total water usage not fed back to the land for waste water irrigations, instead of a small portion which appears to be to just meet requirements? \*Who will monitor, on a daily basis? \*What are the contingencies for floods and loss of power - a new reality in these counties? \*Is there an on-site Control person for mitigating any problems with the treatment facility? \*In the case of power failures, freezes, flooding..are there holding tanks? what is the back-up plan? \*Who will cover the cost and is there plans for clean ups in the case of release and quality violations? \*Is the TCEQ not measuring allowances based on recent data reflecting current climate extremes of severe droughts followed by major flooding? I will have more questions to add after I learn more about what is being requested and how the TCEQ is addressing the ecosystem. Thank you for the attention on this matter. Respectfully Submitted, [SEP]David Hahn

## Marielle Bascon

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, November 12, 2024 4:58 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** 2024.11.08\_PRA-GEAA Hearing Request re Village at GC\_FINAL.pdf

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Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** [claire@txenvirolaw.com](mailto:claire@txenvirolaw.com)  
**Sent:** Friday, November 8, 2024 4:08 PM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Lauren Ice

**EMAIL:** [claire@txenvirolaw.com](mailto:claire@txenvirolaw.com)

**COMPANY:** Perales, Allmon & Ice, PC

**ADDRESS:** 1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please see the attached Request for Reconsideration and Contested Case Hearing Request.

PERALES, ALLMON & ICE, P.C.  
ATTORNEYS AT LAW

1206 San Antonio Street  
Austin, Texas 78701  
(512) 469-6000 • (512) 482-9346 (facsimile)  
info@txenvirolaw.com

Of Counsel:  
David Frederick  
Richard Lowerre  
Vic McWherter

November 8, 2024

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

*Via TCEQ Online Comment Form*

**RE: Request for Reconsideration and a Contested Case Hearing regarding Application by Village at Grape Creek LLC for TPDES Permit No. WQ0016363001.**

Dear Ms. Gharis:

Pedernales River Alliance ("PRA") and the Greater Edwards Aquifer Alliance ("GEAA") (together, "requesters") submit this request for reconsideration of the ED's decision and request for a contested case hearing regarding the above-referenced Application by Village at Grape Creek ("Applicant") and for support, offer the following. The Executive Director's Response to Comments did not resolve issues previously raised by PRA and GEAA. PRA and GEAA may be contacted through my office at the address and telephone number indicated below.

**I. PRA and GEAA are "Affected Persons" entitled to a contested case hearing.**

PRA and GEAA's hearing request should be granted because (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right; (2) the interests the group or association seeks to protect are germane to the organization's purpose; and (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case. 30 Tex. Admin. Code § 55.252.

The Pedernales River Alliance is a non-profit community organization based in Gillespie County. PRA's purpose is to protect ground and surface water in the Pedernales River Watershed from the threat of over-development, pollution, and depletion. PRA is a membership organization and has members who live on and/or own property in close proximity to the proposed development and wastewater discharge location. Those members will be impacted in a way that is unique from the general public.

GEAA is a 501(c)(3) non-profit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards and Trinity Aquifers, its springs, watersheds, and the Texas Hill Country lands that sustain them. GEAA has members who live on and/or own property in close proximity to the proposed development and wastewater discharge location. Those members will be impacted in a way that is unique from the general public.

PRA and GEAA seek prospective or injunctive relief for their members, rather than damages or any type of relief that would inure solely to any individual member; therefore, the participation of any individual member is not required. See *Hunt v. Washington State Apple Advert. Comm'n*, 432 U. S. 333, 343 (1977).

Mr. Kris Weidenfeller is a member of both PRA and GEAA. Mr. Weidenfeller owns approximately 46 acres directly adjacent to the proposed wastewater facility. His property was identified on Applicant's Adjacent Landowner Map and List. Mr. Weidenfeller is concerned that, if granted, the Draft Permit would impact his property with foul odors and contaminated stormwater runoff, particularly because of his concern that the wastewater facility could be subject to flooding under updated or accurate depictions of the floodplain, and that these impacts would make spending time on the property less enjoyable and less desirable. Mr. Weidenfeller has at least

one groundwater well on his property and is also concerned that the proposed discharge has the potential to negatively impact groundwater quality and surface water quality along the discharge route and in the Pedernales River, further impairing his ability to use his property without another source of water. Mr. Weidenfeller submitted comments on this Application. This hearing request is cumulative of any other submitted by Mr. Weidenfeller.

Another member of PRA is Mr. Donny Clark. Mr. Clark and his wife own a home on approximately 3 acres at 120 G.C. Schaefer Lane, Fredericksburg, TX 78624. Their property is directly north of the proposed wastewater treatment facility, with their home itself being approximately 1,500 feet north of the proposed wastewater treatment facility (0.3 miles as measured on the Applicant's Affected Landowner map, with their property line being even closer). Mr. Clark bought the property in 2020 and has made substantial financial investments in improving the property since that time. The house depends on a domestic groundwater well on the property as the sole source of water. Mr. Clark and his wife spend significant time on the property throughout the year, including outside enjoying the rural nature of the property and natural beauty of the largely undeveloped area surrounding his property. He and his wife enjoy gardening, hosting barbecues, outside parties and gatherings with family and friends, and the shooting sports. They also enjoy observing the wildlife that once was plentiful traversing through their property, but which has reduced in numbers since the housing development started. Mr. Clark is concerned that the proposed discharge could negatively impact groundwater quality and his well. He is also concerned that odors from the facility would negatively impact his ability to enjoy spending time outside on his property, particularly given that the prevailing winds blow south to north. Mr. Clark is also concerned that the discharge itself could stagnate in Beckman Branch, produce odors, and

lead to solids, unwanted vegetative growth, and the accumulation of garbage and other wastes from the facility, causing additional problems and negative impacts on those living downstream and in the vicinity of discharge route. Mr. Clark has previously submitted comments on this Application. This hearing request is cumulative of any other submitted by Mr. Clark.

## **II. The Executive Director Did Not Sufficiently Address Issues Raised by Requesters**

Requesters provided timely comments on several issues. The Executive Director's responses are not satisfactory, and all issues raised in requesters' comments remain in dispute. Without waiving any issues raised with more particularity in their comments, requesters provide the following list of relevant and material disputed issues raised during the public comment period with reference to the comment/response numbers.

### **A. Whether the Application has demonstrated a need for the requested capacity and included adequate design calculations (RTC 11).**

The ED's Response failed to address PRA and GEAA's comment that the Application has not demonstrated a need for the requested capacity and contains inadequate design calculations. As previously explained, Applicant has requested a capacity of 20,000 gpd, but this is based on projected flow in Year 2 on an assumption that there will be 250 Living Unit Equivalentents ("LUE") at 75 gpd/LUE under 30 TAC § 217.32 Table B.1. However, the Application states that the proposed facility will serve only 185 lots. Because the Commission is charged with the responsibility of determining the need for a permit, and this issue has not been addressed, it should be referred to a contested case hearing. Similarly, the Application fails to describe the design features and functional arrangements to prevent bypasses or overflows of untreated wastewater from excessive inflow or infiltration, power failure, equipment malfunction, facility unit

maintenance and repair, or any other cause. Because this information has not been addressed and remains in dispute, this issue should be referred to a contested case hearing.

**B. Whether the Application accurately describes the discharge route.**

The ED failed to acknowledge PRA and GEAA's comment that the Application does not accurately describe the discharge route. The Application contains conflicting descriptions of the discharge route, particularly by classifying the "unnamed intermittent stream," locally known as "Beckman Branch," as "Intermittent" as opposed to "Intermittent with Perennial Pools," while elsewhere acknowledging that it does contain pools. Because this issue remains in dispute, it should be referred to a contested case hearing.

**C. Whether the Draft Permit will degrade water quality and impair existing recreation and aquatic life uses in Beckman Branch and the Pedernales River, including uses of endangered species (RTC 1).**

As noted in comments, the Application does not demonstrate that the proposed permit would ensure compliance with applicable Texas Surface Water Quality Standards to maintain the existing uses in Segment No. 1414 of the Pedernales River for primary contact recreation and high aquatic life and the correct recreational and aquatic life uses that apply to Beckman Branch. PRA and GEAA disagree that the ED's preliminary determination is correct or based on the correct methodology. Furthermore, the ED failed to address comments by PRA, GEAA, and others regarding the adverse impact that the proposed discharge would have on threatened and endangered species, including the Texas fatmucket (*Lampsilis bracteata*), a state-listed threatened species and one that was recently listed as federally endangered. Because the issue of whether the Draft Permit demonstrates compliance with applicable Texas Surface Water Quality Standards to

maintain the existing recreational and aquatic life uses remains in dispute, it should be referred to a contested case hearing.

**D. Whether the Draft Permit will comply with general criteria in the TSWQS to ensure surface waters are maintained in an aesthetically attractive condition and the discharge will not cause excessive growth of aquatic vegetation (RTC 2).**

In response to comment, the ED indicated that the total phosphorus limit is set at 1 mg/L, but PRA and GEAA disagree that this limit—or any other limitations in the Draft Permit—will preclude excessive accumulation of algae or eutrophic conditions in the receiving waters. Because this dispute remains, the issue of whether the Draft Permit will ensure surface waters are maintained in an aesthetically attractive condition and the discharge will not cause excessive growth of aquatic vegetation should be referred to a contested case hearing.

**E. Whether the Draft Permit will comply with the Commission's antidegradation requirements (RTC 3).**

In addition to TCEQ's Tier 1 analysis, which requires that existing uses and water quality sufficient to protect those existing uses be maintained, TCEQ's Tier 2 analysis, requires that a wastewater discharge permit may not cause a lowering of water quality by more than a *de minimis* extent, but certainly not to the extent that an existing use is impaired. 30 Tex. Admin. Code § 307.5(b)(2). The Application has not shown that the addition of 20,000 gallons per day of wastewater effluent with a Total Phosphorus effluent concentration of 1.0 mg/L would not degrade water quality by more than a *de minimis* amount. Furthermore, PRA and GEAA disagree with ED's analysis, because the response to comments indicates the ED applied the wrong analysis, i.e., whether *significant* degradation was expected, rather than whether *de minimis* degradation was expected. Therefore, this issue remains in dispute and should be referred to a contested case hearing.

**F. Whether the Draft Permit will adversely impact groundwater quality and drinking water supply (RTC 4 & 5).**

The Application does not demonstrate that the proposed discharge will maintain the existing uses for the Pedernales River as public water supply or “maintain present uses and not impair potential uses of groundwater or pose a public health hazard” under Texas Water Code § 26.401(c)(2). The ED’s response to comment failed to acknowledge the potential degradation of groundwater in this particular discharge area. The discharge would occur directly over Hensel outcrop of the Middle Trinity aquifer, which also directly contributes to the recharge of the underlying Ellenburger aquifer. These aquifers are directly recharged by the Pedernales and its associated tributaries and are among the primary sources of drinking water for the citizens of Gillespie County. In addition, because the ED’s analysis as to whether the discharge will degrade surface water is flawed, the assessment as to whether groundwater quality will be protected is also flawed. Therefore, this issue remains in dispute and should be referred to a contested case hearing.

**G. Whether the proposed facility will cause nuisance odors (RTC 13).**

PRA and GEAA disagree with the ED’s conclusion that nuisance odors will be minimal. The facility will be located adjacent to several homeowners and prevailing winds will mean that nuisance odors will impair the ability of neighbors to use and enjoy their properties. Because this issue remains in dispute, it should be referred to a contested case hearing.

**H. Whether the proposed facility is at risk of flood inundation and damage due to a flood event (RTC 15).**

PRA and GEAA disagree with the assertion by the ED that TCEQ does not have jurisdiction regarding flooding. 30 Tex. Admin. Code § 309.13 prohibits siting a facility in the 100-year floodplain unless the plant is protected from inundation and resulting damage. The ED’s

response to comment does not address comments and concerns that the floodplain is likely larger than what is mapped in the Application, putting neighboring and downstream properties and the environment at risk of contaminated stormwater bypasses and overflows. Because this issue remains in dispute and is within the TCEQ's jurisdiction, it should be referred to a contested case hearing.

### **III. Conclusion**

For all these reasons, PRA and GEAA respectively request reconsideration of the ED's decision and request a contested case hearing be held regarding the Application and the issues included in this request be referred to the hearing. Thank you for your attention to this matter. Please contact me with any questions.

Respectfully submitted,

/s/ Lauren Ice

Lauren Ice

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Lauren Alexander

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*Counsel for Pedernales River Alliance and  
Greater Edwards Aquifer Alliance*

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 5:12 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** 2024.06.13\_Supp. PRA & GEAA Comments & HR to TCEQ.pdf

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** claire@txenvirolaw.com <claire@txenvirolaw.com>  
**Sent:** Thursday, June 13, 2024 4:55 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Lauren Ice

**EMAIL:** [claire@txenvirolaw.com](mailto:claire@txenvirolaw.com)

**COMPANY:** Perales, Allmon & Ice, PC

**ADDRESS:** 1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

**PHONE:** 5124696000

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**COMMENTS:** Please see the attached public comments and request for a contested case hearing.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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Of Counsel:  
David Frederick  
Richard Lowerre  
Vic McWherter

June 13, 2024

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: Public Comments and Request for Contested Case Hearing regarding Application by Village at Grape Creek LLC for TPDES Permit No. WQ0016363001.**

Dear Ms. Gharis:

I am resubmitting the following public comments and request for a contested case hearing regarding the Application of the Village at Grape Creek<sup>1</sup> for new TPDES Permit No. WQ0016363001 (the “Application”). With this letter, comments previously filed on behalf of Pedernales River Alliance (“PRA”) and one of its members, Kris Weidenfeller, are supplemented and also adopted by the Greater Edwards Aquifer Alliance (“GEAA”). Mr. Weidenfeller is a member of both PRA and GEAA. PRA and GEAA may be contacted through my office at the address and telephone number indicated above.

**I. PRA is an “Affected Person.”**

The Pedernales River Alliance is a non-profit community organization based in Gillespie County. PRA’s purpose is to protect ground and surface water in the Pedernales River Watershed from the threat of over-development, pollution, and depletion. PRA is a membership organization and has members who live on and/or own property in close proximity to the proposed development

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<sup>1</sup> I have been made aware that “Village at Grape Creek” may have changed its name to “Village at Fredericksburg” since the filing of this application.

and wastewater discharge location. Those members will be impacted in a way that is unique from the general public.

For example, Kris Weidenfeller is a member of PRA who owns approximately 46 acres directly adjacent to the proposed wastewater facility. His property was identified on Applicant's Adjacent Landowner map and list. Mr. Weidenfeller is concerned that, if granted, the draft permit would impact his property with odors and contaminated stormwater runoff, particularly because of his concern that the wastewater facility could be subject to flooding under updated or accurate depictions of the floodplain. Mr. Weidenfeller has at least one groundwater well on his property and is also concerned that the proposed discharge has the potential to negatively impact groundwater quality and surface water quality along the discharge route and in the Pedernales River, further impairing his ability to use his property. Mr. Weidenfeller has previously submitted comments on this Application. These comments and hearing request are cumulative of any other submitted by Mr. Weidenfeller.

## **II. GEAA is an "Affected Person."**

GEAA is a 501(c)(3) non-profit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards and Trinity Aquifers, its springs, watersheds, and the Texas Hill Country lands that sustains them. GEAA has members who live on and/or own property in close proximity to the proposed development and wastewater discharge location. Those members will be impacted in a way that is unique from the general public. Mr. Weidenfeller, whose property and concerns are described above, is also a member of GEAA.

## **III. PRA and GEAA Request an Extension of the Comment Period to Allow for Meaningful Public Participation.**

The public comment period should be extended for at least two weeks beyond the public meeting. As explained more thoroughly below, there is information in the Application that is

incomplete or is unclear, and the public deserves an opportunity to receive additional information from the Applicant and the ED at the public meeting and be allowed a reasonable amount of time to prepare comments that are informed by that information. Expecting members of the general public to be able to make comments based on brand new information received at the public meeting by the close of the public meeting is unreasonable and unfairly limits access to public participation, particularly in light of the statutory and regulatory limitations that require all hearing requests be based on issues that were raised during the public comment period.

#### **IV. PRA and GEAA have Several Concerns and Comments Regarding the Application.**

##### ***a. The Application has not demonstrated a need for the requested capacity.***

Applicant has requested a capacity of 20,000 gpd for the proposed construction. In Attachment 3, Justification of Permit Need, the Applicant bases the projected flow in Year 2 on an assumption that there will be 250 Living Unit Equivalents (“LUE”). The Applicant then assumed a projected flow of 75 gpd/LUE based on 30 TAC § 217.32 Table B.1 and the assumption that the tiny homes proposed for construction are designed as single-bed hotel rooms (250 LUE x 75 gpd/LUE = 18,750 gdp Projected Total Flow for the Facility). However, the Domestic Technical Report 1.0, Section 3 states that the proposed facility “will serve a residential development with proposed 185 lots,” and the attached Site Drawing shows 185 plots. Therefore, Applicant has not demonstrated a need for the requested capacity of 20,000 gpd for the proposed construction of 185 plots. As the Instructions for Completing the Domestic Wastewater Permit Application (“TCEQ Instructions”) at page 67 state, “[f]ailure to provide sufficient justification for the continued need for the permit and/or each proposed phase may result in a recommendation for denial of the application or proposed phases.” Furthermore, the Domestic Technical Report 1.1, Section 4, “Design Calculations” and related attachment fail to describe the design features and functional arrangements to prevent bypasses or overflows of untreated wastewater from

excessive inflow or infiltration, power failure, equipment malfunction, facility unit maintenance and repair, or any other cause. TCEQ Instructions state at page 69 that each one of the above situations “*must* be addressed.” For these reasons, the Application should be denied or returned to the Applicant.

***b. The Application does not accurately describe the discharge route.***

The Domestic Technical Report Worksheet 2.0 contains conflicting descriptions of the discharge route, particularly of the “unnamed intermittent stream,” locally known as “Beckman Branch,” into which the effluent will be directly discharged. Section 4(B) classifies Beckman Branch as “Intermittent” as opposed to “Intermittent with Perennial Pools.” However, Section 4(E) acknowledges that Beckman Branch has pools. This distinction is important because, according to TCEQ guidance, “[u]nclassified intermittent streams with perennial pools are presumed to have a limited aquatic life use and corresponding dissolved oxygen criterion.” Procedures to Implement the Texas Surface Water Quality Standards at 16. Furthermore, “[t]he presence of smaller riverine impoundments and perennial pools can also increase the level of concern for eutrophication impacts.” *Id.* at 51. Because there is inconsistency in the description of the discharge route, the Application should be denied or returned.

***c. The proposed permit will not be protective of groundwater and drinking water wells.***

Interconnections between the Pedernales River and the groundwater below are well known. One of the designated uses for the Pedernales River is public water supply. Moreover, the discharge would occur directly over Hensel outcrop of the Middle Trinity aquifer which also directly contributes to the recharge of the underlying Ellenburger aquifer. These aquifers are directly recharged by the Pedernales and its associated tributaries and are among the primary sources of drinking water for the citizens of Gillespie County.

The Hill Country Underground Water Conservation District recently passed a resolution contesting the issuance of any permit by TCEQ allowing direct discharge of effluent into any recharge zone of any aquifer in Gillespie County, finding that “the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas.”<sup>2</sup>

Furthermore, the public comments as well as a well map provided by the Hill Country Underground Water Conservation District<sup>3</sup> indicate that landowners in the area rely on shallow groundwater wells for drinking water. The District database shows 20 wells within a 1/2 mile of the approximate discharge location. The Application does not demonstrate that groundwater quality and the health of these landowners will be protected.

*d. The proposed facility is at risk of flood inundation and damage due to a flood event.*

The proposed WWTP site is likely unsuitable under 30 Tex. Admin. Code § 309.13, because of its location directly adjacent to the FEMA floodplain and comments from neighboring landowners that the FEMA floodplain is likely out of date based on observations that flooding events often exceed the mapped floodplain. As indicated in Exhibit A to the Application (proximity to the FEMA 100-year floodplain) and these public comments, PRA and GEAA are concerned that the wastewater facility will be at risk of inundation and damage that may occur during a flood event, putting neighboring and downstream properties and the environment at risk of contaminated stormwater bypasses and overflows. Because the Application does not demonstrate that the

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<sup>2</sup> Hill Country Underground Water Conservation District Resolution No. 2024-2: A Resolution of The Hill Country Underground Water Conservation District to Contest the Issuance of Any Permit by the TCEQ Allowing Direct Discharge of Effluent Into or Onto the Recharge Zone of Any Aquifer in Gillespie County (Included as **Attachment A**).

<sup>3</sup> Hill Country Underground Water Conservation District, Gillespie County Water Wells, *available at*: [https://hcuwcd.org/?page\\_id=311](https://hcuwcd.org/?page_id=311).

proposed facility would be adequately protective, it should be denied or returned for additional modeling.

***e. The Application does not demonstrate that Primary Contact Recreation Use and High Aquatic Life Use, including threatened and endangered species, will be protected.***

The Pedernales River, Segment No. 1414 of the Colorado River Basin, has a designated use for primary contact recreation and high aquatic life use. 30 Tex. Admin. Code § 307.10, Appendix A; 30 Tex. Admin. Code §§ 307.4(j), 307.7(b)(1)(A)(i). However, the Application does not demonstrate that the proposed permit would ensure compliance with applicable Texas Surface Water Quality Standards in order to maintain these existing uses. A review of historical flows in the Pedernales River near this location indicates that the proposed discharge, particularly under critical conditions, could amount to a significant percentage of flow in the river and that nutrient concentrations in the draft permit (Ammonia Nitrogen of 2 mg/L and Total Phosphorus of 1 mg/L) would lead to degradation of water quality.

The proposed discharge of wastewater into the River threatens aquatic life use and the interests of the public, including the Association's members, in swimming, boating, fishing, wading, and other recreational activities. The proposed discharge of wastewater effluent will lead to excessive algal growth which will also likely lower dissolved oxygen levels in the receiving waters and impair the high-quality aquatic life designation of the Creek. 30 Tex. Admin. Code §§ 307.4(h); 307.7(b)(3). A review of information available through the Texas Parks and Wildlife Department's website shows that many species of fish, including largemouth and Guadalupe bass, catfish, sunfish, gar, cichlid, and rainbow trout inhabit the Pedernales River.<sup>4</sup> Furthermore, the Applicant has not shown that the proposed discharge will not have a negative impact on other wildlife that may live in the receiving waters, including threatened and endangered species. For

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<sup>4</sup> Available at: [https://tpwd.texas.gov/fishboat/fish/action/waterecords.php?WB\\_code=1449](https://tpwd.texas.gov/fishboat/fish/action/waterecords.php?WB_code=1449).

example, the Texas fatmucket (*Lampsilis bracteata*) is a state-listed threatened species<sup>5</sup> and was recently federally listed as an endangered species.<sup>6</sup> The fatmucket's critical habitat includes the Pedernales River,<sup>7</sup> and the species is sensitive to several wastewater constituents, especially during critical flow conditions. For example, the fatmucket requires an ammonia nitrogen level below .77 mg/L (where the Applicant's draft permit limit for ammonia nitrogen is 2.0 mg/L) and may be affected by lower dissolved oxygen levels resulting from algae growth.<sup>8</sup> For these reasons, the Application should be denied or nutrient limits must be significantly lowered to ensure the draft permit will comply with the Texas Surface Water Quality Standards and be protective of wildlife, including threatened and endangered species.

***f. The Application does not demonstrate that the general criteria of the Texas Surface Water Quality Standards will be met.***

In addition to complying with the stream segment's site-specific criteria for protecting existing recreational uses and aquatic life, the proposed Facility must also comply with the general criteria of the Texas Surface Water Quality Standards by ensuring that surface waters are maintained in an aesthetically attractive condition and that nutrients from permitted discharges not cause excessive growth of aquatic vegetation. 30 Tex. Admin. Code §§ 307.4(b), (e). As previously explained, the proposed discharge will increase nutrient loading and likely lead to excessive algal growth that will impair aesthetic conditions of the receiving water in violation of 30 Tex. Admin. Code § 307.4(b) and (e). For these reasons, the Application should be denied.

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<sup>5</sup> 31 Tex. Admin. Code § 65.175 (2020) (Tex. Parks and Wildlife Dep't, Threatened Species).

<sup>6</sup> Endangered and Threatened Wildlife and Plants; Endangered Species Status With Critical Habitat for Guadalupe Fatmucket, Texas Fatmucket, Guadalupe Orb, Texas Pimpleback, Balcones Spike, and False Spike, and Threatened Species Status With Section 4(d) Rule and Critical Habitat for Texas Fawnsfoot, 89 Fed. Reg. 48,034 (June 4, 2024) (to be codified at 50 C.F.R. pt. 17).

<sup>7</sup> 89 Fed. Reg. at 48,071.

<sup>8</sup> *Species Status Assessment Report for the Central Texas Mussels*, V. 2.1, U.S. FISH AND WILDLIFE SERV. REGION 2 (Sep. 2022) at 19 (Table 2.4. Texas fatmucket life history and resource needs), <https://ecos.fws.gov/ServCat/DownloadFile/251882>.

***g. The Application does not demonstrate that the Draft Permit will comply with the Commission's antidegradation requirements.***

Pursuant to TCEQ's antidegradation policy, water quality must be maintained in order to protect existing uses. 30 Tex. Admin. Code § 307.5(b)(1). As previously explained, the Application does not demonstrate that existing uses in the Pedernales River will be maintained. Pursuant to TCEQ's Tier 2 analysis, a wastewater discharge permit may not cause a lowering of water quality by more than a *de minimis* extent, but certainly not to the extent that an existing use is impaired. 30 Tex. Admin. Code § 307.5(b)(2). As previously explained, the Application has not shown that the addition of 20,000 gallons per day of wastewater effluent with a Total Phosphorus effluent concentration of 1.0 mg/L would not degrade water quality by more than a *de minimis* amount. Thus, the Application does not show that the Draft Permit would comply with the Commission's antidegradation requirements.

***h. The proposed facility will cause nuisance odors.***

The Application has not demonstrated that the facility will successfully prevent and abate nuisance odors in a manner sufficient to comply with 30 Tex. Admin. Code § 309.13(e). The facility will be located adjacent to several homeowners and a residential neighborhood less than one mile northeast of the facility. Because the facility will emit nuisance odors that impair the ability of neighbors to use and enjoy their properties, the Application should be denied.

**V. Conclusion**

For the reasons stated above, the Application should be denied. Alternatively, PRA and GEAA request that a contested case hearing be held regarding the Application. Thank you for your attention to this matter. Please contact me with any questions.

Respectfully submitted,

/s/ Lauren Ice  
Lauren Ice

State Bar No. 24092560  
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*Counsel for Pedernales River Alliance and  
Greater Edwards Aquifer Alliance*

# ATTACHMENT A

RESOLUTION NO. 2024-2

§  
§  
§  
§  
§

**A RESOLUTION OF THE HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT TO CONTEST THE ISSUANCE OF ANY PERMIT BY THE TCEQ ALLOWING DIRECT DISCHARGE OF EFFLUENT INTO OR ONTO THE RECHARGE ZONE OF ANY AQUIFER IN GILLESPIE COUNTY.**

**WHEREAS**, the Hill Country Underground Water Conservation District (District) was created by Acts of the 70<sup>th</sup> Legislature (1987), HB 792, Chapter 865, codified as Chapter 8844, Special District Local Laws Code, and whose boundaries are coterminous with Gillespie County; and

**WHEREAS**, Section 36.101(a) of Subchapter D of the Texas Water Code allows that a district may make and enforce rules to provide for conserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater; and

**WHEREAS**, one definition of waste in Section 36.0018(D) means "pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;" and

**WHEREAS**, the karst outcrop of the Edwards limestone in Gillespie County, Texas, has been identified as an important recharge area for a regional aquifer; and

**WHEREAS**, the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas; and

**WHEREAS**, aquifers are the main source of water for Gillespie County, Texas residents, inclusive of the City of Fredericksburg, a town of greater than 10,000 residents; and

**WHEREAS**, discharging sewage effluent onto aquifer recharge zones may result in degradation of water quality or waste of groundwater; and

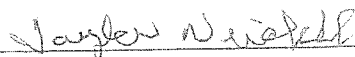
**WHEREAS**, the Texas Commission on Environmental Quality ("TCEQ") issues permits for wastewater discharge permits in Texas; and

**WHEREAS**, the District's duty to conserve and protect the groundwater resources in Gillespie County requires it to oppose the direct discharge of sewage effluent onto any aquifer recharge zone in Gillespie County.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT:**

- 1) Opposes approval by the TCEQ of any direct discharge permit application that would result in the discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County;
- 2) Directs its staff and counsel to provide public comment to TCEQ that provides scientific and policy justifications for opposing any such application;
- 3) Directs its staff and counsel to work with TCEQ and other affected parties to produce an outcome that provides sufficient additional wastewater treatment capacity, as warranted, and maintains and protects the water quality and existing uses of the surface water and groundwater resources of Gillespie County; and if a satisfactory outcome cannot be achieved;
- 4) Directs its staff and counsel to file letters of opposition against and prosecution of a contested case challenging any discharge permit application filed with TCEQ that would result in the direct discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County.

**PASSED and APPROVED** on this 14th day of May 2024.

  
Taylor Virdell  
Chairman of the Board

  
Attest: Brad Kott  
Secretary of Board

## Jennifer Cox

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, June 4, 2024 3:45 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** 2024.06.03\_FINAL PRA Comments & HR to TCEQ.pdf

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** claire@txenvirolaw.com <claire@txenvirolaw.com>  
**Sent:** Monday, June 3, 2024 6:00 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Lauren Ice

**EMAIL:** [claire@txenvirolaw.com](mailto:claire@txenvirolaw.com)

**COMPANY:** Perales, Allmon & Ice, PC

**ADDRESS:** 1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

**PHONE:** 5124696000

**FAX:** 5124829346

**COMMENTS:** Please see the attached Public Comments and Request for Contested Case Hearing.

PERALES, ALLMON & ICE, P.C.  
ATTORNEYS AT LAW

1206 San Antonio Street  
Austin, Texas 78701  
(512) 469-6000 • (512) 482-9346 (facsimile)  
info@txenvirolaw.com

Of Counsel:  
David Frederick  
Richard Lowerre  
Vic McWherter

June 3, 2024

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: Public Comments and Request for Contested Case Hearing regarding Application by Village at Grape Creek LLC for TPDES Permit No. WQ0016363001.**

Dear Ms. Gharis:

On behalf of Pedernales River Alliance (“PRA”) and one of its members, Kris Weidenfeller, I am submitting the following public comments and request for a contested case hearing regarding the Application of the Village at Grape Creek LLC for new TPDES Permit No. WQ0016363001 (the “Application”). PRA may be contacted through my office at the address and telephone number indicated above.

**I. PRA is an “Affected Person.”**

The Pedernales River Alliance is a non-profit community organization based in Gillespie County. PRA’s purpose is to protect ground and surface water in the Pedernales River Watershed from the threat of over-development, pollution, and depletion. PRA is a membership organization and has members who live on and/or own property in close proximity to the proposed development and wastewater discharge location. Those members will be impacted in a way that is unique from the general public.

For example, Kris Weidenfeller is a member of PRA who owns approximately 46 acres directly adjacent to the proposed wastewater facility. His property was identified on Applicant’s

Adjacent Landowner map and list. Mr. Weidenfeller is concerned that, if granted, the draft permit would impact his property with odors and contaminated stormwater runoff, particularly because of his concern that the wastewater facility could be subject to flooding under updated or accurate depictions of the floodplain. Mr. Weidenfeller has at least one groundwater well on his property and is also concerned that the proposed discharge has the potential to negatively impact groundwater quality and surface water quality along the discharge route and in the Pedernales River, further impairing his ability to use his property. Mr. Weidenfeller has previously submitted comments on this Application. These comments and hearing request are cumulative of any other submitted by Mr. Weidenfeller.

## **II. PRA Requests an Extension of the Comment Period to Allow for Meaningful Public Participation.**

The public comment period should be extended for at least two weeks beyond the public meeting. As explained more thoroughly below, there is information in the Application that is incomplete or is unclear, and the public deserves an opportunity to receive additional information from the Applicant and the ED at the public meeting and be allowed a reasonable amount of time to prepare comments that are informed by that information. Expecting members of the general public to be able to make comments based on brand new information received at the public meeting by the close of the public meeting is unreasonable and unfairly limits access to public participation, particularly in light of the statutory and regulatory limitations that require all hearing requests be based on issues that were raised during the public comment period.

## **III. PRA has Several Concerns and Comments Regarding the Application.**

### ***a. The Application has not demonstrated a need for the requested capacity.***

Applicant has requested a capacity of 20,000 gpd for the proposed construction. In Attachment 3, Justification of Permit Need, the Applicant bases the projected flow in Year 2 on

an assumption that there will be 250 Living Unit Equivalents (“LUE”). The Applicant then assumed a projected flow of 75 gpd/LUE based on 30 TAC § 217.32 Table B.1 and the assumption that the tiny homes proposed for construction are designed as single-bed hotel rooms (250 LUE x 75 gpd/LUE = 18,750 gdp Projected Total Flow for the Facility). However, the Domestic Technical Report 1.0, Section 3 states that: “The Village at Grape Creek will serve a residential development with proposed 185 lots,” and the attached Site Drawing shows 185 plots. Therefore, Applicant has not demonstrated a need for the requested capacity of 20,000 gpd for the proposed construction of 185 plots. As the Instructions for Completing the Domestic Wastewater Permit Application (“TCEQ Instructions”) at page 67 state, “[f]ailure to provide sufficient justification for the continued need for the permit and/or each proposed phase may result in a recommendation for denial of the application or proposed phases.” Furthermore, the Domestic Technical Report 1.1, Section 4, “Design Calculations” and related attachment fail to describe the design features and functional arrangements to prevent bypasses or overflows of untreated wastewater from excessive inflow or infiltration, power failure, equipment malfunction, facility unit maintenance and repair, or any other cause. TCEQ Instructions state at page 69 that each one of the above situations “*must* be addressed.” For these reasons, the Application should be denied or returned to the Applicant.

***b. The Application contains inconsistent descriptions of the discharge route.***

The Domestic Technical Report Worksheet 2.0 contains conflicting descriptions of the discharge route, particularly of the “unnamed intermittent stream,” locally known as “Beckman Branch,” into which the effluent will be directly discharged. Section 4(B) classifies Beckman Branch as “Intermittent” as opposed to “Intermittent with Perennial Pools.” However, Section 4(E) acknowledges that Beckman Branch has pools. This distinction is important because, according to TCEQ guidance, “[u]nclassified intermittent streams with perennial pools are presumed to have a

limited aquatic life use and corresponding dissolved oxygen criterion.” Procedures to Implement the Texas Surface Water Quality Standards at 16. Furthermore, “[t]he presence of smaller riverine impoundments and perennial pools can also increase the level of concern for eutrophication impacts.” *Id.* at 51. Because there is inconsistency in the description of the discharge route, the Application should be denied or returned.

***c. The proposed permit will not be protective of groundwater and drinking water wells.***

Interconnections between the Pedernales River and the groundwater below are well known. One of the designated uses for the Pedernales River is public water supply. Moreover, the Hill Country Underground Water Conservation District recently passed a resolution contesting the issuance of any permit by TCEQ allowing direct discharge of effluent into any recharge zone of any aquifer in Gillespie County, finding that “the karst outcrop of the Edwards limestone in Gillespie County, Texas, has been identified as an important recharge area for a regional aquifer,” and “the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas.”<sup>1</sup>

Furthermore, the public comments as well as a well map provided by the Hill Country Underground Water Conservation District<sup>2</sup> indicate that landowners in the area rely on shallow groundwater wells for drinking water. There are approximately two dozen groundwater wells along the discharge route and north of Highway 290. The Application does not demonstrate that groundwater quality and the health of these landowners will be protected.

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<sup>1</sup> Hill Country Underground Water Conservation District Resolution No. 2024-2: A Resolution of The Hill Country Underground Water Conservation District to Contest the Issuance of Any Permit by the TCEQ Allowing Direct Discharge of Effluent Into or Onto the Recharge Zone of Any Aquifer in Gillespie County (Included as **Attachment A**).

<sup>2</sup> Hill Country Underground Water Conservation District, Gillespie County Water Wells, *available at*: [https://hcuwcd.org/?page\\_id=311](https://hcuwcd.org/?page_id=311).

***d. The proposed facility is at risk of flood inundation and damage due to a flood event.***

The proposed WWTP site is likely unsuitable under 30 Tex. Admin. Code § 309.13, because of its location directly adjacent to the FEMA floodplain and comments from neighboring landowners that the FEMA floodplain is likely out of date based on observations that flooding events often exceed the mapped floodplain. As indicated in Exhibit A to the Application (proximity to the FEMA 100-year floodplain) and these public comments, PRA is concerned that the wastewater facility will be at risk of inundation and damage that may occur during a flood event, putting neighboring and downstream properties and the environment at risk of contaminated stormwater bypasses and overflows. Because the Application does not demonstrate that the proposed facility would be adequately protective, it should be denied or returned for additional modeling.

***e. The Application does not demonstrate that Primary Contact Recreation Use and High Aquatic Life Use will be protected.***

The Pedernales River, Segment No. 1414 of the Colorado River Basin, has a designated use for primary contact recreation and high aquatic life use. 30 Tex. Admin. Code § 307.10, Appendix A; 30 Tex. Admin. Code §§ 307.4(j), 307.7(b)(1)(A)(i). However, the Application does not demonstrate that the proposed permit would ensure compliance with applicable Texas Surface Water Quality Standards in order to maintain these existing uses. A review of historical flows in the Pedernales River near this location indicates that the proposed discharge, particularly under critical conditions, could amount to a significant percentage of flow in the river and that nutrient concentrations in the draft permit (Ammonia Nitrogen of 2 mg/L and Total Phosphorus of 1 mg/L) would lead to degradation of water quality.

The proposed discharge of wastewater into the River threatens aquatic life use and the interests of the public, including the Association's members, in swimming, boating, fishing,

wading, and other recreational activities. A review of information available through the Texas Parks and Wildlife Department's website shows that many species of fish, including largemouth and Guadalupe bass, catfish, sunfish, gar, cichlid, and rainbow trout inhabit the River.<sup>3</sup> The proposed discharge of wastewater effluent will lead to excessive algal growth which will also likely lower dissolved oxygen levels in the receiving waters and impair the high-quality aquatic life designation of the Creek. 30 Tex. Admin. Code §§ 307.4(h); 307.7(b)(3). For these reasons, the Application should be denied or nutrient limits must be significantly lowered to ensure the draft permit will comply with the Texas Surface Water Quality Standards.

***f. The Application does not demonstrate that the general criteria of the Texas Surface Water Quality Standards will be met.***

In addition to complying with the stream segment's site-specific criteria for protecting existing recreational uses and aquatic life, the proposed Facility must also comply with the general criteria of the Texas Surface Water Quality Standards by ensuring that surface waters are maintained in an aesthetically attractive condition and that nutrients from permitted discharges not cause excessive growth of aquatic vegetation. 30 Tex. Admin. Code §§ 307.4(b), (e). As previously explained, the proposed discharge will increase nutrient loading and likely lead to excessive algal growth that will impair aesthetic conditions of the receiving water in violation of 30 Tex. Admin. Code § 307.4(b) and (e). For these reasons, the Application should be denied.

***g. The Application does not demonstrate that the Draft Permit will comply with the Commission's antidegradation requirements.***

Pursuant to TCEQ's antidegradation policy, water quality must be maintained in order to protect existing uses. 30 Tex. Admin. Code § 307.5(b)(1). As previously explained, the Application does not demonstrate that existing uses in the Pedernales River will be maintained.

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<sup>3</sup> Available at: [https://tpwd.texas.gov/fishboat/fish/action/waterecords.php?WB\\_code=1449](https://tpwd.texas.gov/fishboat/fish/action/waterecords.php?WB_code=1449).

Pursuant to TCEQ's Tier 2 analysis, a wastewater discharge permit may not cause a lowering of water quality by more than a *de minimis* extent, but certainly not to the extent that an existing use is impaired. 30 Tex. Admin. Code § 307.5(b)(2). As previously explained, the Application has not shown that the addition of 20,000 gallons per day of wastewater effluent with a Total Phosphorus effluent concentration of 1.0 mg/L would not degrade water quality by more than a *de minimis* amount. Thus, the Application does not show that the Draft Permit would comply with the Commission's antidegradation requirements.

***h. The proposed facility will cause nuisance odors.***

The Application has not demonstrated that the facility will successfully prevent and abate nuisance odors in a manner sufficient to comply with 30 Tex. Admin. Code § 309.13(e). The facility will be located adjacent to several homeowners and a residential neighborhood less than one mile northeast of the facility. Because the facility will emit nuisance odors that impair the ability of neighbors to use and enjoy their properties, the Application should be denied.

**IV. Conclusion**

For the reasons stated above, the Application should be denied. Alternatively, PRA requests that a contested case hearing be held regarding the Application. Thank you for your attention to this matter. Please contact me with any questions.

Respectfully submitted,

/s/ Lauren Ice

Lauren Ice

State Bar No. 24092560

[lauren@txenvirolaw.com](mailto:lauren@txenvirolaw.com)

**PERALES, ALLMON & ICE, P.C.**

1206 San Antonio St.

Austin, Texas 78701

512-469-6000 (t)

512-482-9346 (f)

*Counsel for Pedernales River Alliance*

# ATTACHMENT A

RESOLUTION NO. 2024-2

§  
§  
§

**A RESOLUTION OF THE HILL COUNTRY UNDERGROUND WATER  
CONSERVATION DISTRICT TO CONTEST THE ISSUANCE OF ANY PERMIT  
BY THE TCEQ ALLOWING DIRECT DISCHARGE OF EFFLUENT INTO OR  
ONTO THE RECHARGE ZONE OF ANY AQUIFER IN GILLESPIE COUNTY.**

**WHEREAS**, the Hill Country Underground Water Conservation District (District) was created by Acts of the 70<sup>th</sup> Legislature (1987), HB 792, Chapter 865, codified as Chapter 8844, Special District Local Laws Code, and whose boundaries are coterminous with Gillespie County; and

**WHEREAS**, Section 36.101(a) of Subchapter D of the Texas Water Code allows that a district may make and enforce rules to provide for conserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater; and

**WHEREAS**, one definition of waste in Section 36.0018(D) means "pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;" and

**WHEREAS**, the karst outcrop of the Edwards limestone in Gillespie County, Texas, has been identified as an important recharge area for a regional aquifer; and

**WHEREAS**, the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas; and

**WHEREAS**, aquifers are the main source of water for Gillespie County, Texas residents, inclusive of the City of Fredericksburg, a town of greater than 10,000 residents; and

**WHEREAS**, discharging sewage effluent onto aquifer recharge zones may result in degradation of water quality or waste of groundwater; and

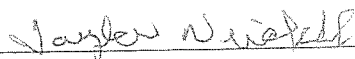
**WHEREAS**, the Texas Commission on Environmental Quality ("TCEQ") issues permits for wastewater discharge permits in Texas; and

**WHEREAS**, the District's duty to conserve and protect the groundwater resources in Gillespie County requires it to oppose the direct discharge of sewage effluent onto any aquifer recharge zone in Gillespie County.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT:**

- 1) Opposes approval by the TCEQ of any direct discharge permit application that would result in the discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County;
- 2) Directs its staff and counsel to provide public comment to TCEQ that provides scientific and policy justifications for opposing any such application;
- 3) Directs its staff and counsel to work with TCEQ and other affected parties to produce an outcome that provides sufficient additional wastewater treatment capacity, as warranted, and maintains and protects the water quality and existing uses of the surface water and groundwater resources of Gillespie County; and if a satisfactory outcome cannot be achieved;
- 4) Directs its staff and counsel to file letters of opposition against and prosecution of a contested case challenging any discharge permit application filed with TCEQ that would result in the direct discharge of sewage effluent onto any recharge zone of any aquifer in Gillespie County.

**PASSED and APPROVED** on this 14th day of May 2024.

  
\_\_\_\_\_  
Taylor Virdell  
Chairman of the Board

  
\_\_\_\_\_  
Attest: Brad Kott  
Secretary of Board

## **Marielle Bascon**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Friday, April 19, 2024 3:55 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** dirk@dirkjordan.com  
**Sent:** Thursday, April 18, 2024 7:16 PM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Dirk Jordan

**EMAIL:** [dirk@dirkjordan.com](mailto:dirk@dirkjordan.com)

**COMPANY:**

**ADDRESS:** 1533 SCHUMANN RD  
ALBERT TX 78671-4140

**PHONE:** 5127969180

**FAX:**

**COMMENTS:** I am against issuing a permit allowing the Grape Creek Development to dump its treated effluent into a tributary of the Pedernales River. Regardless of how much it is treated, it will still contribute to polluting the water of the Pedernales, which flows into Lake Travis, and is a source of drinking water for a large part of Central Texas. They should be required to deal with this through other less invasive procedures. I also request a public hearing in Gillespie County. Please let me/us know when and where a public hearing will take place.

## **Marielle Bascon**

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, March 27, 2024 5:01 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** jjkramer79@gmail.com  
**Sent:** Tuesday, March 26, 2024 5:53 PM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Jessica Kramer

**EMAIL:** [jjkramer79@gmail.com](mailto:jjkramer79@gmail.com)

**COMPANY:** Josh Kramer

**ADDRESS:** 211 SHORTY CRENWELGE RD  
FREDERICKSBURG TX 78624-5954

**PHONE:** 8308893551

**FAX:**  
DOCKET NUMBER

**COMMENTS:** Waste into our dry creeks end up in the river system. There are more and more businesses looking to get approval for this in this area. We DO NOT want our waters polluted and eco systems forever changed. We have floated down rivers that have these issues; the algae/moss are worse, the habitats are changed, the wildlife is not as abundant and so many unknowns what will follow in years to come. Will it be safe to eat fish from these rivers? Can we safely swim in these waters? This is pollution and SHOULD NOT be allowed. This is our home. It has been my family's home since our ancestors came over from Germany to start a new life, to farm this land and make a life for themselves. Let's make sure we leave something wonderful and beautiful for many more generations that will follow. A public hearing is a must. This is OUR community we love and have no plans to sit back and let some developer ruin it. !

## Marielle Bascon

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, March 25, 2024 4:55 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** meneb2@yahoo.com  
**Sent:** Monday, March 25, 2024 11:58 AM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTITY NAME:** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Mark Nebgen

**EMAIL:** [meneb2@yahoo.com](mailto:meneb2@yahoo.com)

**COMPANY:** Stonewall Water Control and Improvement District

**ADDRESS:** PO BOX 419

STONEWALL TX 78671-0419

**PHONE:** 8666433472

**FAX:**

**COMMENTS:** Sirs: The Stonewall Water Control and Improvement District provides municipal water services to the residents and businesses of Stonewall, an unincorporated area in southeast Gillespie County. We are tasked to provide a safe and reliable water distribution system to our customers in accordance with the laws of the State of Texas, including the Texas Commission on Environmental Quality (TCEQ.) The District has become aware of applications submitted by at least two area businesses with plans to discharge "waste water" directly into the Pedernales River or one of its tributaries. The District is concerned about potential environmental impact this "discharge" may have on the District's ability to provide safe and clean drinking water to its customers as required by law. The District requests we be advised of any decisions or rulings which may impact our ability to provide required water services. The District requests a public hearing be held so all information related to the applicant's plan to discharge "waste water" into the Pedernales River or its tributaries be made publicly available. Board of Directors Stonewall Water Control and Improvement District

**Marielle Bascon**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, March 20, 2024 10:33 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

**From:** meneb2@yahoo.com  
**Sent:** Monday, March 18, 2024 11:09 AM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Mark Nebgen

**EMAIL:** [meneb2@yahoo.com](mailto:meneb2@yahoo.com)

**COMPANY:**

**ADDRESS:** 635 RANCH ROAD 1  
STONEWALL TX 78671-3706

**PHONE:** 6029091464

**FAX:**

**COMMENTS:** Sirs: I am in vehement OPPOSITION to this project. Dumping waste water into a creek which feeds into the Pedernales River will impact the entire Pedernales River drainage area and the related ecosystem. There will only be negative impacts on all downstream water users, residents, farmers, ranchers, and wildlife. I can see no positive results from this project other than it is a cheap, easy fix for the developers. Clearly they believe this is the lowest cost alternative which will increase the applicants profits. The applicant believes it can come into the area with their money, act with impunity to develop a project, and dump the waste back into the community. Besides disrespect for the community, it demonstrates massive arrogance on the applicant's part. The City of Fredericksburg sells effluent from its

treatment center to the local golf course to water its non-agricultural grounds. The applicant should be required to construct a similar system so it may water its own grounds and sell any excess to other potential customers. The applicant also does not indicate the level of waste water that will be released into the creek. Is it water treated to the level of "drinking water." Is it "grey water?" Or is it "black water" which contains human excrement. Too many questions, no answers. Approval of this application will set a dangerous precedent and encourage other developers to seek additional permits of this type. Application WQ0005452000, Arch Ray, LLC, has submitted a similar application to dump waster water directly into the Pedernales River. I OPPOSE this application. I request a public hearing to compel the applicant to provide additional information.

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, June 11, 2024 1:08 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** GEAA Comments VillageatGrapeCreekWWTF\_Final.pdf

H

**From:** annalisa@aquiferalliance.org <annalisa@aquiferalliance.org>  
**Sent:** Tuesday, June 11, 2024 12:50 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** MS Annalisa Peace

**EMAIL:** [annalisa@aquiferalliance.org](mailto:annalisa@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 sixty member groups of the Greater Edwards Aquifer Alliance.



## 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

Cibolo Center for Conservation

Citizens for the Protection of Cibolo 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

June 11, 2024

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 Regarding the Application of Village at Grape Creek, LLC. for TPDES Permit No. WQ0016363001**

Please accept the attached comments on behalf of the sixty member groups of the Greater Edwards Aquifer Alliance.

**1. Background:** The Village at Grape Creek, LLC, 15119 Memorial Drive, Suite 113, Houston, Texas 77079, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016363001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day.

The facility will be located approximately 0.65 miles southwest of the intersection of Jenschke Lane and U.S. Highway 290, in Gillespie County, Texas 78624. The treated effluent will be discharged to an unnamed tributary, thence to Pedernales River in Segment No. 1414 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary. The designated uses for Segment No. 1414 are primary contact recreation, public water supply, and high aquatic life use.

**2. Greater Edwards Aquifer Alliance (GEAA).** GEAA submits the following comments on behalf of our sixty member organizations and requests a contested case hearing regarding this permit application. GEAA also requests that our organization is recognized as an affected party with standing to represent our members who are adjacent landowners. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards and Trinity Aquifers, its springs, watersheds, and the Texas Hill Country lands that sustains them. GEAA has multiple members who would be adversely affected by the proposed TPDES permit of the Village at Grape Creek, LLC.

GEAA's members have serious concerns regarding the application and draft permit, and regarding the degradation to the Pedernales River that will likely occur with the increased 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 Application and Intent to Obtain Water Quality Permit, the discharge route will be from the plant to an

PO Box 15618

San Antonio, Texas 78212

(210) 320-6294

unnamed tributary, thence to Pedernales River in Segment No. 1414 of the Colorado River Basin. There are several areas of concern with the current application:

A. Effluent Discharge Levels: The effluent discharge levels in the draft permit grant the Village at Grape Creek Wastewater Treatment Facility (WWTF) an effluent discharge level limits of 5 mg/l carbonaceous biochemical oxygen demand (CBOD5), 5 mg/l total suspended solids (TSS), 2 mg/l ammonia-nitrogen (NH3-N), 5 mg/l dissolved oxygen (DO), and 1 mg/l total phosphorus (TP). Phosphorus is a “limiting nutrient” in ecosystems, meaning the quantity of this nutrient controls the pace of algal and aquatic plant production. However, excess quantities of phosphorus, even in small amounts, can lead to eutrophication and harmful algal growth in a waterbody.

GEAA strongly encourages the adoption of a phosphorus limit of 0.5 mg/l; **bringing the effluent discharge level to a 5mg/l CBOD5, 5mg/l TSS, 2 mg/l NH3-N .50 mg/l TP, and a 5 mg/l DO maximum effluent discharge limit.**

B. Implementation of Beneficial Reuse: As it stands today, the Villages at Grape Creek WWTF’s application and draft permit does not include any capacity to conduct beneficial reuse to mitigate environmental harm to the Pedernales River, and the surrounding watershed areas. Accordingly, GEAA urges Village at Grape Creek, LLC to utilize a “One Water” approach for their wastewater treatment system, incorporating beneficial reuse of effluent; thereby, eliminating the need to discharge effluent into the Pedernales River. In the event Village at Grape Creek, LLC is unable to reuse all the wastewater generated, it is GEAA’s recommendation that any amounts that would not be beneficially reused on or off site should be land applied, with the applicant purchasing or setting aside land within their site for land application as needed and obtaining the requisite Texas Land Application Permit (TLAP) permit from TCEQ.

C. Impacts on Surrounding Wells: According to the Texas Water Development Board (TWDB), 78 water wells were found to be within a 1.5-mile distance of the Villages at Grape Creek WWTF’s discharge point, with 42 wells found to be within a mile distance of the Village at Grape Creek WWTF’s discharge point (Figure 1). Water well data was pulled from three TWDB groundwater databases; TWDB Groundwater Database (GWDB) reporting 10 wells in the 1.5-mile distance area, Submitted Drillers Reports (SDR) Database reporting 57 wells in the 1.5-mile distance area, and Brackish Resources Aquifer Characterization System (BRACS) Database reporting 11 well in the 1.5-mile distance area<sup>1</sup>.

Further examining the stated water well data, 60 out of the 78 wells were noted to be used for domestic (household), irrigation, or public supply purposes. The volume of wells located in this close proximity to the discharge point and route poses a serious concern of cross-contamination with the local groundwater supply that these well owners rely on to meet their needs. Further, many of these wells are not required to regularly test the water quality of their wells, subjecting them to potential public health concerns that result from the cross-contamination of the Village at Grape Creek WWTF’s effluent and local groundwater supply.

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<sup>1</sup> Texas Water Development Board. *Groundwater Data Viewer*, 2022, <https://www3.twdb.texas.gov/apps/WaterDataInteractive/GroundwaterDataViewer/?map=sdr>. Accessed 1 Nov. 2022.



# TCEQ Registration Form

JUNE 13, 2024

THE VILLAGE AT GRAPE CREEK LLC

Proposed Water Quality Permit Number

WQ0016363001

PLEASE PRINT

Name: Nathan Glau

Mailing Address: 1909 Blanco Rd. San Antonio, TX 78212

Physical Address (if different): \_\_\_\_\_

City/State: San Antonio, TX Zip: 78212

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: Nathan@aquiferalliance.org

Phone Number: (210) 320-0144

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Greater Edwards Aquifer Alliance

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

# TCEQ Registration Form

JUNE 13, 2024

## THE VILLAGE AT GRAPE CREEK LLC Proposed Water Quality Permit Number WQ0016363001

PLEASE PRINT

Name: Katherine Peake

Mailing Address: PO Box 55, DS TX 78620

Physical Address (if different): 668 Whitetail Dr.

City/State: Dripping Springs Zip: 78620

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: kbfp@peake@gmail.com

Phone Number: (830) 998 1778

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Pedernales River Alliance

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX 78711-3087

RECEIVED

JUN 13 2024

H

June 12, 2024

AT PUBLIC MEETING

**Subject: Public Comment Submission and Hearing Request Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001**

I am submitting the following public comments and request denial of the Application of the Village at Grape Creek LLC for new TPDES Permit No. WQ0016363001. If the permit is not denied, I request a contested case hearing and request that all of the individuals below be named as affected parties.

My name is Katherine Peake. My address is P.O. Box 55, Dripping Springs, Texas and my phone number is 830 998-1778. I am a member of Pedernales River Alliance (PRA) and a member of the Greater Edwards Aquifer Alliance (GEAA) My family members and I own the properties described below. The named individuals and I are affected parties. I have authority to speak on behalf of, to file comments for and request affected party status for the following owners. (Written authority available on request).

Property ID	Location	Owner	Well Depth	GPM	Distance
11479	309 Luckenbach Rd	ZDL GST, Katherine Peake, Trustee	263	40	5,570'
33855	9678 E. US Hwy 290	Henry Peake	375	17	9,428'
178610	307 Luckenbach Rd	David Peake et. al	183	26	6,491'

## RECREATION

My 5 children were raised at 309 Luckenbach Rd. and attended Stonewall Elementary School. They, their friends, and dogs extensively used the Pedernales River and its tributaries to play, wade, swim, fish and boat. When flow was sufficient, our family frequently kayaked on both Grape Creek and the Pedernales. Now, their children and my grandchildren continue to use these waterways. The usual takeout for a kayak run is Gellermann Lane, downstream from the "unnamed intermittent stream", also known as Beckman Branch. I have personally kayaked that stretch many, many times, when flow was adequate. The attached photos show use of the Pedernales and the tributary, Lower South Grape Creek from the 1980's to present. Photos include portions of the Pedernales River BELOW the confluence with the "unnamed intermittent stream," aka Beckmann Branch.

The proposed discharge by The Village of Grape Creek has the potential to impact our general enjoyment and use of these waterways and our health and safety.

## GROUNDWATER

We own the three wells listed above. It is common knowledge that surface water and groundwater are connected. The Hill Country Underground Water Conservation District recently passed a resolution contesting the issuance of any permit by TCEQ allowing direct discharge of effluent into any recharge zone of any aquifer in Gillespie County, finding that “the karst outcrop of the Edwards limestone in Gillespie County, Texas, has been identified as an important recharge area for a regional aquifer,” and “the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas. (resolution available on request) We rely on the groundwater wells listed above for drinking water. The Application does not demonstrate that groundwater quality and our health will be protected.

## ECONOMIC

The residences at 309 Luckenbach, 307 Luckenbach and 9678 E. Hwy 290 are rented at times. 9678 E. Hwy 290 is currently rented on an annual basis. 307 is rented on a short-term basis. All the household water comes directly from the well without a filtration system. If the wastewater permit is granted, and the groundwater quality is affected, we may be required to purchase, install and maintain a filtration system.

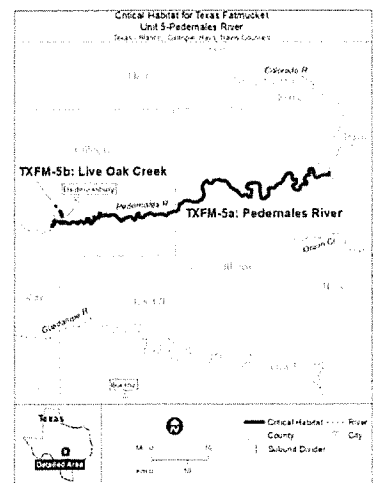
## LOCAL AQUATIC LIFE/ENDANGERED SPECIES IN PEDERNALES

The U.S. Fish and Wildlife Service has recently listed six Central Texas mussel species as endangered and threatened with extinction. . <https://www.federalregister.gov/documents/2024/06/04/2024-11645/endangered-and-threatened-wildlife-and-plants-endangered-species-status-with-critical-habitat-for> Specifically, the Texas Fatmucket is found in the Pedernales River.

78.2 miles of the Pedernales River was designated as a critical habitat. This critical habitat falls within the proposed discharge route of the Village at Grape Creek.

The decline of these mussels is closely tied to advances in human infrastructure development. The EPA estimates that some 85,000 chemicals in commerce today are released into the aquatic environment and most are not measured. Ammonia is one that is measured and is one of the substances of particular concern because freshwater mussels are particularly sensitive to increased ammonia levels (Augsburger et al. 2003, p. 2569)

Early life stages of freshwater mussels are some of the most sensitive organisms to ammonia & copper. “Even wastewater discharges with low ammonia levels have been shown to negatively



affect mussel populations". Further, drought conditions can place additional stressors and the toxicity of many pollutants (ammonia, mercury) to aquatic organisms increase at higher temperatures.

The outflow from the Village at Grape Creek flows into an unnamed tributary (Beckmann Branch), thence to critical habitat of the Pedernales River in segment No. 1414 of the Colorado River Basin. The designated uses for Segment No. 1414 include high aquatic life. The draft permit states the effluent limitations will maintain and protect the existing instream uses and that a Tier I antidegradation review of the receiving waters has preliminarily determined that existing water quality uses will not be impaired. A Tier 2 review has determined that no significant degradation of water quality is expended in the Pedernales River.

#### An excerpt from the federal register

Based on the above information, we determine that stream reaches with the following water quality parameters are suitable for the Guadalupe fatmucket, Texas fatmucket, Texas fawnsfoot, Guadalupe orb, Texas pimpleback, false spike, and Balcones spike:

- \* Low salinity (less than 2 ppt);
- \* Low total ~~ammonia~~ (less than 0.77 mg/L total ammonia nitrogen);
- \* Low levels of contaminants;
- \* Dissolved oxygen levels greater than 2 mg/L;
- \* Water temperatures below 29 °C (84.2 °F).

The draft permit, however, allows 2 mg/l NH<sub>3</sub>-N

Based on model results, effluent limits of 10 mg/l carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), 3 mg/l ammonia-nitrogen (NH<sub>3</sub>-N), and 5.0 mg/l minimum dissolved oxygen (DO) were recommended; however, the applicant volunteered to adopt 5 mg/l CBOD<sub>5</sub>, 5 mg/l Total Suspended Solids (TSS), and 2 mg/l NH<sub>3</sub>-N. The effluent limits in the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 2 mg/l NH<sub>3</sub>-N, 1 mg/l total phosphorus, 126 colony forming units or most probable number of *Escherichia Coli* per 100 ml, and 5.0 mg/l minimum DO. The effluent limits in the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 2 mg/l NH<sub>3</sub>-N, 1 mg/l total phosphorus, 126 colony forming units or most probable number of *Escherichia Coli* per 100 ml, and 5.0 mg/l minimum DO.

The draft permit limits of 2mg/l of ammonia-nitrogen will further threaten endangered species in a river designated as critical habitat. I strongly encourage an overview of this new ruling, incorporating US Fish & Wildlife Services for a review on "Incidental Taking Permit" for this permit.

The Pedernales River is recognized as "Flashy" and Beckmann Branch should be recognized the same, experiencing high flow events. The existence of these high flow events makes it possible that wastewater discharges will reach the Pedernales River and impact endangered species.

Beckmann Branch experience in a high flow event, [June 6, 2023](#) (click to see Beckmann Branch in a high flow event).

## MORE QUESTIONS

How will the TCEQ and the applicant prevent the pollution of the Hensel Aquifer? If there is pollution of the aquifer, what recourse will affected landowners have?

How will the effluent be cleaned of antibiotics, SSRI drugs, NSAIDs, hormones, microplastics and other compounds that do not occur naturally? How will groundwater be protected from these compounds?

Why was the box on injection wells checked? Is there an injection well associated with The Village at Grape Creek?

Is the developer required to do reuse under the permit? If so, how will it be guaranteed they are reusing it rather than discharging 99% of their effluent?

Has TCEQ done any modeling to understand the likelihood of the discharge reaching the Pedernales? If so, how will the discharge impact the river?

Did TCEQ conduct a field inspection and site visit? Was a site assessment done? Was an analysis done on the impact on adjacent properties? Has TCEQ done a study on the potential impact on drinking water from nearby wells?

Who is responsible for mitigation if an error or impermissible discharge occurs? What recourse do adjacent landowners have in the event of violations?

Can you explain the process how the public can look up future violations or complaints associated with this permit?

Does the TCEQ consider the cumulative impact on the Pedernales River, when granting wastewater permits, considering both the existing City of Fredericksburg discharge permit and this current permit? Are other pending permits also considered?

Can this permit limit the times and numbers of discharges to better protect Beckmann Branch and the River from discharge at inappropriate times?

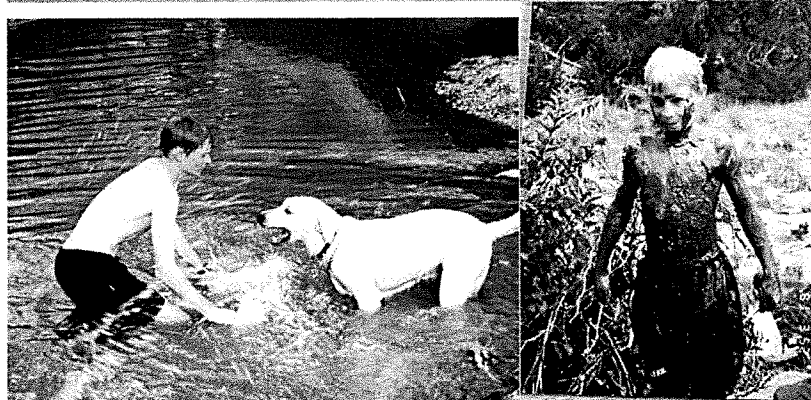
Will the effect of this permit on the aquifer and adjacent wells be measured and/or monitored?

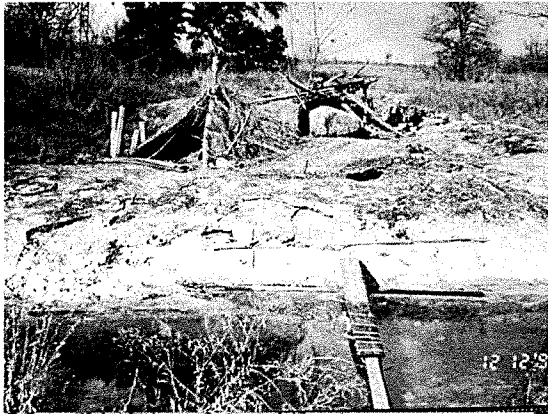
Conclusion: We ask that the permit be denied. If the permit is not denied, we request a contested case hearing. There are other options than wastewater discharge available to the applicant, and we ask that they pursue them.

Respectfully submitted,

Katherine Peake, Landowner, PRA and GEAA member  
David Peake, Landowner (by Katherine Peake)  
Henry Peake, Landowner (by Katherine Peake)

Attached: photos showing the use by protestants and their children of the Pedernales and Lower South Grape Creek, a tributary to the Pedernales from the 1980's to present. Photos include portions of the Pedernales River BELOW the confluence with the "unnamed intermittent stream," aka Beckmann Branch.





**Jennifer Cox**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 8:02 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** KP-TCEQ-pics.docx

H

**From:** kbfpeake@gmail.com <kbfpeake@gmail.com>  
**Sent:** Thursday, June 13, 2024 12:02 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Katherine Peake

**EMAIL:** [kbfpeake@gmail.com](mailto:kbfpeake@gmail.com)

**COMPANY:**

**ADDRESS:** PO BOX 55  
DRIPPING SPRINGS TX 78620-0055

**PHONE:** 8309981778

**FAX:**

**COMMENTS:** Laurie Gharis, Chief Clerk Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality PO Box 13087 Austin, TX 78711-3087 June 12, 2024 Subject: Public Comment Submission and Hearing Request Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001 I am submitting the following public comments and request denial of the Application of the Village at Grape Creek LLC for new TPDES Permit No.WQ0016363001. If the permit is

not denied, I request a contested case hearing and request that all of the individuals below be named as affected parties. My name is Katherine Peake. My address is P.O. Box 55, Dripping Springs, Texas and my phone number is 830 998-1778. I am a member of Pedernales River Alliance (PRA) and a member of the Greater Edwards Aquifer Alliance (GEAA) My family members and I own the properties described below. The named individuals and I are affected parties. I have authority to speak on behalf of, to file comments for and request affected party status for the following owners. (Written authority available on request).

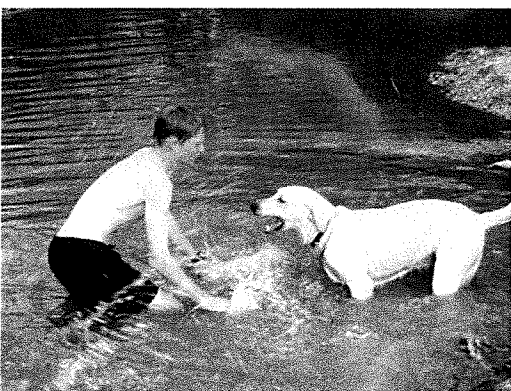
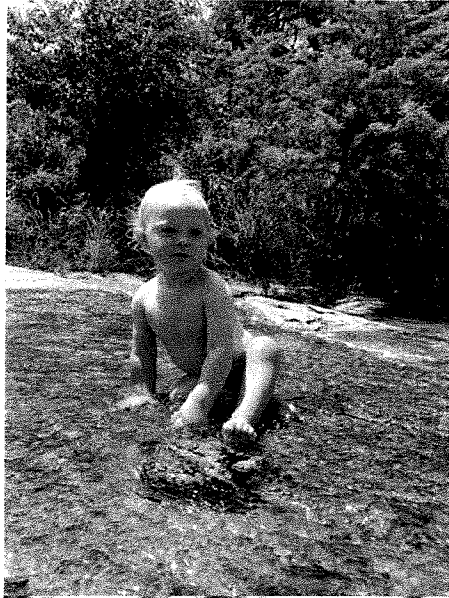
Property ID Location Owner Well Depth GPM. Distance 11479 309 Luckenbach Rd. ZDL GST, Katherine Peake TEE 263 40 5,570' 33855 9678 E. US Hwy 290 Henry Peake 375 17 9,428' 178610 307 Luckenbach Rd David Peake et. al. 183 26 6,491' RECREATION My 5 children were raised at 309 Luckenbach Rd. and attended Stonewall Elementary School. They, their friends, and dogs extensively used the Pedernales River and its tributaries to play, wade, swim, fish and boat. When flow was sufficient, our family frequently kayaked on both Grape Creek and the Pedernales. Now, their children and my grandchildren continue to use these waterways. The usual takeout for a kayak run is Gellermann Lane, downstream from the "unnamed intermittent stream", also known as Beckman Branch. I have personally kayaked that stretch many, many times, when flow was adequate. The attached photos show use of the Pedernales and the tributary, Lower South Grape Creek from the 1980's to present. Photos include portions of the Pedernales River BELOW the confluence with the "unnamed intermittent stream," aka Beckmann Branch. The proposed discharge by The Village of Grape Creek has the potential to impact our general enjoyment and use of these waterways and our health and safety. GROUNDWATER We own the three wells listed above. It is common knowledge that surface water and groundwater are connected. The Hill Country Underground Water Conservation District recently passed a resolution contesting the issuance of any permit by TCEQ allowing direct discharge of effluent into any recharge zone of any aquifer in Gillespie County. finding that "the karst outcrop of the Edwards limestone in Gillespie County, Texas, has been identified as an important recharge area for a regional aquifer," and "the permeable sandy Middle Trinity Hensel sand has been identified as an important regional recharge area and aquifer for much of the Texas Hill Country and outcrops throughout Pedernales River valley in Gillespie County, Texas. (resolution available on request) We rely on the groundwater wells listed above for drinking water. The Application does not demonstrate that groundwater quality and our health will be protected.

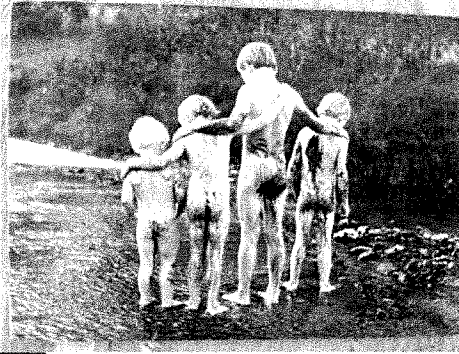
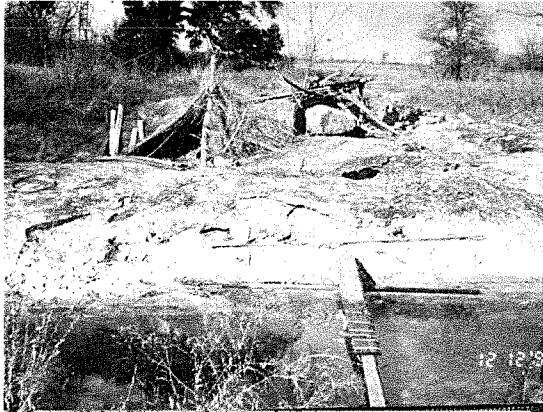
ECONOMIC The residences at 309 Luckenbach, 307 Luckenbach and 9678 E. Hwy 290 are rented at times. 9678 E. Hwy 290 is currently rented on an annual basis. 307 is rented on a short-term basis. All the household water comes directly from the well without a filtration system. If the wastewater permit is granted, and the groundwater quality is affected, we may be required to purchase, install and maintain a filtration system. LOCAL AQUATIC LIFE/ENDANGERED SPECIES IN PEDERNALES The U.S. Fish and Wildlife Service has recently listed six Central Texas mussel species as endangered and threatened with extinction. . <https://www.federalregister.gov/documents/2024/06/04/2024-11645/endangered-and-threatened-wildlife-and-plants-endangered-species-status-with-critical-habitat-for> Specifically, the Texas Fatmucket is found in the Pedernales River. 78.2 miles of the Pedernales River was designated as a critical habitat. This critical habitat falls within the proposed discharge route of the Village at Grape Creek. The decline of these mussels is closely tied to advances in human infrastructure development. The EPA estimates that some 85,000 chemicals in commerce today are released into the aquatic environment and most are not measured. Ammonia is one that is measured and is one of the substances of particular concern because freshwater mussels are particularly sensitive to increased ammonia levels (Augspurger et al. 2003, p. 2569) Early life stages of freshwater mussels are some of the most sensitive organisms to ammonia & copper. "Even wastewater discharges with low ammonia levels have been shown to negatively affect mussel populations". Further, drought conditions can place additional stressors and the toxicity of many pollutants (ammonia, mercury) to aquatic organisms increase at higher temperatures. The outflow from the Village at Grape Creek flows into an unnamed tributary (Beckmann Branch), thence to critical habitat of the Pedernales River in segment No. 1414 of the

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Conclusion: We ask that the permit denied. If the permit is not denied, we request a contested case hearing. There are other options than wastewater discharge available to the applicant, and we ask that they pursue them. Respectfully submitted, Katherine Peake, Landowner, PRA and GEAA member David Peake, Landowner (by Katherine Peake) Henry Peake, Landowner (by Katherine Peake) Attached: photos showing the use by protestants and their children of the Pedernales and Lower South Grape Creek, a tributary to the Pedernales from the 1980's to present. Photos include portions of the Pedernales River BELOW the confluence with the "unnamed intermittent stream," aka Beckmann Branch.

Attached: photos showing the use by protestants and their children of the Pedernales and Lower South Grape Creek, a tributary to the Pedernales from the 1980's to present. Photos include portions of the Pedernales River BELOW the confluence with the "unnamed intermittent stream," aka Beckmann Branch.





**Renee Lyle**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, October 30, 2023 9:04 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

PM

**From:** kbfpeake@yahoo.com <kbfpeake@yahoo.com>  
**Sent:** Sunday, October 29, 2023 10:29 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTITY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Katherine Peake

**EMAIL:** [kbfpeake@yahoo.com](mailto:kbfpeake@yahoo.com)

**COMPANY:**

**ADDRESS:** PO BOX 55  
DRIPPING SPRINGS TX 78620-0055

**PHONE:** 8309981778

**FAX:**

**COMMENTS:** I am requesting a public meeting on the above application for a waste water discharge permit and may request a public hearing depending on the information available at the public meeting. As a volunteer water monitor for the Colorado River Watch Network program of LCRA, I am concerned in general about the quality of water in our public waterways. As a landowner on Lower South Grape Creek and an avid kayaker, when conditions permit, I have kayaked the Pedernales River above and below the intended point of discharge by The Villages of Grape Creek. I would like more specific information about the levels of pollutants, as well as the potential for runoff and erosion resulting from the

discharge as well as the efforts to mitigate damage to the unnamed waterway and the Pedernales River. Thanks you in advance for your consideration. Katherine Peake

## Marielle Bascon

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, April 5, 2024 3:18 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

PM  
H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:  
[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** kbfpeake@gmail.com  
**Sent:** Friday, April 5, 2024 8:05 AM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Katherine Peake

**EMAIL:** [kbfpeake@gmail.com](mailto:kbfpeake@gmail.com)

**COMPANY:**

**ADDRESS:** 309 LUCKENBACH RD  
FREDERICKSBURG TX 78624-7457

**PHONE:** 8309981778

**FAX:**

**COMMENTS:** The ArchRay Outflow Information chart on p. 26 in the Permit Application shows a Proposed Daily Max Flo from .035 to 0.42. This appears to show a flow of 420,000 gallons per day. Is this a typo or mistake? I am not familiar with the TCEQ process, but does this mean the application must be refiled? If this is a typo, will notice be reposted to the public? What is the protocol for this? And if the application really means that 420,000 gallons per day may be discharged, I most strongly object. I support a public meeting and request a contested case hearing for this application in any case.

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 4:31 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** chris@airisele.com <chris@airisele.com>  
**Sent:** Thursday, June 13, 2024 2:45 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Chris Perrenoud

**EMAIL:** [chris@airisele.com](mailto:chris@airisele.com)

**COMPANY:** AirisEle Vineyards

**ADDRESS:** 11290 E US HIGHWAY 290  
FREDERICKSBURG TX 78624-5760

**PHONE:** 8304567330

**FAX:**

**COMMENTS:** Laurie Gharis, Chief Clerk Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality PO Box 13087 Austin, Texas June 13, 2024 Subject: Public Comment Submission and Hearing Request Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ001636001 I, Chris Perrenoud, landowner address 11290 E US HWY 290, Fredericksburg Texas 78624, submit my public concerns and questions regarding this permit and to be named and affected party with standing. The Village at Grape Creek (now by the name The Village – Fredericksburg) TPDES permit number WQ0016363001. For reference, my property is located across US HWY 290, North West of proposed Village at Grape Creek sight, ½ mile downstream of the proposed wastewater treatment facility and discharge site of the Beckmann Branch. The application by The Village at Grape Creek is proposed to allow effluents and untreated chemicals to be directly released into an un-named territory. This un-named territory, is the Beckmann Branch, a dry creek bed / wet weather creek and takes it course to the Pedernales River. Effluents will run through our property as we own both east and west sides of the Beckmann Branch. The Beckmann Branch creek bed is filled with limestone rocks, sand and an abundance of karst rocks, (rocks with holes). All is identified as an important recharge zone for the Hensel Aquifer for the Texas Hill Country. On our property, we are in process of a TECQ approved Public Water System ID No. 0860190. This well site is less than ½mile from the proposed disposal site, located 30° 17' 31" N, 098° 51' 49" W. Page 9 of 24 (Section 10. TPDES Discharge Information A.) Village at Grape Creek' proposed sight is 30° 21' 45" N, 098° 70' 99" W. 1. With the proposed release of surface water, what will the impact be on our TECQ PWS? 2. What is the possibility of underground contamination? 3. What will the impact be to the vulnerable Hensel Aquifer when the effluents are deposited of in this creek bed, as a recharge zone? The Hensel Aquifer further fills the Ellenberger Aquifer. 4. Well water is the primary source of drinking water in Gillispie County, a rural community as well as for the City of Fredericksburg. The Hill Country Underground Water Conservation District data base shows 20 wells within ½ mile the discharge location. When contamination occurs how will this affect the water supply in the surrounding areas with private wells? My business is open to the public and we are family friendly, pet friendly establishment. Many guests take advantage of walking through or alongside the Beckmann Branch. With the proposed 20,000 – 50,000 gallons per day of wastewater effluents, this will negatively impact my establishment. 5. What is the health risk to customers including children if they walk through puddles, splash upon or digest this water with the septic effluents? 6. Page 30 of 80 (Section 5B in the Technical Report) Should livestock watering and contact recreation be checked? Neighbors have cattle and I have seen kids play when water persist in "this unnamed tributary" Beckmann Branch. 7. Customers with pets exploring or walking within the Beckmann Branch, what are the affects to dogs when they drink this contaminated water? 8. Guest enjoy relaxing on our patio all while observing the simplistic beauty of our Hill Country. With South winds, will this proposed facility cause odors that will negatively affect my business when foul odors are expelled? With rain showers, significant water flows through the Beckmann Branch then followed by sanding ponds. These ponds provide habitat for wildlife; whitetail deer, axis deer, skunks, birds, wild turkeys, foxes, frogs and occasional fish can be seen. The Beckmann Branch can be imperative source of water for wildlife. 9. What will be the adverse effect to wildlife if influents are released directly into the Beckmann Branch? 10. Page 31 of 80 (in the Technical Report) "Wilderness" should have been checked? Flooding through the Beckmann Branch occurs, recently May 30, 2024, June 8, 2023. 11. With proposed location of the wastewater facility, what are the parameters with flood plan? 12. What other filtration systems or other wastewater disposal methods available to use? 13. Will methods of higher filtration, recycle/reuse on their own property be mandatory? 14. Are there not alternatives to this direct discharge? 15. Can TECQ implement wastewater reclamation systems with purple pvc pipes and use for landscaping to reduce their water usage? I requested a contested case hearing and seek affected party status for this permit application. Whether you live here,

visit here, we all must be good stewards of the land and water, respect our neighbors and I am asking for your diligence in this matter. Sincerely, Chris Perrenoud 830-456-7330

# TCEQ Registration Form

12

**PLEASE PRINT**

Name: Chris Perrenoud

Mailing Address: ~~THU~~ 11290 E US Hwy 290

Physical Address (if different): \_\_\_\_\_

City/State: Fredericksburg, TX Zip: 78624

**\*\*This information is subject to public disclosure under the Texas Public Information Act\*\***

Email: Chris@airis.ele.com

Phone Number: (830) 456-7330

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 5:10 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H  
RFR

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:  
[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** President@TxRivers.org <President@TxRivers.org>  
**Sent:** Thursday, June 13, 2024 4:39 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** David Price

**EMAIL:** [President@TxRivers.org](mailto:President@TxRivers.org)

**COMPANY:** Texas Rivers Protection Assoc.

**ADDRESS:** 444 PECAN PARK DR  
SAN MARCOS TX 78666-8544

**PHONE:** 5126987676

**FAX:**

**COMMENTS:** Texas Rivers Protection Assoc, aka TRPA. Opposes any type of discharge permit for any segment of creek, drainage, etc. that could/would flow into any pristine, of very near pristine stream or river. This holds for any river in the State. The rivers are public waters, wherever the location. The permit in question will not protect the Pedernales River. While some distance away, the permit in question would ultimately flow into the Pedernales River. At issue is the amount of phosphorous that would ultimately wind up in the river. Any level above 10 micrograms per liter would cause degradation of the waters of this river. Examples of such damage are on the Blanco River. The City of Blanco had discharged in the Blanco River - a river similar to the Pedernales (one watershed to the west). The Blanco River became extremely fouled with nuisance algae, rendering the river unusable for approximately 1/2 mile below the discharge point. The City then switched to land application of the treated effluent, and the problem went away. Another instance of river fouling is on the San Gabriel River. This issue of nuisance algae, caused by discharges from the City of Leander, ultimately led to a Commissioners decision to severely limit the phosphorus levels. Many studies have been submitted regarding the stream quality degradation. By reference, the studies in the San Gabriel permit are hereby submitted, by reference. We also object to the arbitrary history of the one mile zone from the discharge point. Nothing in the 217 regulations, or Texas Water Code stipulates such a requirement. A project within the environs of this application, at the Altstadt Brewery, used high treatment, coupled with drip irrigation. This project has been online for two years, with zero degradation of the river. The brewery property includes riverfront on the Pedernales. The Pedernales River is iconic. It flows through Pedernales Falls State Park, and downstream to West Cave Preserve. West Cave Preserve is downstream (by some distance) from Grape Creek, but the accumulation of phosphorous would be downstream in a flood event. We respectfully ask the Commission to reconsider this permit, and have the effluent disposed via drip irrigation, or other land application methods. In the alternative, we request a contested case hearing. Respectfully, David Price, PE President, TRPA [www. TxRivers.org](http://www.TxRivers.org)

## Marielle Bascon

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, November 12, 2024 4:59 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** Ransleben\_Response to RTC and Request for Contested Hearing.pdf

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** a\_ransleben@protonmail.com  
**Sent:** Friday, November 8, 2024 7:07 PM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME:** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Aimee Ransleben

**EMAIL:** [a\\_ransleben@protonmail.com](mailto:a_ransleben@protonmail.com)

**COMPANY:**

**ADDRESS:** 685 HODGES RANCH RD  
STONEWALL TX 78671-4223

**PHONE:** 8306448193

**FAX:**

**COMMENTS:** Comments are included in the attachment below.

Date: November 8, 2024

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX 78711-3087

**Subject: Request for a Contested Case Hearing Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001**

I, Aimee Hodges Ransleben, submit this request for a contested case hearing regarding the Village at Grape Creek TPDES permit, No. WQ0016363001. I further believe that I am an "affected person" and disagree with some of the Response to Public Comment (RTC) statements which were provided as supporting justification for the Executive Director's decision.

As per the Texas Commission on Environmental Quality letter dated October 9, 2024, I provide the following information in support of this request:

1. Aimee Hodges Ransleben, 685 Hodges Ranch Road, Stonewall, Texas 78671; 830-644-8193.
2. Applicant: The Village at Grape Creek LLC for TPDES Permit No. WQ0016363001.
3. I request a contested case hearing.

The following information is provided to demonstrate that I am an affected person.

1. My property, located approximately five miles from the proposed facility, has over 1,800 ft of Pedernales River frontage. I understand that TCEQ may not consider my property as being "affected" by this permit based upon distance from the proposed discharge location. However, I would argue that the accumulation of the added nutrients, bacteria and chemicals, along with the runoff of pesticides and other pollutants from agricultural farmland will affect all property downriver, regardless of distance.
2. In response to Comment 1 of the RTC, it is stated 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. It was further stated that the methodology was 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. Finally, it is stated that the treated effluent will be disinfected prior to discharge to protect human health.

While this reiterates verbiage from the Texas Surface Water Quality Standards, the response fails to state how this is going to be accomplished. There is no mention of the entity tasked with actually conducting the testing and monitoring of the Pedernales River to ensure compliance and that items 1-4 are, in fact, not violated. Per the 2022 Texas Integrated Report – Waterbodies Evaluated (page 346), Segment ID 1414 of the Pedernales River has NO water quality testing/monitoring stations downriver from this proposed discharge site for approximately 12 miles to where the Pedernales River crosses FM1320 in Blanco County. The only other water quality testing station in this area is upriver at Goehmann Lane (Station #12377).

3. In response to Comment 2 of the RTC, I provided photographic evidence of algal blooms on the Pedernales River, but I was not listed as an individual who had raised concerns. According to health guidelines, swimming when algal blooms are present is potentially dangerous and highly discouraged. As a property owner who grew up swimming in this river, I can no longer exercise my right to use the river as I once was able to do. The designated use of the river as primary contact recreation is already degraded. Since algal blooms already exist given current water quality conditions, any additional nutrient load will result in continued algal blooms and exacerbate an already stressed and polluted river. Excessive algal growth exists in certain segments of the Pedernales River and should be monitored and considered in the next water quality report as an area of concern.
4. In response to Comment 3, it is stated that since "presently, there are no other TPDES wastewater discharges in the watershed of the unnamed tributary, either upstream or downstream from this proposed discharge, and there are no other nearby discharges on the Pedernales River." This statement is somewhat misleading and short-sighted since there is already a second permit request for another discharge location upstream about 8 miles. While the proposed permit meets all statutory and regulatory requirements, that does not necessarily mean it is the right thing to do in deciding to approve the permit. Opening the door to private entities being able to discharge treated effluent will further deteriorate the water quality of this river. With the growth and development in this area, it is naïve to think that only these two permits will be proposed, especially if these permits are approved.

Additionally, the methodology provides no consideration of the existing water quality of the river and the impact of the treated effluent on various parameters already elevated due to seasonal factors. For instance, E-coli readings from the 12377 station (going back just five years) range anywhere from 1,200 MPN/100mL to 350 MPN/100mL down to 4.5 MPN/100mL. The addition of the proposed effluent, even with its set limits, already violates the standard because it further degrades the receiving waters. Furthermore, a Report of Analysis of river water sampled from the Pedernales River dated June 3, 2024, reports that the Biochemical Oxygen Demand (BOD) is 2.3 mg/L and the Total Suspended Solids (TSS) is 26 mg/L. Both these indicators of pollution in our river water far exceed the reporting limits of 0.9 and 4, respectively. The fecal coliform level for the river water is 92 colony forming unit (cfu)/100mL. (Reporting limit is 1 cfu/100mL). Adding the proposed effluent to an already polluted river only further degrades the health of the river.

Thank you for the attention on this matter and consideration of my request.

Respectfully Submitted,



Aimee Hodges Ransleben

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 11:18 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** Ransleben\_Comments on TPDES Permit WQ0016363001.pdf

H

**From:** a\_ransleben@protonmail.com <a\_ransleben@protonmail.com>  
**Sent:** Thursday, June 13, 2024 10:25 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Aimee Ransleben

**EMAIL:** [a\\_ransleben@protonmail.com](mailto:a_ransleben@protonmail.com)

**COMPANY:**

**ADDRESS:** 685 HODGES RANCH RD  
STONEWALL TX 78671-4223

**PHONE:** 8306448193

**FAX:**

**COMMENTS:** Please see the attached Public Comment Submission and Hearing Request. Supporting documentation: BOD and Fecal Coliform Reports of Analysis along with Photograph will be submitted separately given limitation of attachments to one per comment.

Date: June 13, 2024

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk, MC 105  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin, TX 78711-3087

**Subject: Public Comment Submission and Hearing Request Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001**

I, Aimee Hodges Ransleben, submit the following public comments regarding the Village at Grape Creek TPDES permit, No. WQ0016363001. In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing. My address and phone number are 685 Hodges Ranch Road, Stonewall, Texas 78671; cell: 830-644-8193.

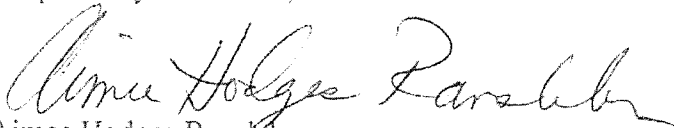
I am strongly opposed to the issuance of this TPDES permit for the following reasons:

1. Water quality issues for surface and groundwater supplies (well water): Due to the close proximity of our domestic water supply to the Pedernales River, we are extremely concerned with increased discharge of treated wastewater into the river and its effect on the quality and suitability of the well water for domestic use. Regarding the quality of the surface water, attached is a Report of Analysis of river water sampled from the Pedernales River dated June 3, 2024. The Biochemical Oxygen Demand (BOD) is 2.3 mg/L and the Total Suspended Solids (TSS) is 26 mg/L. Both these indicators of pollution in our river water far exceed the reporting limits of 0.9 and 4, respectively. The fecal coliform level for the river water is 92 colony forming unit (cfu)/100mL. (Reporting limit is 1 cfu/100mL). Midwest Laboratories conducted the analysis and is listed as an accredited laboratory used by TCEQ. While the active LCRA and TCEQ monitoring stations along the river report that the surface water is in compliance and that there are no "flags" indicating areas of concern, the June 3<sup>rd</sup> report clearly reflects otherwise for this section of the river east of Stonewall. The river water in this area is not normally fast-flowing unlike the monitoring station ID 12377 at Goehmann Lane where the river necks down for increased water flow.
2. Impact to recreational ability: Attached is a photo taken in July 2020 of the river below the dam just east of Stonewall along the public access area located within the LBJ State Park. The red sheen was thick, reflecting that the water was unsafe for swimming. Where we once used to go swimming, tubing, and wading in the river is now unsafe, unusable, and visibly polluted at many times throughout the year. During seasonal spikes when the pollution and algae blooms are visibly present, most individuals will avoid the water. However, the river samples cited above were taken when there were no visible indicators on the surface of the water. Growing up on this river, I had never seen the layers of pollutants that I have witnessed over the last few years.
3. Recommendation: I strongly encourage TCEQ to avoid approving any further permits to discharge treated effluent into the river until further study, testing and additional monitoring are done. The above documentation shows that the named river section in

Stonewall has been negatively impacted due to various factors. These factors need to be understood before introducing anything else into the equation.

Thank you for the attention on this matter

Respectfully Submitted,



Aimee Hodges Ransleben

**Jennifer Cox**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 11:19 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** Ransleben Attachment 2\_20200710\_Photo of Pedernales River\_Stonewall Dam.pdf

**From:** a\_ransleben@protonmail.com <a\_ransleben@protonmail.com>  
**Sent:** Thursday, June 13, 2024 10:37 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Aimee Ransleben

**EMAIL:** [a\\_ransleben@protonmail.com](mailto:a_ransleben@protonmail.com)

**COMPANY:**

**ADDRESS:** 685 HODGES RANCH RD  
STONEWALL TX 78671-4223

**PHONE:** 8306448193

**FAX:**

**COMMENTS:** Attachment 2: Photograph of Pedernales River July 2020 to accompany Ransleben comments.



Ransleben\_Attachment 2\_Photo graph of Pedernales River east of Stonewall\_July 2020

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 11:19 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001  
**Attachments:** Ransleben\_Attachment 1\_WQ0016363001\_BOD and Fecal Coliform reports.pdf

**From:** a\_ransleben@protonmail.com <a\_ransleben@protonmail.com>  
**Sent:** Thursday, June 13, 2024 10:29 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Aimee Ransleben

**EMAIL:** [a\\_ransleben@protonmail.com](mailto:a_ransleben@protonmail.com)

**COMPANY:**

**ADDRESS:** 685 HODGES RANCH RD  
STONEWALL TX 78671-4223

**PHONE:** 8306448193

**FAX:**

**COMMENTS:** 2024 BOD and Fecal Coliform Reports of Analysis to accompany Ransleben comments.

REPORT NUMBER

24-155-4161

REPORT DATE

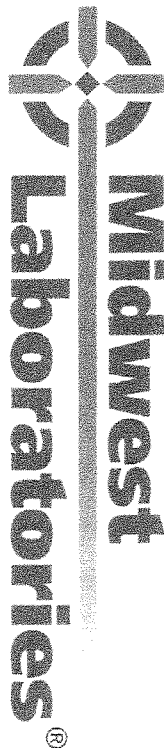
Jun 03, 2024

SEND TO

59603

RECEIVED DATE

May 29, 2024



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www.midwestlabs.com

PAGE 2/2

ISSUE DATE

Jun 03, 2024

AIMEE RANSLEBEN  
AIMEE RANSLEBEN  
685 Hodges Ranch Rd  
Stonewall TX 78671-4223

REPORT OF ANALYSIS  
For: (59603) AIMEE RANSLEBEN  
W1 + Fecal Coliform

Analysis	Level Found		Reporting		Analyst- Date	Verified- Date
	As Received	Units	Limit	Method		
Sample ID: River Water	Lab Number: 70473605	Date Sampled: 2024-05-28 1240				
Fecal coliforms	92	cfu/100mL	1	SM 9222 D	qbl-2024/05/30	snf-2024/05/30

All results are reported on an AS RECEIVED basis, cfu = colony forming unit

For questions please contact:

Stefanie Rath  
Account Manager  
srath@midwestlabs.com (402)829-9881

The result(s) issued on this report only reflect the analysis of the sample(s) submitted.

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24-155-4191

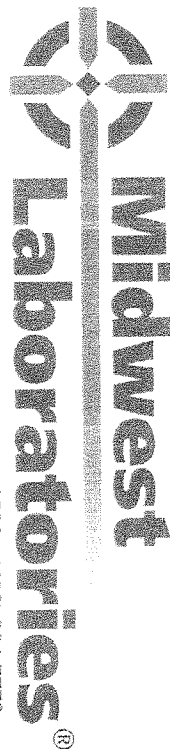
REPORT DATE

Jun 03, 2024

RECEIVED DATE

May 29, 2024

SEND TO  
59603



13611 B Street • Omaha, Nebraska 68144-3693 • (402) 334-7770  
www.midwestlabs.com

AIMEE RANSLEBEN  
AIMEE RANSLEBEN  
685 Hodges Ranch Rd  
Stonewall TX 78671-4223

REPORT OF ANALYSIS  
For: (59603) AIMEE RANSLEBEN  
W1 + Fecal Coliform

ISSUE DATE  
Jun 03, 2024

Analysis	Level Found		Reporting		Method	Analyst- Date	Verified- Date
	As Received	Units	Limit				

Sample ID: River Water	Lab Number: 70473606	Date Sampled: 2024-05-28 1240					
Biochemical oxygen demand	2.3	mg/L	0.9		SM 5210 B-(2016)	isp8-2024/06/03	mg8-2024/06/03
Total suspended solids	26	mg/L	4		SM 2540 D-(2015)	Ppj2-2024/05/31	mg8-2024/06/03

All results are reported on an AS RECEIVED basis, ppm = parts per million, ppm = mg/L

For questions please contact:

Stefanie Rath  
Account Manager  
srath@midwestlabs.com (402)829-9881

# TCEQ Registration Form

JUNE 13, 2024

PASS

## THE VILLAGE AT GRAPE CREEK LLC

### Proposed Water Quality Permit Number

WQ0016363001

PLEASE PRINT

Name:

DAVID D. SCHAFER

Mailing Address:

PO BOX 316

Physical Address (if different):

288 PEACH STREET

City/State:

STONWALL, TX

Zip:

78671

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email:

rangerdave42@gmail.com

Phone Number:

(830) 456-9255

- Are you here today representing a municipality, legislator, agency, or group?

☐ Yes

☒ No

If yes, which one? \_\_\_\_\_

☒

Please add me to the mailing list.

☒

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

**Contested Case Hearing Request**  
Regarding Wastewater Permit for  
The Village at Grape Creek  
#WQ0016363001

June 13, 2024

RECEIVED  
JUN 13 2024  
AT PUBLIC MEETING

1. Requestor:  
David D. Schafer  
288 Peach Street  
Stonewall, Texas 78671  
rangerdave42@gmail.com  
830-456-9255

2. The Village at Grape Creek  
#WQ0016363001

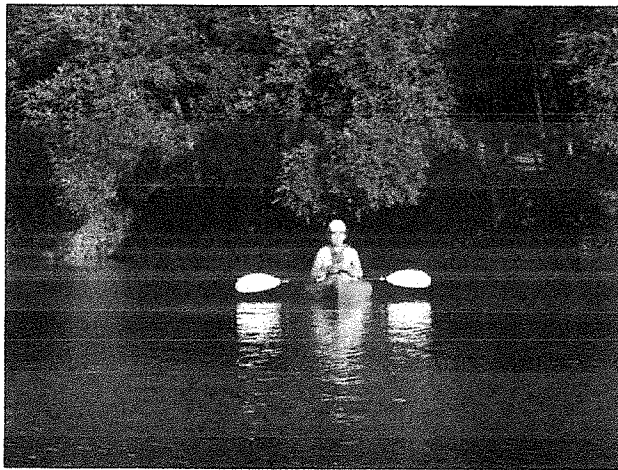
3. I am requesting standing as an affected party in the above case. I also request a contested case hearing. I want to participate in a contested case hearing due to my concerns and special interest in the potential harmful impacts of wastewater discharged from The Village at Grape Creek into a tributary of the Pedernales River.

4. I live at 288 Peach Street in Stonewall, Texas, which is approximately four miles from the proposed wastewater discharge location at The Village at Grape Creek.

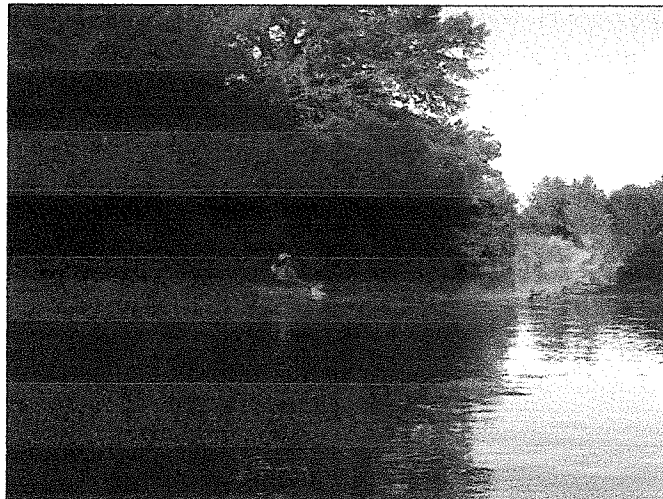
5. Wastewater emitted from the large water-intensive development at The Village of Grape Creek has the potential to damage the water quality downstream in the Pedernales River. I am seeking consideration for affected person status due to the potential detrimental "impact on the affected person's use of a natural resource." In my case, the natural resource in question is the Pedernales River that flows through the community where I live. I have fished and kayaked in the Pedernales River for many years. If this permit is granted, the health of the river would be at risk and my health and safety may be at risk as a result.

6. I believe that the citizens of the Texas Hill Country should have clean and healthy water flowing through the Pedernales River for a variety of reasons. This includes recreation. I am including two photographs of Valerie Schafer, my wife, kayaking in the Pedernales River along the northern edge of Stonewall, Texas. This section of the river depicted in the photographs is roughly a half-mile from our house.

7. A disputed factual issue I am contesting is: “The effluent limitations in the draft permit will maintain and protect the existing instream uses.” I am concerned that the proposed permit limits on the wastewater discharge at The Village at Grape Creek are not strict enough to protect our family’s recreational use—kayaking and fishing—on the Pedernales River downstream from this extensive development. Also, our community here in Stonewall relies on water wells for our water needs. Will the aquifer supplying our community’s water be harmfully impacted by The Village at Grape Creek’s wastewater discharges? Will The Village at Grape Creek’s wastewater be detrimental to aquatic life in the Pedernales River and negatively impact fish and other species in this critical waterway?



These two photos depict Valerie Schafer kayaking on the Pedernales River near Stonewall, Texas.



June 4, 2024

TEXAS COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2024 JUN -6 PM 12:10

Kris Weidenfeller

CHIEF CLERKS OFFICE

89 South Ranch Road 1623

Stonewall, TX 78671

Reviewed By GCW

JUN 06 2024 H

Texas Commission on Environmental Quality

Office of the Chief Clerk

MC-105

P. O. Box 13087

Austin, TX 78711-3087

RE: Application for Proposed Texas Pollutant Discharge Elimination System (TPDES) permit number WQ 0016363001.

TCEQ Executive Director:

I have recently reviewed the pollutant discharge application permit in more detail. I am following up on my first two letters of questions and concerns with this letter. I have the following questions and concerns.

The water treatment facility is described as a Membrane Bioreactor System. The system includes three fine screens, an equalization basin, an anoxic tank, an aeration basin, a membranes cell, a sludge belt filter press, and an ultraviolet light disinfection system. It goes on to say that this has not yet been constructed. Can you explain to me how this works and what it looks like. Do you have a photo of it?

The 5 day carbonaceous biochemical oxygen demand implies that this compound/process eliminates oxygen from the receiving water. Is this true? Why is there a limit on this? What are the effects of an excess or decrease of oxygen?

Why do you have a parameter on dissolved oxygen? What are the effects of excess or limited amounts of dissolved oxygen on the receiving water?

Why do you place limits on ammonia and nitrogen? What is the primary health effect on plant and animal life from an excess of this compound/element?

What is Total Suspended Solids? Why is there a parameter for this? What are the effects of excess total suspended solids?

Why is there a parameter for Phosphorous and what is the effect of excess phosphorous on the plant animal life in the receiving water?

What is Escherichia Coli? Where does it originate and what are the effects of excess Escherichia Coli?

Does the system remove pharmaceuticals, viruses and bacteria from the water? If it does are there parameters for this?

If the system is damaged by flood how long will it take to get the system back to 100 percent operating capacity? Do you have to purchase a new unit and how long does that take?

How many gallons does the system treat in a day/week/month/year? Is the proposed system capable of handling the capacity? Can it handle the capacity if the amount of waste going into the system is double the amount originally planned for? What is the upper limit capacity of the system?

Is there a reservoir for the treated water prior to discharge and if there is what is the capacity?

What is the most opportune time to discharge the water and why? Will TCEQ and the neighbors be notified when you discharge the treated water?

How do you know when to discharge the treated water?

Since this is a public permit to pollute and it is monitored by the applicant; can the public observe the testing and discharge?

What is the useful life of the system?

Is there a maintenance schedule for the system?

What is the capability of the system to clean the water as far as purity regarding all contaminants?

What is the protocol when the system fails?

What happens immediately after the system failure?

Is there an alarm that alerts a system failure?

How long will the system be down in a failure and what happens to the waste in the interim?

Is there an emergency holding tank in the event of failure?

What is the number 1 failure complaint of the system?

How many systems are currently being used in Texas? in the Hill Country?

How much does maintenance cost per year for the waste water treatment facility and what components need to be replaced or repaired?

What are the gallon capacities/dimensions of the pools, fountains and water features and will this water go through the OSSF and if not how will the water be treated or reused.

How did you come up with 60 gallons per day unit on usage. The average family uses 300 gallons per day. At 150 gallons per day that comes out to 37,500 gallons per day and you state 20,000 gallons per day in your report. Can you explain your calculation.

Will each unit have more than one bathroom and more than one bedroom, dishwasher and washer and dryer? What is the occupancy rate of each home? Do you have a calculation of the amount of use per house and other buildings and pool?

What is the usage rate per fixture per day within a unit?

What type of plumbing fixtures and bathrooms will be in the common areas and what is the usage rate on those buildings?

Did you account for guests and events in your water usage at the subdivision? And if you did can you give a break down on that?

The application permit is approved based on what the permittee says he will do regarding water quality treatment and resulting effluent discharge , but that remains to be seen. What guarantee do we have

that the effluent limits will be below the recommended standards? Will the system be shut down or fined in the event of non performance?

In the permit it states that sludge will be hauled to the Fredericksburg Land Fill or a TCEQ approved land Application location. Is Fredericksburg aware of this and have they agreed to accept the sludge. Where is the TCEQ approved land application location?

On page 5 of the application, it states the permittee will be self monitoring and self reporting on the effluent concentrations. Who is the person that does this and does TCEQ ever come out to verify the self reporting to be correct?

On page 8 of the permit you refer to acrolein and acrylonitril. Why are you testing for these compounds? What are the effects of an excess of these compounds on plant and animal life

You also refer to 2,4 dinitrophenol and 2 methyl 4,6 dinitrophenol. Why are you testing for these chemicals. What are the effects of an excess of these chemicals on plant and animal life?

On page 10 you refer to civil and criminal penalties for violation of the permit? Do you have a schedule of these fines? What is the criminal penalty for violation of this permit? Have applicants been incarcerated for criminal violations? How much did TCEQ levy in civil penalties in the last year and how much did they actually collect?

The chemical testing seems to be rather intensive. Does the applicant/tester need an advanced scientific degree in chemistry and or related fields to do this testing?

I am requesting a contested case hearing on this discharge permit.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kris Weidenfeller".

Kris Weidenfeller

TRACKED ■ INSURED

NO ENVIRONMENTAL QUALITY

80:11 AM 9-MAY 2024

CHIEF CLERKS OFFICE

9114901230803086918535



Jun 6, 2024 8:11 AM

CHIEF CLERK  
TX, BLDG F, 1ST, 105

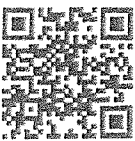
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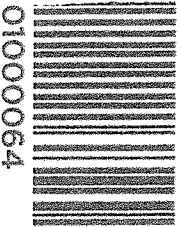
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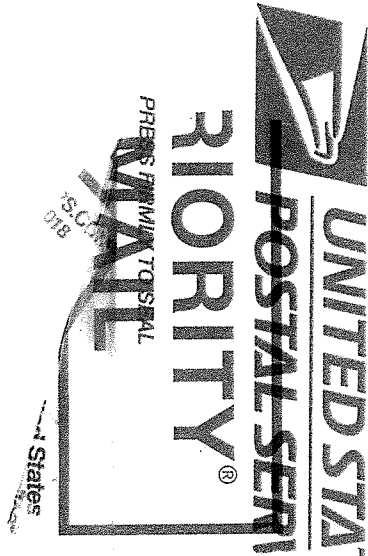
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scan the QR code.



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  - Most domestic shipments include up to \$50 of insurance
  - USPS Tracking® included for domestic and many international
  - Limited international insurance.\*\*
  - When used internationally, a customs declaration form is
- \*Insurance does not cover certain items. For details regarding claims exc Domestic Mail Manual at <http://pe.usps.com>.
- \*\* See International Mail Manual at <http://pe.usps.com> for availability and

Kiri Weedenfeld  
89. S. Ranch Road 1623  
Stonewall, Tx 78771

Texas Commission on Env. Quality  
Office of the Chief Clerk.  
MC-105  
PO Box 13087  
Arl., Tx 78711-3087

# TCEQ Registration Form

JUNE 13, 2024

**THE VILLAGE AT GRAPE CREEK LLC**

**Proposed Water Quality Permit Number**

**WQ0016363001**

PLEASE PRINT

Name: Kris WEIDENFELLER

Mailing Address: 89 South Ranch Road 1623

Physical Address (if different): \_\_\_\_\_

City/State: STONEWALL Texas Zip: 78671

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: kris @ bpccreek.net

Phone Number: ( 830 ) 458-9727

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Pedernales River Alliance

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

I am a long time resident of Gillespie County and I knew that a moderate amount of development was coming to this area, but never expected what is happening. All I ever see or hear in the last 5 years is Fredericksburg, Texas. As an adjacent landowner to the village, I also knew that development for the immediate area is inevitable.

RECEIVED

JUN 13 2024

AT PUBLIC MEETING

The Village is proceeding ahead with a 242 home tiny home development with a large pool and they don't even know if they have enough water to run the facility in total and have not been allocated any water usage by the Hill Country Underground Water District.

In addition, they are planning to discharge 20 thousand gallons a day of effluent into Beckmann Branch that will ultimately end up on all their neighbor's properties and possibly their wells. This is very self centered and arrogant. It is all in the name of profit for a handful of people while thousands pay the real unseen costs of this development.

The fact that they are proceeding to build out their facility without final approval on water usage and water discharge shows a total lack of respect for the community and regulatory agencies.

The best example I can think of regarding this behavior is: Going to the neighbor and borrowing a 5 gallon bucket of water and using that water to wash your clothes and run your facilities and then returning that 5 gallon bucket of used water to the neighbor that you borrowed it from and ask them to dispose of it as you are done with it.

If that is not a slap in the face, I don't know what is.

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 6, 2024 4:54 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:  
[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** kris@beecreek.net <kris@beecreek.net>  
**Sent:** Thursday, June 6, 2024 11:03 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Kris Weidenfeller

**EMAIL:** [kris@beecreek.net](mailto:kris@beecreek.net)

**COMPANY:**

**ADDRESS:** 89 S RANCH ROAD 1623  
STONEWALL TX 78671-4214

**PHONE:** 8304569727

**FAX:**

**COMMENTS:** I would like to keep this short and simple and to the point. First of all, I am a believer in private property rights. A landowner has a right to use their land within the law and should respect the rights of their neighbors. Two subdivisions coming into Gillespie County ( The Villages at Fredericksburg and Arch Ray) want to discharge treated wastewater off of their property onto their neighbor's property and the Pedernales River. This will affect their neighbor's property and the water quality of the river and possibly the aquifers. Multiple downstream neighbors and citizens will have their real property and water compromised due to this discharge of wastewater. In my mind, when you discharge wastewater you are ultimately using your neighbor's property in addition to your property without your neighbor's consent all in the name of profit for yourself with no concern for your neighbor's property or their financial well-being. In my mind, you have crossed the line of private property rights and have encroached on the public's property. Like I said, I am for private property rights. If you want to do something on your property then keep it on your property and don't use your neighbor's property as your dumping ground. You are probably thinking, that the city of Fredericksburg has waste water discharge permits so why can't I have one. The City of Fredericksburg wastewater discharge is for the city as a whole and residents pay for the service. I am a long time Gillespie County resident and land owner. This is a very special and beautiful part of this planet. Let's not ruin it. These wastewater discharge permits will be here forever. Pedernales River Alliance Name withheld by request

May 1, 2024

Reviewed By 

MAY 06 2024

89 South Ranch Road 1623

Stonewall, TX 78671

Texas Commission on Environmental Quality

Office of the Chief Clerk

MC-105

P. O. Box 13087

Austin, TX 78711-3087

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2024 MAY -3 AM 10:20  
CHIEF CLERKS OFFICE

RE: Application for Proposed Texas Pollutant Discharge Elimination System (TPDES) permit number WQ 0016363001.

TCEQ Executive Director:

I received your notice letter back in September of 2023. I responded to that letter initially and have been discussing this development with people that know more about new developments and TCEQ and water usage since that time.

Since I am an adjacent landowner and a member of the community of Stonewall Texas and live in close proximity to the river, I feel compelled to update my response with more concerns.

I would like to submit the following as topics of concern in addition to the letter I submitted back in September of 2023.

1. Would the development consider reducing the density or number of houses in the development as it does not appear to be set up for long term sustainable growth.

2. Would the development consider eliminate the possibility of an injection well for human waste storage as I fear for the future ground water quality?
3. I would like to see the phosphorous level reduced to .01 mg/liter in the effluent but would rather not have discharge at all, but rather use the TLAP system.
4. I would like to see a TLAP waste water plan as opposed to dumping effluent or waste down the seasonal creek and ultimately into the Pedernales.
5. I would like to see less impervious cover around the houses and fewer roads and fewer houses.
6. I would like to see 95 percent water catchment to make the development more self-sustainable in their water usage.
7. I would like to see a set back from my property of about 40 feet as I felt it encroaches on my property. It lessens the value of my property for future use.
8. I would like to see the compensation to adjacent landowners for encroachment on neighboring properties due to lack of set back from the fence lines and usage of water in excess of the water under the property itself and lack of green space as well as light pollution.
9. I would like to see the updated flood plain maps used to determine the correct location of the proposed water treatment plant (Atlas 14 maps). I am also concerned about the water treatment plant flooding at its current proposed location.
10. I would like to see a short term and long term practical and financial management plan for the waste water treatment plant as well as a fully licensed and qualified person managing this plant on a full time basis for the existence of the development.
11. I would like to see more green space in the development itself, as it appears that the neighboring properties are considered to be the green space.
12. I would like to see a plan for financial responsibility in the form of a bond or insurance policy in the event the plant malfunctions and discharges raw sewage or the treated refuse causes ecological damage to the river and the downstream community of Stonewall, TX.
13. I would like to see a plan and financial backing to compensate adjacent owners and the affected land owners and river front property owners and the stonewall water supply in the event of ecological damage.
14. I would like to see a reduced size swimming pool.

15. I would like to see the water treated to the extent that it can be reused as water for the green space and for the swimming pool.
16. I think the development should pay impact fees to the county.
17. I am not sure this is the highest and best use for this property given the traffic on highway 290 and the possible flooding effects of the property.
18. I am concerned that the development has been working on this community for 6 months and has not received approval on their waste water treatment facility/discharge application and have not received approval for the water necessary to run this development.
19. I am concerned that the development is proceeding as if it will get approved and will declare an economic hard ship when they are denied either water usage or effluent discharge and initiate litigation. Basically, you should wait until you get approval before spending the time and money.
20. I would like to see the adjacent property owners compensated for this high density development as it is not a sustainable development without using the resources of the adjacent properties such as green space, ground water and refuse discharge.

Sincerely,

A handwritten signature in black ink that reads "Kris Weidenfeller". The signature is written in a cursive, flowing style with a large initial 'K'.

Kris Weidenfeller

*Kim Wardenfeldt*  
*89 S. RR 623*  
*Stoneham, TX 78671*

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2024 MAY -3 AM 10:18  
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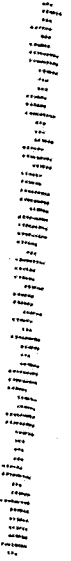
*TCEQ*  
*Office of the Chief Clerk*  
*MC 105*  
*P.O. Box 13087*  
*Austin, TX 78711-3087*

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MAY 08 2024

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78711-3087



May 1, 2024

89 South Ranch Road 1623

Stonewall, TX 78671

Texas Commission on Environmental Quality

Office of the Chief Clerk

MC-105

P. O. Box 13087

Austin, TX 78711-3087

Reviewed By Gow  
MAY 06 2024

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2024 MAY -3 AM 10:18  
CHIEF CLERKS OFFICE

RE: Application for Proposed Texas Pollutant Discharge Elimination System (TPDES) permit number WQ 0016363001.

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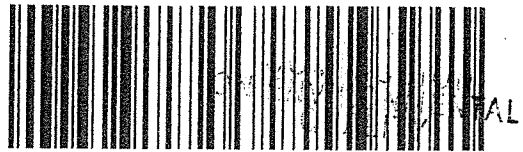
Sincerely,



Kris Weidenfeller

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



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CHIEF CLERKS OFFICE

*Mr. Woodruff*  
*20163*

*78671*

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TX 78624  
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*TCEQ*  
*Office of the Chief Clerk*  
*MC 105*  
*P.O. Box 13087*  
*Austin, TX 78711*

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MAY 03 2024

TCEQ MAIL CENTER  
WT



September 14, 2023

89 South Ranch Road 1623

Stonewall, TX 78671

REVIEWED  
SEP 19 2023  
By GOW

Texas Commission on Environmental Quality

Office of the Chief Clerk

MC-105

P. O. Box 13087

Austin, TX 78711-3087

RE: Application for Proposed Texas Pollutant Discharge Elimination System (TPDES) permit number WQ 0016363001.

TCEQ Executive Director:

I am in receipt of the letter advising me of the application to dump 20,000 gallons of treated water into an unnamed tributary south of the Pedernales river and ultimately into the Pedernales River roughly 3 miles west of the community of Stonewall, Texas. The mere fact that I am receiving this letter implies that I may be in harms way and my property could be subject to the impacts of this development.

Since I own an adjacent property and live in the community of Stonewall, Texas brings many unanswered questions to mind. I have many concerns regarding this application for The Village of Grape Creek LLC. I have seen a plat which even brings up more questions about how this community will affect the adjacent property owners and residents of Stonewall, Texas. The plat appears to show over 100 homes of some sort in a high density plan. Based on the information in the permit application and being an adjacent land owner, I have the following questions.

1. How many homes are in the proposed development and how many gallons of water will each home consume daily and how much will they discharge daily in that area on an individual basis?

TCEQ 000

19SEP '23 10:22

2. How much groundwater will these houses consume relative to the amount of groundwater that is in the aquifer in that area?
3. What is the proposed square footage of the houses in the development?
4. What is the total amount of land being used by this development at the moment?
5. Will the approval take into account future sustainable and smart growth and development of adjacent and nearby properties?
6. The water treatment facility appears to be in flood zone A. Is the current flood map being used to assess the probability of flooding?
7. Have any water quality studies been done in the Pedernales river as a base line for future testing?
8. How will the water discharge affect the future water quality of and quantity available to the Stonewall community as well as nearby landowners?
9. I am requesting a list of all the people that received the application notice letter from TCEQ?
10. How wide do you consider the impact zone to be?
11. Is it possible to get a digital copy of the application for the treated water discharge?
12. Is there a fund and or a liability policy for the benefit of affected landowners and communities in the event of failure and or overflow by flood water?

As the project and discussions continue, I would like to be fully informed of any such meetings or decisions as I may have more questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Weidenfeller", written in a cursive style.

Kris Weidenfeller

*Joe Weckampbell*  
*89 S RR 6823*  
*Spencer, TX 76871*

RECEIVED

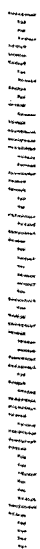
SEP 18 2023

TCEQ MAIL CENTER

CU

*TCEQ*  
*Office of the Chief Clerk*  
*P.O. Box 13087*  
*Austin, TX 78711-3087*

78711-308787



AUSTIN TX 787  
RIO GRANDE DISTRICT  
15 SEP 2023 PM 4 L



September 14, 2023

89 South Ranch Road 1623

Stonewall, TX 78671

Texas Commission on Environmental Quality

Office of the Chief Clerk

MC-105

P. O. Box 13087

Austin, TX 78711-3087

REVIEWED  
SEP 10 2023  
By Gaw

TCEQ DCC

18SEP '23 14:31

RE: Application for Proposed Texas Pollutant Discharge Elimination System (TPDES) permit number WQ 0016363001.

TCEQ Executive Director:

I am in receipt of the letter advising me of the application to dump 20,000 gallons of treated water into an unnamed tributary south of the Pedernales river and ultimately into the Pedernales River roughly 3 miles west of the community of Stonewall, Texas. The mere fact that I am receiving this letter implies that I may be in harms way and my property could be subject to the impacts of this development.

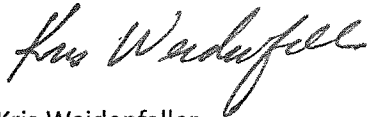
Since I own an adjacent property and live in the community of Stonewall, Texas brings many unanswered questions to mind. I have many concerns regarding this application for The Village of Grape Creek LLC. I have seen a plat which even brings up more questions about how this community will affect the adjacent property owners and residents of Stonewall, Texas. The plat appears to show over 100 homes of some sort in a high density plan. Based on the information in the permit application and being an adjacent land owner, I have the following questions.

1. How many homes are in the proposed development and how many gallons of water will each home consume daily and how much will they discharge daily in that area on an individual basis?

2. How much groundwater will these houses consume relative to the amount of groundwater that is in the aquifer in that area?
3. What is the proposed square footage of the houses in the development?
4. What is the total amount of land being used by this development at the moment?
5. Will the approval take into account future sustainable and smart growth and development of adjacent and nearby properties?
6. The water treatment facility appears to be in flood zone A. Is the current flood map being used to assess the probability of flooding?
7. Have any water quality studies been done in the Pedernales river as a base line for future testing?
8. How will the water discharge affect the future water quality of and quantity available to the Stonewall community as well as nearby landowners?
9. I am requesting a list of all the people that received the application notice letter from TCEQ?
10. How wide do you consider the impact zone to be?
11. Is it possible to get a digital copy of the application for the treated water discharge?
12. Is there a fund and or a liability policy for the benefit of affected landowners and communities in the event of failure and or overflow by flood water?

As the project and discussions continue, I would like to be fully informed of any such meetings or decisions as I may have more questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Weidenfeller", written in a cursive style.

Kris Weidenfeller

CERTIFIED MAIL



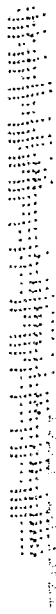
9589 0710 5270 0712 0481 20

*Miss Woodruff*  
*89.5.22.623*

*4, To 78671*

*TC EQ*  
*Office of the Chief Clerk.*  
*P.O. Box 13087*  
*Austin, TX 78711-3087*

78711-3087 15012



**Retail**



78711

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CEG MAIL CENTER

WT

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 4:31 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** Sadie10023@yahoo.com <Sadie10023@yahoo.com>  
**Sent:** Thursday, June 13, 2024 3:00 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Barbara Wolf

**EMAIL:** [Sadie10023@yahoo.com](mailto:Sadie10023@yahoo.com)

**COMPANY:**

**ADDRESS:** PO BOX 1351  
JOHNSON CITY TX 78636-1351

**PHONE:** 7139337633

**FAX:**

**COMMENTS:** Date: (Enter Submitted Date Here) Laurie Gharis, Chief Clerk<sup>[SEP]</sup>Office of the Chief Clerk, MC 105<sup>[SEP]</sup>Texas Commission on Environmental Quality<sup>[SEP]</sup>PO Box 13087<sup>[SEP]</sup>Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the<sup>[SEP]</sup>Application of the Village at Grape Creek LLC for TPDES Permit No.<sup>[SEP]</sup>WQ0016363001 We, Barbara Wolf and Keith Darby, submit the following public comments regarding the Village at Grape Creek TPDES permit, No. WQ0016363001. In addition, I request a contested case hearing regarding this permit and to be named an “affected party” with standing. I am strongly opposed to the issuance of this TPDES permit for the following reasons. We own acreage along The Pedernales River as our Homestead. The current quality of waters outside of natural debris flows, has always maintained at a very clean level and almost consistently. Firstly, our land value is intrinsically related to being along the Pedernales river and, that value is appreciating. We have invested money into the land and continually invest in retaining that value in natural resources such as the riparian of native trees and grasses, as well as for the wildlife. We have all types of natural Texas Grasses, wildflowers, trees. We have small invertebrate, water fowl (even Osprey), Herons and other water feeding fowl. Bob Cats, Coyotes, Deer of many types, reptiles and all the varying native wildlife dependent on the clean water and adjacent land and rock. We stewardship all of them the best we can and base our land care decisions on their well being. We swim and recreate when there is enough water flowing. Our animals swim in the River and local citizens come up through the center of the River to spend days on the rock cropping and swimming pools. Fishermen wade in the River from our crossing. We have livestock on our land along the river. These livestock are part of an active business and provide important exemptions for our property. We have many questions on this developments request for permitting: There is one River, The Pedernales, that belongs to not one individual, but to all of the public. Why is the use of this River for financial profit of one developer, supersede the equal benefits of clean natural water for all the Public? How is this a basis for permitting? And, permitting when alternatives abound for reuse of wastewater to land use for the singular business of the Developer? How does the TCEQ address the cumulative amounts of PPM of this developments permit, in addition to the next request for permitting on the River...and the next...and so on? Does TCEQ measure cumulative impacts for releases into the same (Pedernales) River when continuing to add in new permitting allowances? One River-multiple requests for permits. One River under stressed drought vs flood conditions...is there not a finite amount of tolerable effluent to a River? What River Flow Data and from what Dates is TCEQ's permitting process based on? How updated and factually recent is that Data? How can permitting go forward, based on mix of last 3 years of continuous extreme drought and extraordinary severe flooding conditions? Has TCEQ performed any modeling relative to the varying river water levels and to suggested permitted releases, addressing droughts and floods? Has TCEQ made considerations for adjusted permitting allowances under variations? At what stage can a permit be revoked? At what number of Violations? Is there a mandated Emergency Plan Recovery Fund for emergency remediations established by the Grape Creek Villages in the case of violations, flooding beyond waste holding capacities and drought conditions affecting the concentrations of permitted effluent? Is this Emergency and Recovery Plan available to the Public? Is there a mandate for violating parties to self-remediate and correct violations? If not, why not? How far down River will remediations be addressed? In this case, all the way downstream to the Pedernales, and at what distance downstream? What entity covers the costs of accidental releases and those violations of the permits allowances? How quick must corrections and remediations be made on violations? days to start, weeks? what is the time frame? What is remediated? Plants? Water quality! Sediments? Shorelines? Wildlife? What are the Water Quality Standards required post violations and remediations? How is remediation measured? What is the plan if permitted party financially defaults? (Developer takes Bankruptcy and tenants and wastewater remain in situ under a legal battle?) Why does TCEQ only measure waste water content violations against permitted effluent,

and not use measure of impacts on ecosystem effects/damages as evidence of violations in its calculations? (Meaning the measure of evidentiary longer term impacts and damage to ecosystems of flora and non-invertebrates, and on general aquatic life. ) Does the TCEQ have restrictions and technologies for measurements of microplastics released in permitted Waste Water? "Microplastics are pieces of plastics having a diameter less than 5 mm. They come from a wide variety of materials including minute plastic beads found in beauty and health products, plastic flakes that break down from packaging, and plastic fibers from clothing." How did Grape Creek Villages select criteria for basis of purchasing Waste Water Station? Were they advised of requirements before permitting and public commentary? Is Waste Water Plant electrically powered? Is Plant gas or propane powered? What are contingency plans for loss of power on the Wastewater plant? Is there a generator back up and for what extent of time will it operate? What is the Emergency back-up plans and facility in case of waste water total plant failure? Are there waste holding tanks? Are they positioned away from the flood zone? Are Microplastics being addressed in the treatment facility? As I learn more about the Development and the requests in the Permit, I will have more questions to add. At this time, I submit this so far. Thank you for the attention on this matter. Respectfully Submitted, <sup>[1]</sup><sub>SEP</sub> Barbara Wolf and Keith Darby

7

# TCEQ Registration Form

JUNE 13, 2024

**THE VILLAGE AT GRAPE CREEK LLC**  
**Proposed Water Quality Permit Number**  
**WQ0016363001**

PLEASE PRINT

Name: Barbara Wolf

Mailing Address: P.O. Box 1351

Physical Address (if different): 214 Sumac Rd

City/State: Johnson City Zip: 78636

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: Sadire 40023@yahoo.com

Phone Number: (713) 933-7633

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

## Jennifer Cox

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, June 17, 2024 4:36 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:  
[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** Sadie10023@gmail.com <Sadie10023@gmail.com>  
**Sent:** Sunday, June 16, 2024 11:38 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Shelly Booth Wright

**EMAIL:** [Sadie10023@gmail.com](mailto:Sadie10023@gmail.com)

**COMPANY:**

**ADDRESS:** 3365 OLD SAN ANTONIO RD  
FREDERICKSBURG TX 78624-6126

**PHONE:** 2104736844

**FAX:**

**COMMENTS:** Date: June 12, 2024 Laurie Gharis, Chief Clerk<sup>[SEP]</sup>Office of the Chief Clerk, MC 105<sup>[SEP]</sup>Texas Commission on Environmental Quality<sup>[SEP]</sup>PO Box 13087<sup>[SEP]</sup>Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the<sup>[SEP]</sup>Application of the Village at Grape Creek LLC for TPDES Permit No.<sup>[SEP]</sup>WQ0016363001 We, Shelly Booth Wright and James Wright, submit the following public comments regarding the Villages at Grape Creek TPDES permit, No. WQ0016363001. In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing My address in Gillespie County is: 3365 Old San Antonio Rd., Fredericksburg, TX, 78624 Phone Contact: (210) 473-6844 We are strongly opposed to the issuance of this TPDES permit for the following reasons. My family has lived on Gillespie County land for 45 plus years. Currently, this land is our family's Homestead. We maintain the natural resources on our land with consideration of the native plant species, ground natural resources, and aquatic and all land native wildlife. We have enjoyed all that The Pedernales River and associated tributary Creeks offer our family in recreation and beauty for all these years This long term appreciation includes our concerns on local Groundwater usage, and water qualities that feed our Creeks that surround us, like Beckmann, and refill our Aquifers and the waters to the Pedernales River. Dense developments that incorporate pulling underground water for usage, while concurrently releasing treated waste waters into neighboring creeks, and also to the Pedernales River, should pursue alternative technologies for more efficient 100% land applications of waste waters. Protection of Water Quality and resources that will be impacted by treated waters is a primary concern for neighbors and land holders in Gillespie County and residents in counties downstream. We hold those concerns for all new permitting. Regarding Creeks of Gillespie County and The Pedernales River, waster water effluent from developments like this Villages Development will impact the pristine natural ecosystems, as I believe it is critically hard to manage permitted allowances when dumping into the waterways. Violations will certainly become regular events. I have questions and concerns on the management of this developments flow of waste water and the accurate monitoring of the effluents. Who will monitor and how often? The water plant on this development will be vulnerable to potential loss of power in the extreme weather events we have seen of late, and potential failure in flooding which has become the norm. What are the plans in place for these catastrophic events? Why are the owners of this development not utilizing newest technologies to reuse ALL of the waste waters back to the land for irrigation, holding and filtering and other manners of reuse? They say some will be for reuse. Why not all? How will the Developer remediate violations to the permit and who will pay for that?And, how far will the remediation go downstream in the event of permitted violations? I will have more questions to add after I learn more about what is being requested and how the TCEQ is addressing this permitting into our ecosystem. Thank you for the attention on this matter. Respectfully Submitted,<sup>[SEP]</sup>Shelly Booth Wright and James Wright

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, June 14, 2024 9:48 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

**From:** Sadie10023@gmail.com <Sadie10023@gmail.com>  
**Sent:** Thursday, June 13, 2024 7:12 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Shelly Booth Wright

**EMAIL:** [Sadie10023@gmail.com](mailto:Sadie10023@gmail.com)

**COMPANY:**

**ADDRESS:** 3365 OLD SAN ANTONIO RD  
FREDERICKSBURG TX 78624-6126

**PHONE:** 2104736844

**FAX:**

**COMMENTS:** Date: June 12, 2024 Laurie Gharis, Chief Clerk<sup>[SEP]</sup>Office of the Chief Clerk, MC 105<sup>[SEP]</sup>Texas Commission on Environmental Quality<sup>[SEP]</sup>PO Box 13087<sup>[SEP]</sup>Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the<sup>[SEP]</sup>Application of the Village at Grape Creek LLC for TPDES Permit No.<sup>[SEP]</sup>WQ0016363001 We, Shelly Booth Wright and James Wright, submit the following public comments regarding the Villages at Grape Creek TPDES permit, No. WQ0016363001. In

addition, I request a contested case hearing regarding this permit and to be named an affected party with standing. My address in Gillespie County is: 3365 Old San Antonio Rd., Fredericksburg, TX, 78624. Phone Contact: (210) 473-6844. We are strongly opposed to the issuance of this TPDES permit for the following reasons. My family has lived on Gillespie County land for 45 plus years. Currently, this land is our family's Homestead. We maintain the natural resources on our land with consideration of the native plant species, ground natural resources, and aquatic and all land native wildlife. We have enjoyed all that The Pedernales River and associated tributary Creeks offer our family in recreation and beauty for all these years. This long term appreciation includes our concerns on local Groundwater usage, and water qualities that feed our Creeks that surround us, like Beckmann, and refill our Aquifers and the waters to the Pedernales River. Dense developments that incorporate pulling underground water for usage, while concurrently releasing treated waste waters into neighboring creeks, and also to the Pedernales River, should pursue alternative technologies for more efficient 100% land applications of waste waters. Protection of Water Quality and resources that will be impacted by treated waters is a primary concern for neighbors and land holders in Gillespie County and residents in counties downstream. We hold those concerns for all new permitting. Regarding Creeks of Gillespie County and The Pedernales River, wastewater effluent from developments like this Villages Development will impact the pristine natural ecosystems, as I believe it is critically hard to manage permitted allowances when dumping into the waterways. Violations will certainly become regular events. I have questions and concerns on the management of this development's flow of waste water and the accurate monitoring of the effluents. Who will monitor and how often? The water plant on this development will be vulnerable to potential loss of power in the extreme weather events we have seen of late, and potential failure in flooding which has become the norm. What are the plans in place for these catastrophic events? Why are the owners of this development not utilizing newest technologies to reuse ALL of the waste waters back to the land for irrigation, holding and filtering and other manners of reuse? They say some will be for reuse. Why not all? How will the Developer remediate violations to the permit and who will pay for that? And, how far will the remediation go downstream in the event of permitted violations? I will have more questions to add after I learn more about what is being requested and how the TCEQ is addressing this permitting into our ecosystem. Thank you for the attention on this matter. Respectfully Submitted, <sup>[1]</sup><sub>SEP</sub> Shelly Booth Wright and James Wright

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 1:13 PM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

**From:** deytech@gmail.com <deytech@gmail.com>  
**Sent:** Thursday, June 13, 2024 1:01 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Deborah Youngblood

**EMAIL:** [deytech@gmail.com](mailto:deytech@gmail.com)

**COMPANY:**

**ADDRESS:** 249 WILDERNESS DR  
FREDERICKSBURG TX 78624-5711

**PHONE:** 2102688187

**FAX:**

**COMMENTS:** Date: 6/13/2024 Laurie Gharis, Chief Clerk Office of the Chief Clerk, MC 105 Texas Commission on Environmental Quality PO Box 13087 Austin, TX 78711-3087 Subject: Public Comment Submission and Hearing Request Regarding the Application of the Village at Grape Creek LLC for TPDES Permit No. WQ0016363001 I, Deborah Youngblood, submit the following public comments regarding the Village at Grape Creek TPDES permit, No. WQ0016363001. (Please note, the Village at Grape Creek has

changed their name to Village - Fredericksburg.) In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing. My address and phone number are 249 Wilderness Dr Fredericksburg, TX 78624 210-268-8187 I am an LCRA water monitor sampling the Pedernales River at the Jung Lane crossing. I am a Texas Waters Specialist and I take my classes down to the crossing to teach about the river. I am a founding member of the Pedernales River Alliance. My well provides my drinking water. I am strongly opposed to the issuance of this TPDES permit for the following reasons: 1) Water quality issues for surface water/groundwater: In the permit application, small pools of water were noted in Beckman Branch. These pools have been determined to be an outcropping of the Hensel aquifer by the HCUWCD. How will TCEQ and the applicant prevent the pollution of the Hensel and, ultimately, the Ellenburger aquifers? How will the effluent be cleaned of antibiotics, antidepressants, NASIDs, hormones, micro plastics, and other compounds and constituents with either no natural occurrence or at levels exceeding natural conditions? For what purpose was an injection requested? Injection wells frequently fail and do not provide protection to the aquifers. No injection wells should be permitted for this project. In the long term, how will the applicant ensure that operation and maintenance of the WTF will be adequate to maintain the highest possible cleaning levels? When will a clear plan for ensuring WTF operators are properly trained and licensed be developed? The developer has been telling residents of Stonewall that the effluent they are discharging is of "drinking water quality." Isn't this kind of statement a misrepresentation of the effluent? Or does this mean they are removing pharmaceuticals and phosphorus? If they really are cleaning water to these high standards, I wonder why the developer is planning to dump potable water into Branch rather than recycling the water into their municipal water system? The quality of wastewater discharged into Beckman Branch and ultimately the Pedernales River, needs to meet the highest standards because the Pedernales River has been identified as critical habitat for Fatmuckets, an endangered fresh-water mussel. (See item 4) below for more detail. How will TCEQ and the developer ensure that all discharges support the integrity of habitat for Fatmuckets? 2) Concerns about impacts to recreational activity: People wade, fish, and kayak in the Pedernales River. Allowing pollutants to accumulate and swept into the Pedernales endangers the health of all the people who recreate in the waters of the Pedernales River, including those who visit the State and National Parks downriver. How will The Village and TCEQ prevent the build up and discharge of effluent to the Pedernales be prevented? Beckman Branch responds quickly to rain and the speed and force of the water can be dangerous. Access to Beckman Branch needs to be denied to children and other residents at all times due to the dangers of flash flooding, the presence of effluent build up and the outcroppings of the Hensel . It needs to be made clear that Beckman Branch is NOT a recreation area. How will access to Beckman Branch be restricted? 3) Impacts on financial operations on property: farming, ranching, cattle, and other business operations: Algal blooms, triggered by the flush of stormwater and effluent into the River, are toxic to aquatic life and people. Aren't they also toxic to livestock and wildlife? For many ranchers on the River, the water in the Pedernales is the only water they have for their livestock. How will the River be protected from algae growth if the WTF is unable to clean all phosphorus from the effluent? The National Park and the State Park welcome thousands of visitors to the County. They see the river as they drive through both parks. The presence of algae is gross and dangerous where people like to stop for picnics, fishing and wading. How will the River and our Parks be protected from algae growth? 4) Concerns about the local area's vegetation, wildlife, insects, and aquatic life: Partial flow towards the Hensel outcroppings could result in mosquitoes. The applicant's resort could also be similarly affected. How will the applicant deal with mosquitoes in an environmentally conscious manner (save the bees, birds, bats and other insects)? Are there personnel on site who have current pesticide licenses? How will the applicant prevent pesticides from polluting the aquifer and the River? The river has recently been identified by the U.S. Fish and Wildlife Service as the critical habitat for Texas Fatmucket mussels. Fatmuckets have been declared an endangered species, along with six (6) other freshwater mussels, and are indicators of River/Stream health. Fatmuckets are found in Colorado River

Basin tributaries, most notably, in the Pedernales River, and they are highly sensitive to pollution. In order to protect these endangered mussels, how will TCEQ protect the endangered Fatmuckets from the pollution introduced by effluent? 5) Flooding concerns: Of particular concern is that the discharge point and the WTF will be adversely affected during a flood event, further increasing the potential pollution. How will the WTF be secured to prevent flooding and leakage during periods of heavy rain? Will TCEQ require such security? If not, why not? It is unclear how the contour and grading work will enhance disposal of effluent into the soil if land application via surface irrigation, evaporation, drainfields or subsurface land application is employed. How will the grading and contour work, already accomplished, not increase the flow of water into Beckman Branch? Though the developer claims that wastewater will be reused, reuse plans for this project are entirely unspecified. What are their plans for reuse? Will TCEQ require a plan for reuse? Pervious cover would alleviate the buildup and discharge of stormwater into Beckman Branch. With a site as small as this one (52+/- acres), with high density (282 lots), this company needs to re-examine its lack of concern about pervious cover before stormwater raises the stakes. Will TCEQ require the applicant to conduct such an analysis of planned pervious cover or to develop a plan to employ pervious cover as an aid to slowing stormwater? If not, why not? Following the contour of the land, it appears that stormwater will likely mix with chlorinated water in the swimming pools as it flows into Beckman Branch and ultimately the Pedernales River. How will this be prevented? What are the capture and reuse plans for stormwater and mitigation of chlorine and stormwater pollution. If no plans exist, why not? In summary, there are multiple significant facts that indicate that NO effluent should be discharged into Beckman Branch and, therefore, this wastewater permit should not be approved. The facts include but are not limited to the following: Water quality issues potentially affecting the Hensel and Ellenberger aquifers Concerns for viability of local wells due to potential effects on the aquifers Wastewater cleaning levels do not include 100% removal of phosphorus and pharmaceuticals No plans for prevention of pollution from pesticides Potential impacts on recreation due to excess phosphorus Potential impacts on local businesses and ranchers due to toxic algae from phosphorus No plans to restrict their residents access to Beckman Branch and exposure to accumulating effluent Critical habitat and water quality for the protection of endangered Fatmuckets No plans for reuse despite claims that reuse will be employed Concerns about building in the floodplain and stormwater management No plans for mitigation of chlorine pollution Please do NOT approve the Application of the Village at Grape Creek LLC for TPDES Permit No.WQ0016363001 Thank you for the attention on this matter. Respectfully Submitted, Deborah Youngblood Pedernales River Alliance

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 28, 2024 5:26 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:  
[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** deytech@gmail.com <deytech@gmail.com>  
**Sent:** Tuesday, May 28, 2024 5:17 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Deborah Youngblood

**EMAIL:** [deytech@gmail.com](mailto:deytech@gmail.com)

**COMPANY:** Pedernales River Alliance

**ADDRESS:** 249 WILDERNESS DR  
FREDERICKSBURG TX 78624-5711

**PHONE:** 2102688187

**FAX:**

**COMMENTS:** Given that Village at Grape Creek --has decreased lot size in order to increase the number of tiny homes or cabins making this development very high density --requested a permit for an injection well but claims that was accidentally checked in the permit application but has not revised their permit application to reflect that no injection well permit is requested --has no plan for the capture and use of storm water --refuses to consider use of pervious cover or the limiting of impervious cover in any way --has no evident plans for rainwater catchment --has not shown that they are willing to consider setbacks from neighboring properties --is planning to place tiny homes and some residences in the flood plain (which is not yet updated using Atlas 14 data) --plans to place the water treatment facility very near to the flood plain despite the reality that Gillespie County flood plain maps have not been updated with Atlas 14 maps --is planning on "the biggest swimming pool in Fredericksburg" despite the fact that the entire county is in drought conditions --plans to dump treated wastewater in Beckman Branch despite noting that there were pools of water in the creekbed indicating some other potential water source, possibly a spring --plans to discharge treated wastewater into Beckman Branch where it will dry and build up only to be flushed down to the Pedernales River after the first good rain This permit application should not be issued and I request a contested hearing.

## **Marielle Bascon**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, April 5, 2024 4:58 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** deytech@gmail.com  
**Sent:** Friday, April 5, 2024 4:53 PM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Deborah Youngblood

**EMAIL:** [deytech@gmail.com](mailto:deytech@gmail.com)

**COMPANY:**

**ADDRESS:** 249 WILDERNESS DR  
FREDERICKSBURG TX 78624-5711

**PHONE:** 2102688187

**FAX:**

**COMMENTS:** #WQ0016363001 Village at Grape Creek The application for a permit to discharge wastewater into an "unnamed tributary of the Pedernales River" should be denied. First, it is not an unnamed tributary. It is Beckman Branch and, according to locals, it has a history of violent flooding. During quiet, low rain periods, it does go dry. However, water is not far below. In this permit application, Attachment E: Original Photographs Location 030 Shows a large puddle of water at the base of a tree. In the Domestic Technical Report, page 30 of 80, E. Normal dry weather characteristics: The developers have noted the following: "Predominately dry creek bed with a few small pools. Brushy and rocky in some areas. No significant aquatic life uses anoted. No recreational use." Given that we have been in a drought for several years, we have a lot of seemingly dry creeks with no significant aquatic life. No recreational use? Even if it had water in it, this creek is adjacent for farmland on the east and private property on the west. Finding people recreationally using this creek would amount to discovering tresspassing. What is surprising, is to discover that they saw and photographed and made note of small pools of water. Without any indication of an outside source to explain the presence of water, it is more likely that these are naturally occurring pools...small springs...active in the middle of a drought. This particular area is known locally to have many karst features and that the aquifer is close to the surface in this location. County and FEMA maps of a property on the east side of this development shows a wetland area. I believe that a geo-hydrologist is needed to examine this supposedly dry creek. I also do not believe it is wise to use this creekbed as a sewage drainage ditch. When it does rain, the water will flow through this location with astonishing rapidity, sweeping all pollutants down to the River. Please do not approve this permit to discharge effluent into Beckman Branch and then into the River. I request a contested hearing on this matter.

3

# TCEQ Registration Form

JUNE 13, 2024

**THE VILLAGE AT GRAPE CREEK LLC**

**Proposed Water Quality Permit Number**

**WQ0016363001**

PLEASE PRINT

Name: Deborah E. Youngblood

Mailing Address: 249 Wilderness Dr

Physical Address (if different): \_\_\_\_\_

City/State: Fbg Zip: 78624

*\*\*This information is subject to public disclosure under the Texas Public Information Act\*\**

Email: deytech@gmail.com

Phone Number: (210) 268-8187

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Pedernales River Alliance

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

## Jennifer Cox

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, May 29, 2024 4:48 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

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Office Phone: 512-239-3319

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**From:** deytech@gmail.com <deytech@gmail.com>  
**Sent:** Tuesday, May 28, 2024 5:28 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Deborah Youngblood

**EMAIL:** [deytech@gmail.com](mailto:deytech@gmail.com)

**COMPANY:** Pedernales River Alliance

**ADDRESS:** 249 WILDERNESS DR  
FREDERICKSBURG TX 78624-5711

**PHONE:** 2102688187

**FAX:**

**COMMENTS:** My apologies. The head librarian has located the draft permit. Thank you.

## Jennifer Cox

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, May 28, 2024 5:25 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

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Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

**From:** deytech@gmail.com <deytech@gmail.com>  
**Sent:** Tuesday, May 28, 2024 4:37 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Deborah Youngblood

**EMAIL:** [deytech@gmail.com](mailto:deytech@gmail.com)

**COMPANY:** Pedernales River Alliance

**ADDRESS:** 249 WILDERNESS DR  
FREDERICKSBURG TX 78624-5711

**PHONE:** 2102688187

**FAX:**

**COMMENTS:** Today, 5/28/2024, I learned that TCEQ has issued a draft permit for WQ001636301, Village at Grape Creek. I went straight to our public library but the head librarian advised that she has not seen such a document. Please ensure this document is made available to residents of Gillespie County and the Pedernales River Alliance, of which I am a member. I also request that we be granted a full 30 days to study the document. Thank-you.

## Misty Botello

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, September 20, 2023 11:39 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

**From:** deytech@gmail.com <deytech@gmail.com>  
**Sent:** Tuesday, September 19, 2023 1:59 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Deborah Youngblood

**EMAIL:** [deytech@gmail.com](mailto:deytech@gmail.com)

**COMPANY:** Pedernales River Alliance

**ADDRESS:** 249 WILDERNESS DR  
FREDERICKSBURG TX 78624-5711

**PHONE:** 2102688187

**FAX:**

**COMMENTS:** I am a member of the Pedernales River Alliance, a group of concerned citizens who care about the Pedernales River and its watershed. Specifically, we are concerned about the application by the Village at Grape Creek to dump 20,000 gallons of treated sewage daily into an "unnamed tributary" of the Pedernales River. While I recognize that this amount of treated sewage does not compare with the amounts others are dumping into this River, I believe that no more should be dumped there. Enough is enough. The river water quality is increasingly poor with algae and arundo cane. And yet, when water flows, people fish in the river, they wade in it, they kayak in it and the allow their children to wade in it. Now, the drought has caused it to go dry. Many of the creeks that flow into the river are also dry.

Consequently, all the sewage that is dumped is piling up, evaporating, and becoming more and more concentrated. Local dams on the river hold back a potential surge of septic stew. When the rains come, and they will, all of this sewage will be swept downstream to communities that rely on the Pedernales River for tourism and drinking water. This includes the State Park, the National Park, several county parks and more. I have read the application for the permit to dump sewage into our river and find that it indicates that despite being in the 100 year flood plain, the applicant believes that this will make no difference. I do not agree. It was not too long ago that heavy rains cause South Grape Creek, a small meandering stream normally, to increase in size and force until it damaged the bridge on Highway 290E so badly that the bridge had to be replaced. This little "unnamed tributary" also crosses under Highway 290E much in the same way that South Grape Creek does. When the rains increase the flow from zero to max, it will overflow its banks and wash the concentrated effluent into the properties by which it flows. Where will runoff be directed when it rains? The developer does not really address this. Are there plans for runoff to flow into the "unnamed tributary"? Are streets and sidewalks permeable or do they plan to increase runoff by pouring tons of concrete throughout? I also visited the FEMA map that is cited in the application and found that it shows the land to the east of the proposed site for this development contains a wetland. I am wondering exactly what impact the development will have on this area. I am wondering if it will end up being filled in. Is any information about this area available to us? I have other questions about this development, that indicate that the developer has not been in contact with the local community: --Nothing is mentioned in the application about how the development will support Dark Skies? Will this development be lit up all night? Will lighting adversely affect the County's designation as a Dark Sky County? --Since the size of this development is quite large, traffic will increase. Will a traffic light be installed at Hwy 290E and Jenschke Lane or nearby? --Pictures of trees submitted with the application show that all of the understory has been removed. When the understory is removed, the trees become at risk. What will this developer do to prevent the loss of trees? Are there plans to replant the riparian area with appropriate native plants? --Where will water come from for this subdivision and will it affect local wells? --The applicant indicates that they will be applying for a permit for injection well technology. What does this mean for the Ellenberger Aquifer which is relatively shallow?

## Jennifer Cox

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, June 13, 2024 4:29 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016363001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** kimz@beecreek.net <kimz@beecreek.net>  
**Sent:** Thursday, June 13, 2024 2:30 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016363001

**REGULATED ENTY NAME** THE VILLAGE AT GRAPE CREEK

**RN NUMBER:** RN111768339

**PERMIT NUMBER:** WQ0016363001

**DOCKET NUMBER:**

**COUNTY:** GILLESPIE

**PRINCIPAL NAME:** THE VILLAGE AT GRAPE CREEK LLC

**CN NUMBER:** CN606157683

**NAME:** Kim Zuberbueler

**EMAIL:** [kimz@beecreek.net](mailto:kimz@beecreek.net)

**COMPANY:**

**ADDRESS:** PO BOX 435  
STONEWALL TX 78671-0435

**PHONE:** 8304566013

**FAX:**

**COMMENTS:** I, Kim Zuberbueler, submit the following public comments regarding the Village at Grape Creek TPDES permit no. WQ0016363001. I am strongly opposed to the issuance of this and any permit allowing the dumping of wastewater into the Pedernales River or any tributary leading to it. In addition, I request a contested case hearing regarding this permit and to be named an affected party with standing. I live in Stonewall, Texas, and our family property is on the Pedernales River. This property has been in our family since 1911, and we continue to farm and ranch and raise our family here. I worry that our cattle will be negatively impacted from drinking this water because state regulations do not require that pharmaceuticals are taken out. This is the first private application of this type in Gillespie County. If one is approved, I fear that many more will be submitted because this area is continuing to grow. How will our water be effectively monitored if multiple permits are issued in the future? If these businesses want to build homes and RV parks on their own property, they should be required to use their own property for their wastewater. Instead, their property rights are now infringing on my property rights further down the river. They should be mandated to build a system on their own property so that they do not affect their neighbors and the ecosystem downstream. While I do not know a lot about the science of how this wastewater will affect the Pedernales River long term, I do know about common sense. I ask you to use your common sense and deny this application. Put the cost back on the property owner to find a different solution; the cost to the river and the residents of this county will be much greater if you don't. Respectfully submitted, Kim Zuberbueler