

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 9, 2024

TO: All interested persons.

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

Decision of the Executive Director.

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Pioneer Memorial Library, 115 West Main Street, Fredericksburg, Texas.

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

How to Request a Contested Case Hearing.

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

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.

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

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

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

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

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

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

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

Processing of Requests.

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

How to Obtain Additional Information.

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

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for
The Village at Grape Creek, LLC
TPDES Permit No. WQ0016363001

The Executive Director has made the Response to Public Comment (RTC) for the application by The Village at Grape Creek, LLC for TPDES Permit No. WQ0016363001 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

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

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0016363001) and click the "Search" button. The search results will display a link to the RTC.

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

Additional Information

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

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Pioneer Memorial Library, 115 West Main Street, Fredericksburg, Texas.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

9 de octubre de 2024

TO: Todas las personas interesadas.

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

Decisión del Director Ejecutivo.

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

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a chiefclk@tceq.texas.gov. Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Pioneer Memorial Library, 115 West Main Street, Fredericksburg, Texas.

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

Cómo solicitar una audiencia de caso impugnado.

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

La solicitud debe incluir lo siguiente:

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

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

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

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

Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si

es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

Fecha límite para la presentación de solicitudes.

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

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

Procesamiento de solicitudes.

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

Cómo obtener información adicional.

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

Atentamente,



Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
The Village at Grape Creek, LLC
TPDES Permiso No. WQ0016363001

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de The Village at Grape Creek, LLC del TPDES Permiso No. WQ0016363001. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

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

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0016363001) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

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

Información adicional

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

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en Pioneer Memorial Library, 115 West Main Street, Fredericksburg, Texas.

MAILING LIST / LISTA DE CORREO
for / para
The Village at Grape Creek, LLC
TPDES Permit No. WQ0016363001 / TPDES Permiso No. WQ0016363001

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Ronnie C. Manning, Vice President
The Village at Grape Creek, LLC
15119 Memorial Drive, Suite 113
Houston, Texas 77079

Kendall Longbotham, P.E.
Water Resomces Engineer
reUse Engineering, Inc.
4411 South Interstate 35, Suite 100,
Georgetown, Texas 78626

INTERESTED PERSONS /
PERSONAS INTERESADAS:

see attached list/ ver lista adjunta

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

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

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

Evangeline Kaviani, Technical Staff
Texas Commission on Environmental
Quality
Wastewater Permitting Section MC-148
P.O. Box 13087
Austin, Texas 78711-3087

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

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

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

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

AHRENDT , PAULA S
222 ECKHARDT LN
FREDERICKSBURG TX 78624-5012

ALEXANDER , LAUREN
PERALES ALLMON & ICE PC
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

ANTUS , KATHY P
2200 JENSCHKE LN
FREDERICKSBURG TX 78624-7866

ASHBY , BILL
PO BOX 1922
FREDERICKSBURG TX 78624-1909

ATCKISON , LISA
979 CATTLE CREEK RD
JOHNSON CITY TX 78636-2211

BABB , RICHARD PAUL
HILL COUNTRY UNDERGROUND WATER
CONSERVATION DISTRICT
508 S WASHINGTON ST
FREDERICKSBURG TX 78624-4557

BARRETT JR , MR EDWARD J
267 RANCH ROAD 1
STONEWALL TX 78671-3714

BASS , REED
206 SUNDAY CIR
FREDERICKSBURG TX 78624-9550

BEHRENDTS , CAREY
393 RANCH ROAD 1376
FREDERICKSBURG TX 78624-7447

BEHRENDTS , RYAN
PO BOX 408
STONEWALL TX 78671-0408

BEHRENDTS , CAREY
3393 RANCH ROAD 1376
FREDERICKSBURG TX 78624-4969

BENDELE , NICHOLE
BECKER VINEYARDS
PO BOX 393
STONEWALL TX 78671-0393

BOOTH WRIGHT, SHELLY & WRIGHT,JAMES
3365 OLD SAN ANTONIO RD
FREDERICKSBURG TX 78624-6126

BRUNO , MARISA
HILL COUNTRY ALLIANCE
1916 E 10TH ST
AUSTIN TX 78702-3408

BRUNO , MARISA
HILL COUNTRY ALLIANCE
PO BOX 151675
AUSTIN TX 78715-1675

CARTER , KIM
PO BOX 922
FREDERICKSBURG TX 78624-0922

CENTENO , DAWNA
APT 1610
4001 N NEW BRAUNFELS AVE
SAN ANTONIO TX 78209-6354

CHILDS , LONNIE
327 S STAG TRL
FREDERICKSBURG TX 78624-5799

CHOQUETTE , MR JAY
1650 HERMIT HILL RD
FREDERICKSBURG TX 78624-3374

CLARK , CATHERINE
120 G C SCHAEFFER LN
FREDERICKSBURG TX 78624-5879

CLARK , MR DONNY P
120 G C SCHAEFFER LN
FREDERICKSBURG TX 78624-5879

COLLINS , KATIE
1804 PFEIFFER RD
FREDERICKSBURG TX 78624-5764

COLLINS , TAYLOR
1804 PFEIFFER RD
FREDERICKSBURG TX 78624-5764

CONNELLY , PATRICK R
BECKER VINEYARDS
464 BECKER FARMS RD
FREDERICKSBURG TX 78624-2378

CRUNK , MR KELLY
TIERRA LINDA RANCH
326 LOST VALLEY RD
KERRVILLE TX 78028-1753

DARBY, KEITH & WOLF,BARBARA GAIL
PO BOX 1351
JOHNSON CITY TX 78636-1351

DEIKE , LEVI
PO BOX 241
HYE TX 78635-0241

DUECKER , EMILY
PO BOX 360
STONEWALL TX 78671-0360

ECKERT , MRS RHONDA
151 CREEK SIDE RD
FREDERICKSBURG TX 78624-8344

EDGERTON , BEN
210 QUAIL RUN DR
FREDERICKSBURG TX 78624-5814

ESCOBAR FARRIS, MARGARET TERRI &
FARRIS, MARK
1715 DARTMOUTH AVE
AUSTIN TX 78757-1313

EVARD , KAREN
1982 AXIS CIR
FREDERICKSBURG TX 78624-2977

FLORES , THE HONORABLE PETER P STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 24
PO BOX 12068
AUSTIN TX 78711-2068

FOLSE , LITSA & PAUL GABRIEL
STYLE 208 LLC
502 JENSCHKE LN
FREDERICKSBURG TX 78624-7413

FOLSE , LITSA
502 JENSCHKE LN
FREDERICKSBURG TX 78624-7413

FOLSE , PAUL GABRIEL
502 JENSCHKE LN
FREDERICKSBURG TX 78624-7413

FRANTZEN , LESTER
904 W TRAVIS ST
FREDERICKSBURG TX 78624-2527

FRANTZEN , ROXANNE
904 W TRAVIS ST
FREDERICKSBURG TX 78624-2527

FRITZ , JAMES & LAURA
175 VINTNERS WAY
FREDERICKSBURG TX 78624-2974

GARCIA , PAUL
1187 MIDDLE CREEK RD
FREDERICKSBURG TX 78624-2463

GARZA , TROY
801 BELL ST
FREDERICKSBURG TX 78624-4705

GLAVY , MR NATHAN M
GREATER EDWARDS AQUIFER ALLIANCE
1809 BLANCO RD
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GLAVY , MR NATHAN M
GREATER EDWARDS AQUIFER ALLIANCE
PO BOX 15618
SAN ANTONIO TX 78212-8818

GLAVY, NATHAN M & PEACE, ANNALISA
GREATER EDWARDS AQUIFER ALLIANCE
1809 BLANCO RD
SAN ANTONIO TX 78212-2616

GLAVY, NATHAN M & PEACE, ANNALISA
GREATER EDWARDS AQUIFER ALLIANCE
PO BOX 15618
SAN ANTONIO TX 78212-8818

GROBE , SAM
1589 E MAIN ST
FREDERICKSBURG TX 78624-5404

GROUND , MARK
2310 S COUNTY ROAD 1121
MIDLAND TX 79706-4885

GUTHRIE , CRAWFORD & PHYLLIS
675 OXEN TRL
FREDERICKSBURG TX 78624-7737

HAAG , BOB
361 VINTNERS WAY
FREDERICKSBURG TX 78624-7400

HAHN , DAVID
2054 RANCH ROAD 1320
JOHNSON CITY TX 78636-4786

HAMPTON , DEANN
PO BOX 255
STONEWALL TX 78671-0255

HODGES RANSLEBEN , AIMEE
685 HODGES RANCH RD
STONEWALL TX 78671-4223

HUTCHINS , LANE
8351 FM 2093
FREDERICKSBURG TX 78624-7101

ICE , LAUREN CLAIRE
PERALES ALLMON & ICE PC
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

JENSCHKE , DANIEL
903 DURST MAURER RD
FREDERICKSBURG TX 78624-5805

JENSCHKE , JOAN JACOBY
315 W AUSTIN ST
FREDERICKSBURG TX 78624-3858

JENSCHKE , LAURIE
903 DURST MAURER RD
FREDERICKSBURG TX 78624-5805

JOHNSON , IRMGARD
PO BOX 296
STONEWALL TX 78671-0296

JORDAN , DIRK
1533 SCHUMANN RD
ALBERT TX 78671-4140

KING , TRACY
PO BOX 254
HYE TX 78635-0254

KNUTSON , SHERRY
FAT ASS WINERY AND BREWERY
PO BOX 2776
FREDERICKSBURG TX 78624-1926

KRAMER , JESSICA
JOSH KRAMER
211 SHORTY CRENWELGE RD
FREDERICKSBURG TX 78624-5954

LACKEY , MRS KRISTINA
502 W CREEK ST
FREDERICKSBURG TX 78624-3116

LEWIS , MS KATHLEEN C
13437 FM 2093
FREDERICKSBURG TX 78624-7111

LOCHTE , DR. KAREN
603 E CREEK ST
FREDERICKSBURG TX 78624-4650

MANDELIC , LILLI
1620 MIDDLE CREEK RD
FREDERICKSBURG TX 78624-2242

MASTERS , MONICA P
LOWER COLORADO RIVER AUTHORITY
PO BOX 220
AUSTIN TX 78767-0220

MCANALLY , RANDYE
8318 RANCH ROAD 1376
FREDERICKSBURG TX 78624-7496

MECKEL , SUSAN
LOWER COLORADO RIVER AUTHORITY
MS R220
PO BOX 220
AUSTIN TX 78767-0220

MEYER , REVEREND RYAN
TRINITY LUTHERAN
4270 RANCH ROAD 1
STONEWALL TX 78671-4212

NEBGEN STAATS , BARBARA
574 REVERSE R DR
HARPER TX 78631-5181

NEBGEN , MARK
635 RANCH ROAD 1
STONEWALL TX 78671-3706

NEBGEN , MARK
STONEWALL WATER CONTROL AND IMPROVEMENT
DISTRICT
PO BOX 419
STONEWALL TX 78671-0419

PEAKE , DAVID
PO BOX 55
DRIPPING SPRINGS TX 78620-0055

PEAKE , HENRY
PO BOX 55
DRIPPING SPRINGS TX 78620-0055

PEAKE , KATHERINE
PO BOX 55
DRIPPING SPRINGS TX 78620-0055

PEAKE , KATHERINE F
309 LUCKENBACH RD
FREDERICKSBURG TX 78624-7457

PERRENOUD , CHRIS
AIRIS ELE VINEYARDS
11290 E US HIGHWAY 290
FREDERICKSBURG TX 78624-5760

PERRYMAN , LAURA
5996 RR 1376
FREDERICKSBURG TX 78624-7552

PERSON , PAUL
127 SUNSHINE LN
FREDERICKSBURG TX 78624-0216

PETSCH , WAYNE
1024 PETSCH RD
FREDERICKSBURG TX 78624-8070

PETSCH , JUDITH
1024 PETSCH RD
FREDERICKSBURG TX 78624-8070

PIERCE , B G
940 SCHUMANN RD
STONEWALL TX 78671-4305

PIPKIN , MR MATTHEW
2576 OLD MASON RD
FREDERICKSBURG TX 78624-2283

PITTS LICHTENHAN , MARTHA
PO BOX 39
STONEWALL TX 78671-0039

PITTS , HAYES
PO BOX 206
STONEWALL TX 78671-0206

PITTS , KAY
PO BOX 206
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PRICE , MR DAVID A
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SENATOR PETE FLORES
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SISAK , WILLIAM JOSEPH
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STENSBY , TRAVIS
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STEWART , TABITHA J T
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STOLPE , NANCY
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STONE , PAULA
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TPDES PERMIT NO. WQ0016363001

APPLICATION BY	§	BEFORE THE
THE VILLAGE AT GRAPE CREEK, LLC	§	TEXAS COMMISSION
FOR TPDES PERMIT NO.	§	ON ENVIRONMENTAL
WQ0016363001	§	QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (RTC) on the application by The Village at Grape Creek, LLC (Applicant) for a new Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0016363001 and the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant, or relevant and material comments. Timely comments were received from individual commenters listed in Appendices A through D. Individuals representing organizations: Greater Edwards Aquifer Alliance (**GEAA**), Hill Country Alliance (**HCA**), Lower Colorado River Authority (**LCRA**), Hill Country Underground Water Conservation District (**HCUWCD**), Pedernales River Alliance (**PRA**), Stonewall Water Control and Improvement District (**Stonewall WCID**) Texas Rivers Protection Association (**TRPA**) are included. This response addresses all timely public comments received, whether or not withdrawn.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B). If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at the following website: www.tceq.texas.gov.

I. BACKGROUND

A. Description Of Facility

The Village at Grape Creek, LLC (Applicant) submitted an application to the TCEQ for a new permit, 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 Applicant proposes to operate the Village at Grape Creek wastewater treatment facility (WWTF).

The Village at Grape Creek WWTF will be a membrane bioreactor (MBR) system. Treatment units will include three fine screens, an equalization basin, an anoxic tank, an aeration basin, a membranes cell, a sludge belt filter press, and an ultraviolet (UV) light disinfection system. The facility has not been constructed.

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. If the draft permit is issued, the treated effluent will be discharged to an unnamed tributary, thence to the 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.

The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Geographic coordinates of the outfall location in decimal degrees is provided in Table 1. If this permit is issued, the proposed 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.

Table 1. Outfall Coordinate Location

Outfall Number	Latitude	Longitude
001	30.213140 N	-98.709400 W

The draft permit includes the following proposed effluent limitations and monitoring requirements. All flows are expressed in million gallons per day (MGD) / gallons per day (gpd). The two-hour (2-hr) peak flow is expressed in gallons per minute

(gpm). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L). Mass-based values are expressed as pounds per day (lbs/day). Bacteria values are expressed in colony-forming units (CFU) or most probable number (MPN) per 100 milliliters (CFU or MPN/100 mL).

Table 2. Effluent Limitations: Outfall 001

Parameter/Pollutant	Daily Average		7-day Average	Daily Maximum	Single Grab
	lbs/day	mg/L	mg/L	mg/L	mg/L
Flow	Report		N/A	Report	N/A
Carbonaceous Biochemical Oxygen Demand, 5-day (CBOD ₅)	0.83	5	10	20	30
Total Suspended Solids (TSS)	0.83	5	10	20	30
Ammonia Nitrogen (NH ₃ -N)	0.33	2	5	10	15
Total Phosphorus (TP)	0.17	1	2	4	6
<i>E. coli</i> (CFU or MPN/100 mL)	126		N/A	N/A	399
pH					6 - 9
Dissolved Oxygen					5.0

B. Procedural Background

The permit application was received on July 5, 2023, and declared administratively complete on August 29, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on September 6, 2023, in the *Fredericksburg Standard-Radio Post* and the *La Prensa Comunidad* on September 5, 2023.

The combined Notice of Application and Preliminary Decision (NAPD) and Notice of Public Meeting was published on May 15, 2024, in the *Fredericksburg Standard-Radio Post* and the *Tex Mex News* on May 14, 2024. A public meeting was held on June 13, 2024, at the Inn on Barons Creek in Fredericksburg, Texas. The public comment period ended at the close of the meeting on June 13, 2024.

This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted SB 709, effective September 1, 2015, amending the

requirements for comments and contested case hearings. This application is subject to those changes in the law.

C. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website: www.sos.state.tx.us;
- TCEQ rules in 30 TAC: www.sos.state.tx.us/tac;
- Texas statutes: www.statutes.legis.state.tx.us;
- TCEQ downloadable rules: www.tceq.texas.gov/rules/indxpdf.html;
- Federal rules in Title 40 of the Code of Federal Regulations: <https://www.ecfr.gov/current/title-40>; and
- Federal environmental laws: www.epa.gov/lawsregs.

Commission records for this application are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Pioneer Memorial Library, 115 West Main Street, Fredericksburg, Texas.

II. COMMENTS AND RESPONSES

Comment 1:

The individuals in Appendix A raised concerns about the draft permit's potential impact on Breckmann Branch and the Pedernales River, including its uses for recreation and fishing. They were also concerned with impacts to wildlife, livestock, and agriculture uses.

Response 1:

TCEQ has a legislative responsibility to protect water quality in the State of Texas and to authorize wastewater discharge TPDES permits under Texas Water Code (TWC) Chapter 26, and 30 TAC Chapters 305, 307 and 309, including specific rules regarding wastewater treatment systems under 30 TAC Chapters 217 and 309.

The Texas Surface Water Quality Standards (TSWQS) in 30 TAC Chapter 307 require that discharges may not degrade the receiving waters and may not result in situations that impair existing, attainable or designated uses, and that surface waters

not be toxic to aquatic life, terrestrial wildlife, livestock, or domestic animals.¹ The effluent limits in the draft permit are set to maintain and protect the existing instream uses.

The designated uses for Segment No. 1414 are primary contact recreation, public water supply, and high aquatic life use.² The unclassified receiving water use is minimal aquatic life use for the unnamed tributary (known locally as Beckmann Branch).³ The proposed draft permit was developed in accordance with the TSWQS to be protective of water quality, provided that the Applicant operates and maintains the proposed facility according to TCEQ rules and the proposed permit's requirements. The methodology outlined in the *Procedures to Implement the Texas Surface Water Quality Standards (Implementation Procedures*, June 2010) is designed to ensure compliance with the TSWQS (30 TAC Chapter 307).

Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: 1) results in instream aquatic toxicity; 2) causes a violation of an applicable narrative or numerical state water quality standard; 3) results in the endangerment of a drinking water supply; or 4) results in aquatic bioaccumulation that threatens human health. In addition, the draft permit contains an effluent limit for *E. coli* of 126 cfu or MPN/100ml, which is equivalent to the criterion in the TSWQS that is protective of contact recreation uses in surface water bodies. The TSWQS and the *Implementation Procedures* do not specifically designate criteria for the protection of livestock and wildlife, they do designate criteria for the protection of aquatic life. Aquatic organisms are more sensitive to water quality components than terrestrial organisms, therefore negative impacts to the health and performance of livestock and wildlife are inhibited.

The ED has made a preliminary determination that the draft permit, if issued, meets all statutory and regulatory requirements. These uses should be protected if the facility is operated and maintained as required by the proposed permit and applicable regulations. Additionally, the treated effluent will be disinfected prior to discharge to protect human health.

¹ 30 TEX. ADMIN. CODE § 307.6(b)(4).

² Texas Surface Water Quality Standards, 30 TEX. ADMIN. CODE § 307.10.

³ Texas Surface Water Quality Standards, 30 TEX. ADMIN. CODE § 307.10.

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

Comment 2:

Lauren Alexander and Lauren Claire Ice (representing PRA), Reed Bass, Marisa Bruno (representing HCA), Lonnie Childs, Rhonda Eckert, Nathan Glavy and Annalisa M. Peace (representing GEAA), Jessica Kramer, Kristina Lackey, Monica P. Masters and Susan Meckel (representing LCRA), David A. Price (representing TRPA), William Joseph Sisak, Tabitha J. T. Stewart, Deborah E. Youngblood, and Mark Zuzanek raised concerns about the draft permit's potential adverse impacts of additional nutrient loads into the Pedernales River that may result in harmful algal blooms. Individuals commented that the proposed total phosphorus (TP) limit is not protective of nutrient sensitive streams.

Response 2:

Phosphorus is a key nutrient necessary for algae growth and is often in limited supply in freshwater systems. By restricting the amount of phosphorus in the treated wastewater, the likelihood of the discharge stimulating excessive growth of algae or other aquatic vegetation is reduced significantly. To ensure the effluent from the Village at Grape Creek WWTF will not cause an excessive accumulation of algae, the Executive Director performed a nutrient screening which indicated that because of the high clarity of the water column, lack of shade along the banks, and minimal dilution, a total phosphorus limit is needed in the draft permit. The Executive Director included a total phosphorus limit of 1 mg/L to preclude the excessive accumulation of algae.

The permit application went through a rigorous technical review process and the draft permit contains the same limits as those required by 30 TAC Chapter 213 for discharges in the Edwards Aquifer Contributing Zone within five miles of the Recharge Zone. These limits are expected to adequately preclude eutrophic conditions.

Comment 3:

Lonnie Childs, Katie Collins, Laura and James Fritz, Troy Garza, Aimee Hodges Ransleben, PRA, Kristina Lackey, Lilli Mandelik, LCRA, Mark Nebgen (representing

Stonewall WCID) David Peake, Henry Peake, Katherine Peake, Barbara Gail Wolf and Keith Darby, Deborah E. Youngblood, and Kim Zuberbueler raised concerns about compliance with antidegradation reviews and the cumulative impacts of numerous wastewater treatment facilities in a watershed. They asked about surface water quality data and assessments.

Response 3:

In accordance with 30 TAC § 307.5 and the *Implementation Procedures* an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Pedernales River, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

As a part of this permit review, a modeling analysis for the proposed discharge was performed to evaluate the potential impacts of major oxygen-demanding constituents within the effluent on dissolved oxygen levels of the receiving waters. To ensure that dissolved oxygen modeling results and corresponding effluent limit recommendations are conservative and protective under all conditions, the proposed discharge was evaluated under what are expected to be the most unfavorable of environmental conditions, specifically hot and dry summertime conditions. Additionally, to account for potential negative cumulative effects, any other contributing TPDES discharges within watershed is also considered in the modeling.

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. Therefore, only the flow volume and dissolved oxygen-demanding constituents for the proposed facility were included in the model.

TCEQ produces the Texas Integrated Report of Surface Water Quality for Clean Water Act Sections 305(b) and 303(d) new report every two years in even-numbered years, as required by law. The Texas Integrated Report describes the status of Texas

surface waters based on available data. The report and water body assessments may be obtained at <https://www.tceq.texas.gov/waterquality/assessment/22twqi/22txir>.

Comment 4:

Paula S. Ahrendt, PRA, Richard Paul Babb (representing HCUWCD), Reed Bass, Ryan Behrends, Nichole Bendele, Dawna Centeno, Lonnie Childs, Jay Choquette, Donny P. Clark, Katie Collins, Taylor Collins, Patrick R. Connelly, Levi Deike, Emily Duecker, Rhonda Eckert, Litsa Folse and Paul Gabriel Folse, Laura and James Fritz, Sam Grobe, David Hahn, Aimee Hodges Ransleben, Irmgard Johnson, David Peake, Henry Peake, Katherine Peake, Chris Perrenoud, Matthew Pipkin, William Joseph Sisak, James Tomeny, Callan Warfield, Matthew Warfield, Rhonda and Alan G. Wilcox, Kay Wischkaemper, Shelly and James Booth Wright, and Deborah E. Youngblood raised concerns about the draft permit's potential impact on groundwater and local aquifers. The concerns specifically included groundwater quality and groundwater supply.

Response 4:

The legislature has determined that “the goal of groundwater policy in this state is that the existing quality of groundwater not be degraded. This goal of non-degradation does not mean zero-contaminant discharge.”⁴ Chapter 26 of the Texas Water Code further states, “discharges of pollutants, disposal of wastes, or other activities subject to regulation by state agencies be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard.”⁵

The Executive Director has determined that the draft permit's effluent limitations are consistent with the Texas Surface Water Quality Standards and are therefore protective of surface water quality, human health, and the environment. This level of surface water protection would also ensure protection of groundwater quality and its known uses.

Groundwater monitoring wells are not required under current applicable rules pertaining to wastewater discharge permits, under TWC Chapter 26 and 30 TAC

⁴ Texas Water Code § 26.401(b)

⁵ Texas Water Code § 26.401(c)(2)

Chapters 217, 305, 307 and 309. Therefore, groundwater testing is not conducted prior to or after a proposed wastewater discharge as part of the permitting process.

Groundwater availability is not under the authority of TCEQ to consider when evaluating a wastewater discharge permit action. For information on Groundwater Conservation Districts (GCD), please call TCEQ's Water Supply Division at 512-239-4691. Areas that are not within a GCD are subject to the rule of capture. For general information on groundwater, please contact the Texas Water Development Board at 512-463-7847.

Comment 5:

The individuals in Appendix B raised concerns about the proposed facility's potential impact on drinking water supply and quality. Some individuals inquired if the treated wastewater would meet drinking water standards.

Response 5:

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

Private drinking water wells are not under the jurisdiction of the Safe Drinking Water Act and are not subject to TCEQ regulation. TCEQ recommends that well owners periodically test their water for microbial and chemical contaminants and properly maintain their well. Private well owners should take steps to have their water quality tested routinely tested. Wells should be tested more often if under the influence of nearby surface water, or if contamination is suspected. For more information on testing private water wells, please see the National Ground Water Association website at wellowner.org/resources/water-quality/water-testing. If your well tests positive for fecal coliform bacteria, please see the Texas A&M AgriLife Extension publication titled *What to Do About Coliform Bacteria in Well Water* or the TCEQ publication titled *Disinfecting Your Private Well* (GI-432).

TCEQ's rules do not require that domestic wastewater be treated to potable standards before it is discharged to water in the state. State and federal regulations

require that treated effluent maintain the existing uses of the receiving waters as designated within the Texas Surface Water Quality Standards at 30 TAC Chapter 307, which includes a designated public water supply use for the Pedernales River.

Comment 6:

The individuals in Appendix C raised concerns for alternatives to discharge, including beneficial reuse and on-site sewer facilities (septic/aerobic systems).

Response 6:

TCEQ does not have the authority to mandate the method of disposal of treated effluent if the applicant adheres to the rules and provisions under TWC Chapter 26 and 30 TAC Chapters 217, 305, 307 and 309.

The TCEQ's rules applicable to the beneficial reuse of reclaimed water are found in 30 TAC Chapter 210. In order for an applicant to obtain this authorization, the Applicant must first have a Texas Pollutant Discharge Elimination System (TPDES) permit or a no-discharge Texas Land Application state permit (TLAP).⁶ TCEQ's rules provide that use of reclaimed water may only be authorized for "on a demand" use, which prevents treated water from being provided during times it cannot be beneficially used and allows the reclaimed water user to refuse delivery of reclaimed water at any time.⁷ Subsequently, the reclaimed water producer must have a guaranteed method of effluent disposal via either a TPDES or TLAP permit. TCEQ does not have the authority to require a permittee to obtain a Chapter 210 reuse authorization.

If the permit is issued, the Applicant will have to notify the Executive Director that it intends on using the reclaimed water and obtain approval to provide reclaimed water.⁸ Treated effluent that is used for irrigation under a reuse authorization must meet the appropriate effluent limits as required by 30 TAC Chapter 210.

Decentralized wastewater treatment units such as septic tanks or aerobic systems are types of on-site sewage facilities (OSSF). The State of Texas does not mandate a specific type of OSSF treatment system or use for a project. A proposed

⁶ 30 TEX. ADMIN. CODE § 210.5(a)

⁷ 30 TEX. ADMIN. CODE § 210.7

⁸ 30 Tex. Admin. Code § 210.4

residential area will be subject to 30 TAC Chapter 285, relating to “On-site Sewage Facilities (OSSF).”⁹ The anticipated combined flow from all systems on a tract of land must be less than 5,000 gallons per day (gpd) on an annual average basis.¹⁰ If the anticipated combined flow exceeds 5,000 gpd, a domestic wastewater treatment facility is required because wastewater treatment facilities produce a higher quality effluent than septic tanks and are, therefore, more protective of the environment.

The quality of effluent from an individual anaerobic OSSF and from a WWTP is significantly different. An OSSF treats a limited volume of domestic wastewater to primary treatment standards. The wastewater strength, or organic loading, of BOD₅ and NH₃-N in untreated or raw sewage from a residential subdivision is estimated to be 250-400 mg/l and 15-75 mg/l, respectively.¹¹ The draft permit, for example, requires that the treated effluent shall not exceed 5 mg/l CBOD₅ with 2 mg/l NH₃-N.¹² Therefore, the Village at Grape Creek WWTP will be required to achieve a more than 95% reduction in BOD₅/CBOD₅ concentration in the treated effluent prior to discharge.

In comparison, a well-maintained septic tank treats sewage to approximately 100 mg/l BOD₅ prior to discharging into the underground drainfield or soil absorption field. To meet its effluent limits, the proposed facility will have to provide better than secondary treatment including disinfection. For a proposed development of this type, a wastewater treatment facility will provide a higher level of environmental protection than septic tanks. For more information regarding OSSF rules and regulations please contact the TCEQ OSSF Program at 512-239-3799 or the Gillespie County Authorized Agent at 830-997-8191.

Comment 7:

Kathy P. Antus, HCUWCD, Reed Bass, HCA, Katie Collins, Taylor Collins, Kristina Lackey, LCRA, Barbara Wolf, Deborah E. Youngblood raised concerns about disinfection (pathogens).

⁹ 30 Tex. Admin. Code § 285.4

¹⁰ 30 TEX. ADMIN. CODE § 285.8(a)(3)

¹¹ 30 TEX. ADMIN. CODE § 217.32(a)(3)

¹² The Village at Grape Creek, LLC Draft Permit, Effluent Limitations and Monitoring Requirements, page 2

Response 7:

The rules in 30 TAC § 309.3(g)(1) require that disinfection of domestic wastewater must be protective of both public health and aquatic life, however the rules do not require a specific method of disinfection. A permittee may disinfect domestic wastewater through use of 1) chlorination, 2) ultraviolet light, or 3) an equivalent method of disinfection with prior approval of the ED.

The Applicant has chosen to utilize an ultraviolet light (UV) system for disinfection purposes and must comply with the design requirements in 30 TAC Chapter 217, Subchapter L. Specifically, 30 TAC §§ 217.291-300 specify the requirements for the sizing, configuration, dosage, system details, controls, cleaning, safety, and minimum replacement parts for UV light disinfection units.

Additionally, 30 TAC § 217.37 requires a disinfection system to include a backup power system capable of providing sufficient power to operate continuously during all power outages. The draft permit also includes bacteria limits and monitoring requirements to verify proper disinfection. The treated effluent shall meet a daily average bacteria limit of 126 colony-forming units (CFU) or most probable number (MPN) of *Escherichia coli* (*E. coli*) per 100 ml. The effluent shall be sampled for bacteria five times per week.¹³

The ED has determined that the draft permit is in accordance with the Texas Surface Water Quality Standards, which ensures that the effluent discharge is protective of aquatic life, human health, and the environment. Therefore, the permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation.

Comment 8:

Bill Ashby, HCUWCD, Lonnie Childs, Jay Choquette, Katie Collins, Taylor Collins, Rhonda Eckert, Sherry Knutson, David Peake, Henry Peake, Katherine Peake, Martha Pitts Lichtenhan, Kris Weidenfeller, Deborah E. Youngblood raised concerns that the wastewater and sludges contain pharmaceuticals, microplastics, perfluoroalkyl and

¹³ The Village at Grape Creek, LLC Draft Permit, Effluent Limitations and Monitoring Requirements, page 2; see also 30 TEX. ADMIN. CODE § 319.3(b).

polyfluoroalkyl substances (PFAS) and other compounds occurring at levels exceeding natural conditions.

Response 8:

Neither the TCEQ nor the EPA has promulgated rules or criteria limiting emerging contaminants in wastewater. EPA is currently investigating emerging contaminants and potential adverse human health effects from emerging contaminants in the environment. Removal of some emerging contaminants has been documented during municipal wastewater treatment; however, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for emerging contaminants. Accordingly, neither the TCEQ nor the EPA has rules on the treatment of contaminants such as pharmaceuticals in domestic wastewater.

Neither the TCEQ nor the EPA has promulgated rules or criteria limiting PFAS in wastewater. EPA is currently evaluating potential adverse human health effects from PFAS in the environment. There are currently no federal or state effluent limits for PFAS in wastewater. So, while the EPA and other agencies continue to study the presence and effects of PFAS, there is currently no clear regulatory regime available to address the treatment of PFAS in domestic wastewater.

Comment 9:

Bill Ashby, Donny P. Clark, Kelly Crunk, Levi Deike, Litsa Folse, Paul Gabriel Folse, Karen Lochte, Chris Perrenoud, Kris Weidenfeller, Angie Wright, and Shelly and James Booth Wright raised concerns about the chemical wastewater treatment process. Concerns regarding emergency preparedness were also raised.

Response 9:

The Village at Grape Creek WWTP will be a Membrane Bioreactor (MBR) System. Treatment units will include 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. According to the permit application, phosphorus in the treated effluent will be removed chemically with the addition of alum,¹⁴ however, this is not expected to degrade the effluent quality.

¹⁴ The Village at Grape Creek, LLC Permit Application, Technical Report 1.0, page 2.

Operators must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.¹⁵ In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ.¹⁶

Comment 10:

Reed Bass, Dawna Centeno, Kelly Crunk, Levi Deike, Litsa Folse, Paul Gabriel Folse, Laura and James Fritz, Joan Jacoby Jenschke, Kathleen C. Lewis, David Peake, Henry Peake, Katherine Peake, Kris Weidenfeller, Barbara Gail Wolf and Keith Darby, Shelly and James Booth Wright, and Deborah E. Youngblood raised concerns regarding compliance with the permit, monitoring and reporting requirements, and self-monitoring data and public availability.

Response 10:

The Applicant is required to analyze the treated effluent prior to discharge and to provide monthly reports to the TCEQ that include the results of the analyses, called discharge monitoring reports (DMRs). The Applicant may either collect and analyze the effluent samples itself, or it may contract with a third party for either or both the sampling and analysis. However, all samples must be collected and analyzed according to 30 TAC Chapter 319, Subchapter A, Monitoring and Reporting System. Sampling, analysis, and reporting for compliance with the permit provisions shall be performed in accordance with the Monitoring and Reporting Requirements section and the Definitions and Standard Permit Conditions section of the draft permit.

The Applicant is required to further notify the agency if the effluent does not meet the permit limits according to the requirements in the permit. In addition, the TCEQ regional staff may sample the effluent during routine inspections or in response to a complaint. Permit limits and DMRs are available to the public in national files on the Enforcement and Compliance History Online (ECHO) data downloads page at echo.epa.gov/tools/data-downloads/icis-npdes-dmr-and-limit-data-set.

¹⁵ 30 Tex. Admin. Code § 217.36.

¹⁶ The Village at Grape Creek, LLC Draft Permit, Other Requirements, Item 6, page 34; *see also* 30 TEX. ADMIN. CODE § 217.6(d).

Comment 11:

PRA, Karen Lochte, David Peake, Henry Peake, Katherine Peake, Kris Weidenfeller, and Deborah E. Youngblood raised concerns about deficiencies in the application, justification for requested capacity, and an injection well provision.

Response 11:

As provided by state law, a permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, Texas Water Code §§ 26, 27, and 28, and the Texas Health and Safety Code § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under the draft permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.¹⁷

The preliminary engineering report from The Village at Grape Creek, LLC provided justification for the requested flows.¹⁸ As part of the application, The Village at Grape Creek, LLC provided sufficient information regarding anticipated future wastewater needs and explained the timing of the proposed additional phases and needed expansion. The applicant sufficiently demonstrated the need for the requested flow.

No Underground Injection Control (UIC) authorizations have been approved by TCEQ for this site. The applicant submitted a Class V authorization request on July 5, 2023, but the request was returned by the UIC program on August 31, 2023.

Comment 12:

Donny P. Clark, Keith Darby, Levi Dieke, Rhonda Eckert, Laura and James Fritz, David Hahn, Kathleen C. Lewis, Henry and Katherine Peake, PRA, Leo Tynan, Kris Weidenfeller, Barbara Wolf, Shelly Booth Wright and James Wright, and Deborah E. Youngblood raised concerns about the Applicant's compliance history, fines for

¹⁷ The Village at Grape Creek, LLC Draft Permit, Monitoring and Reporting Requirements, Item 1, page 5.

¹⁸ The Village at Grape Creek, LLC Permit Application, Domestic Technical Report 1.1, Section 1, Item A, page 21.

violations of permit requirements, unauthorized discharges, and bankruptcy provisions. Concerns regarding unauthorized discharges were also raised.

Response 12:

During the technical review of the application, TCEQ reviewed the Applicant's compliance history according to the rules in 30 TAC Chapter 60. The compliance history is reviewed for the company and site for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits, and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and early compliance.

This permit application was received after September 1, 2002, and the company and site have been rated and classified pursuant to 30 TAC Chapter 60. A company and site may have one of the following classifications and ratings:

1. a ***high performer classification***, has a rating of fewer than 0.10 points and is considered to have an above-satisfactory compliance record;
2. a ***satisfactory performer classification***, has a rating between 0.10 points to 55 points and is considered to generally comply with environmental regulations; or
3. an ***unsatisfactory performer classification***, has a rating above 55 points and is considered to perform below minimal acceptable performance standards established by the commission.¹⁹

This site has a rating of Not applicable (N/A) and a classification of Unclassified. The company rating and classification, which is the average of the ratings for all sites the company owns, is also N/A and Unclassified.

TCEQ issues permits that describe the conditions under which the wastewater facility must operate. All facilities must be designed, operated, and maintained

¹⁹ 30 TEX. ADMIN. CODE § 60. 2 (Compliance History Classification).

consistent with applicable TCEQ rules. These provisions require that a facility is properly operated and maintained at all times. The proposed permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements. The Applicant will be required to report an unauthorized discharge to TCEQ within 24 hours.²⁰ The Applicant will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

TCEQ's Office of Compliance and Enforcement ensures compliance with applicable state and federal regulations. The Region 13 office is required to conduct a mandatory comprehensive compliance investigation (CCI) at minor facilities (facilities with permitted flow less than 1 million gpd) once every five fiscal years. Additional mandatory investigations can be required if the facility is categorized as significant noncompliance (SNC). SNC is determined by the Compliance Monitoring Section of the TCEQ and is based on self-reported effluent violations.

If the facility is found to be out of compliance with the terms or conditions of the permit, the Applicant may be subject to enforcement. If anyone experiences any suspected incidents of noncompliance with the permit or TCEQ rules, they may report these by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints. If the Applicant fails to comply with all requirements of the permit, it may be subject to enforcement action.

Per Permit Conditions 2(i), the permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal Clean Water Act (CWA) §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402 (a)(3) or 402 (b)(8). The monetary amount of administrative fines are determined by the TCEQ Enforcement Division, and depends on the nature and extent of the violation(s).

²⁰ The Village at Grape Creek, LLC Draft Permit, Monitoring and Reporting Requirements, Item 7, page 7.

Post-permit bankruptcy issues are not considered in the review process of an application for a wastewater discharge permit. However, the draft permit does require the permittee to notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 Bankruptcy of the United States Code (11 USC).²¹

Comment 13:

Nichole Bendele, Donny P. Clark, Patrick R. Connelly, Litsa Folse, Paul Gabriel Folse, Litsa Folse, Laura and James Fritz, Mark Grounds, Chris Perrenoud, PRA, Kathleen C. Lewis, and Barbara Wolf raised concerns regarding nuisance odor from the proposed facility and impacts to air quality.

Response 13:

All wastewater treatment facilities have the potential to generate odors. To control and abate odors TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. The Applicant can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any part of the buffer zone not owned by the Applicant; or 3) providing nuisance odor control.²²

According to its application, the Applicant intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line.²³ This requirement is incorporated in the draft permit.²⁴ Therefore, nuisance odor will be minimal as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

The Applicant proposes in its application that the Village at Grape Creek WWTP will be a Membrane Bioreactor (MBR) System. An MBR processes are mainly used for wastewater treatment (WWT) by using microfiltration (MF) or ultrafiltration (UF) and

²¹ The Village at Grape Creek, LLC Draft Permit, Permit Conditions, Item 11, page 12.

²² 30 TEX. ADMIN. CODE § 309.13(e).

²³ The Village at Grape Creek, LLC Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Exhibit 2.

²⁴ The Village at Grape Creek, LLC Draft Permit, Other Requirements, Item No. 3 page 34.

integrating them with a biological process like a suspended growth bioreactor. The membranes are employed as a filter removing the solids which are developed during the biological process, which gives a clear and pathogen free product. When properly treated by the proposed wastewater treatment process, the effluent is not expected to have an offensive odor.

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at tceq.texas.gov/compliance/complaints.

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

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health, and the environment will be protected. TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted by rule, provided the wastewater treatment plant only performs the functions listed in the rule. In its application, the Applicant indicated that the treatment process of the proposed wastewater treatment facility would use the activated sludge process. This treatment process will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's (THSC) Texas Clean Air Act § 382.057 and § 382.05196 and is therefore permitted by rule.

Comment 14:

Dawna Centeno, Taylor Collins, Kelly Crunk, Laura and James Fritz, Paul Garcia, Troy Garza, PRA, Irmgard Johnson, Sherry Knutson, LCRA, Lilli Mandelik, Stonewall WCID, David Peake, Henry Peake and Katherine Peake, Matthew Warfield, Callan Warfield, and Kris Weidenfeller raised concerns about public involvement and

awareness of the permitting process and the Application. They also raised concerns about mailed public notice and construction at the site prior to permit approval.

Response 14:

The Application has been available for viewing and copying at the Pioneer Memorial Library, 115 West Main Street, Fredericksburg, Texas since publication of the NORI. The draft permit, the Statement of Basis/Technical Summary, and the Executive Director's preliminary decision have been available for viewing and copying at the same location since publication of the NAPD.

During regular business hours, the public may review or copy the public file for this application, which includes the application, its attachments, the comment letters, this Response to Public Comment, the Hearing Requests, the Responses to Hearing Requests, and any other communications made during the review of this application, at TCEQ's Office of the Chief Clerk located in Building F, 12100 Park 35 Circle, Austin, Texas.

TCEQ's notice rules for a new permit require mailed notice of the NORI and NAPD to landowners named on the application map and persons on the mailing list maintained by the Office of the Chief Clerk. The applicant is required to submit a landowner map as part of the application materials. The landowner map must include the property boundaries of landowners surrounding the applicant's property and the property boundaries of all landowners surrounding the discharge point and on both sides of the discharge route for one full stream mile downstream of the discharge point. The landowner map provided by Applicant did not indicate Irmgard Johnson, Kelly Crunk, Monica Masters and Susan Meckel (LCRA) (The Lower Colorado River Authority) as being adjacent landowners. Therefore, they were not included on the mailing list. Any persons who submit a comment or contested case hearing request prior to the end of the public comment period are added to the mailing list for that permit action.

TWC 26.027(c) states: A person may not commence construction of a treatment facility until the commission has issued a permit to authorize the discharge of waste from the facility, except with the approval of the commission.

Comment 15:

The individuals in Appendix D raised concerns that the facility would be located in a floodplain and that the discharge would cause erosion and or flooding.

Response 15:

TCEQ does not have jurisdiction to regulate flooding or erosion in the context of a wastewater discharge permit. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. However, to the extent that an issue related to flooding also involves water quality, the Applicant is required to comply with all the numeric and narrative effluent limitations and other conditions in the proposed permit at all times, including during flooding conditions.

According to the application, the proposed facility is located above the 100-year flood plain. For additional protection, the proposed permit includes Other Requirement No. 2, which requires the permittee to provide protection for the facility from a 100-year flood.²⁵ For flooding concerns, please contact the local floodplain administrator for this area. For Gillespie County Floodplain Management call 830-997-8191.

Comment 16:

Lonnie Childs, Levi Deike, Rhonda Eckert, David Hahn, Deann Hampton, Kristina Lackey, David, Henry and Katherine Peake, Laura Perryman, Kristen Restani, Barbara Gail Wolf, Keith Darby, Angie Wright, Deborah E. Youngblood, and HCA raised concerns about drought, low flow stream conditions, and climate change.

Response 16:

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

²⁵ The Village at Grape Creek, LLC Draft Permit, Other Requirements, Item No. 2, page 34.

critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge.

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

Comment 17:

Donny P. Clark, Ben Edgerton, David Hahn, Kristina Lackey, Kathleen C. Lewis, Karen Lochte, David Peake, Henry Peake, and Katherine Peake, Tabitha J. T. Stewart, Kris Weidenfeller, Bruce Alvin Weinheimer, Barbara Gail Wolf, Keith Darby, Angie Wright, and Deborah E. Youngblood raised concerns about the proposed development and stormwater concerns due to impervious cover.

Response 17:

The Executive Director acknowledges this comment. The construction process of the development is outside the jurisdiction of the TCEQ; however, the permittee is required to submit plans and specifications of the plant design for review and approval pursuant to 30 TAC Chapter 217, relating to “Design Criteria for Domestic Wastewater Systems,” before starting the construction of the wastewater treatment plant. The proposed permit addresses only the wastewater aspect of the development and operation. The permittee is required to obtain other authorizations, as applicable, that further ensure protection of the environment.

Comment 18:

Taylor Collins, Katie Collins, Litsa Folse, Paul Gabriel Folse, Laura and James Fritz, Sam Grobe, David Hahn, Sherry Knutson, Kris Weidenfeller, Deborah E. Youngblood, and Kim Zuberbueler raised concerns of the proposed permit’s negative economic impact to business, tourism, and property values.

Response 18:

TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. TWC Chapter 26 and applicable wastewater regulations do not authorize TCEQ to consider issues such as aesthetics, tourism, or property values.

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

III. Changes Made To The Draft Permit In Response To Comments

In response to Public Comments, the Executive Director has not made changes to the draft permit.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Appendix A (Comment #1)

Lauren Alexander and Lauren Claire Ice (representing PRA), Kathy P. Antus, Edward J. Barrett, Reed Bass, Ryan Behrends, Carey Behrends, Nichole Bendele, Marisa Bruno (representing HCA), Kim Carter, Lonnie Childs, Jay Choquette, Donny P. Clark, Katie Collins, Taylor Collins, Patrick R. Connelly, Levi Deike, Emily Duecker, Rhonda Eckert, Karen Evard, Mark Escobar Farris Margaret Terri Farris, Mark Escobar Farris, Litsa Folse and Paul Gabriel Folse, Laura and James Fritz, Nathan Glavy and Annalisa M. Peace (representing GEAA), Sam Grobe, Mark Grounds, David Hahn, Deann Hampton, Aimee Hodges Ransleben, Joan Jacoby Jenschke, Dirk Jordan, Sherry Knutson, Jessica Kramer, Kristina Lackey, Kathleen C. Lewis, Lilli Mandelik, Barbara Nebgen Staats, Mark Nebgen (representing Stonewall WCID), David Peake, Henry Peake, and Katherine Peake, Laura Perryman, Judith Petsch, Matthew Pipkin, Martha Pitts Lichtenhan, David A. Price (representing TRPA), Kristen Restani, Susan R. Rodriguez, David D. Schafer, Traci Schneider, Greg T. Shaw, William Joseph Sisak, Ed Smith, Travis Stensby, Tabitha J. T. Stewart, James Tomeny, David Turpin, Leo C. Tynan, Callan Warfield, Matthew Warfield, Kris Weidenfeller, Bruce Alvin Weinheimer, David G Weinheimer, Karen Weinheimer, Rhonda and Alan G. Wilcox, Barbara Gail Wolf and Keith Darby, Angie Wright, Shelly and James Booth Wright, Deborah E Youngblood, Kim Zuberbueler, Mark Zuzanek

Appendix B (Comment #5)

Richard Paul Babb (representing HCUWCD), Dawna Centeno, Lonnie Childs, Katie Collins, Taylor Collins, Levi Deike, Emily Duecker, Laura and James Fritz, Nathan Glavy and Annalisa M Peace (representing GEAA), Aimee Hodges Ransleben, PRA, Dirk Jordan, Mark Nebgen (representing Stonewall WCID), David Peake, Henry Peake, and Katherine Peake, Laura Perryman, Martha Pitts Lichtenhan, James Tomeny, Kris Weidenfeller, Rhonda and Alan G. Wilcox, Kay Wischkaemper, Deborah E. Youngblood, Kim Zuberbueler

Appendix C (Comment #6)

Kathy P Antus, Lisa Atckison, Richard Paul Babb (representing HCUWCD), Edward J. Barrett, Marisa Bruno (representing HCA), Dawna Centeno, Lonnie Childs, Mark Escobar Farris, Margaret Terri Farris, Mark Escobar Farris, Laura and James Fritz, Nathan Glavy and Annalisa M. Peace (representing GEAA), Deann Hampton, PRA, Irmgard Johnson, Kathleen C. Lewis, LCRA, Ryan Meyer, Mark Nebgen, David Peake, Henry Peake, and Katherine Peake, TRPA, Kristen Restani, Tabitha J. T. Stewart, Kris Weidenfeller, Shelly and James Booth Wright, Deborah E Youngblood

Appendix D (Comment #15)

PRA, Nathan Glavy and Annalisa M. Peace (representing GEAA), Reed Bass, Nichole Bendele, Lonnie Childs, Kim Carter, Patrick R. Connelly, Levi Deike, Rhonda Eckert, Laura and James Fritz, David Hahn, Irmgard Johnson, Kristina Lackey, David Peake, Henry Peake, and Katherine Peake, Chris Perrenoud, David A. Price (representing TRPA), Kris Weidenfeller, Barbara Gail Wolf and Keith Darby, Angie Wright, Shelly Booth Wright and James Wright, Deborah E. Youngblood