

TCEQ Registration Form

March 26, 2024

(4)

PLUM CREEK CALDWELL, LP
Amendment - Water Quality Permit Number
WQ0015738001

PLEASE PRINT

Name: MELANIE CALDWELL

Mailing Address: P.O. Box 335

Physical Address (if different): 362 Redwood Ln.

City/State: PRAIRIE LEA Zip: 76661

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

Email: _____

Phone Number: (512) 757-4751

- 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)

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PLEASE PRINT

Name: Norman Deese

Mailing Address: Po. Box 7.4

Physical Address (if different): 116 South main st Fentress tx

City/State: Fentress TX Zip: 78622

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Email: C Deese 1994 @ gmail. com

Phone Number: (737) 937 9243

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

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Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, March 26, 2024 3:28 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0015738001

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

From: Shenize79@gmail.com <Shenize79@gmail.com>
Sent: Monday, March 25, 2024 10:53 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0015738001

REGULATED ENTY NAME CHERRYVILLE WWTP

RN NUMBER: RN110534898

PERMIT NUMBER: WQ0015738001

DOCKET NUMBER:

COUNTY: CALDWELL

PRINCIPAL NAME: PLUM CREEK CALDWELL LP

CN NUMBER: CN606050938

NAME: Scott D Henize

EMAIL: Shenize79@gmail.com

COMPANY:

ADDRESS: 721 BURLESON ST
SAN MARCOS TX 78666-4334

PHONE: 5125576642

FAX:

COMMENTS: To whom it may concern, As a 33 year citizen of San Marcos, I am deeply disturbed by the number of developments in the area that have lowered our water quality and threatened the vibrant life of the San Marcos River. I have seen many developers come and go and leave us with the spoils of their ill gotten gains. The Cherryville development when completed will have a larger population than Lockhart- this is a giant development that was not well planned initially. Not only will they have issues with obtaining water their sewage demands will be enormous. If I understand correctly, they're requesting to increase their permit from roughly 160,000 gallons of discharge to over 3 million gallons per day into a tributary of the San Marcos River. That's almost 19 times the amount that was negotiated and approved earlier. TCEQ cannot approve such an outrageous amount! As an avid paddler and angler, the crown jewel of San Marcos is its river. Its beauty, tranquility and recreation that thousands of people enjoy every day will be jeopardized by the short sighted vision of a poorly planned development. They need to deal with their treated sewage on their own property, not send it down the river to destroy fish, and other wildlife. The alternatives to degrading the river are available and should be used and the cost of transforming treated water into irrigation can be passed on to the consumer. In 1990 I was at the famous city council meeting for Save Our Springs when Barton Springs was being threatened by the Barton Creek PUD. After an all night meeting, the council rejected this planned development. They were overwhelmed by the number of citizens who united in the fight against polluting the Spring that was the heart of the city. I hope that citizens will speak out against the Cherryville development polluting our river in the same manner.

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WQ0015738001

PLEASE PRINT

Name: Virginia Parker

Mailing Address: 2275 Ridgecrest St., San Marcos TX 78666

Physical Address (if different): _____

City/State: San Marcos TX Zip: 78666

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

Email: Virginia @ sanmarcosriver.org

Phone Number: (210) 860 4575

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

If yes, which one? San Marcos River Foundation

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

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

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Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, March 26, 2024 4:36 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number WQ0015738001
Attachments: 3.25.24. Plum Creek Caldwell. SMRF comments_ old cherryville.pdf

Attachment = comment
eComment = comment

From: PUBCOMMENT-OCC
Sent: Monday, March 25, 2024 5:06 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 WQ0015738001

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

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From: virginia@sanmarcosriver.org <virginia@sanmarcosriver.org>
Sent: Monday, March 25, 2024 2:00 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0015738001

REGULATED ENTY NAME CHERRYVILLE WWTP

RN NUMBER: RN110534898

PERMIT NUMBER: WQ0015738001

DOCKET NUMBER:

COUNTY: CALDWELL

PRINCIPAL NAME: PLUM CREEK CALDWELL LP

CN NUMBER: CN606050938

NAME: Virginia Parker

EMAIL: virginia@sanmarcosriver.org

COMPANY: San Marcos River Foundation

ADDRESS: 2275 RIDGECREST ST
SAN MARCOS TX 78666-4955

PHONE: 2108604575

FAX:

COMMENTS: The San Marcos River Foundation comments with regards to this permit request are attached below. In addition to our comments below, we'd like to point out that there are flooding concerns for our members, Nancy and Michael Ohlendorf, who own land and live within 1 mile of the effluent discharge. In the previous settlement with Cherryville there was a private agreement between Mr. Cherry (Cherryville) and the Ohlendorfs with regards to stormwater planning. We are concerned that with this new amended permit that settlement agreement will not be upheld. In addition, there are additional concerns of increased flood impact on Dickerson Creek with the significant increase in the requested effluent. Impacts to the Ohlendorf farm should be considered with this new amendment, and we would like the previous settlement agreements to be upheld.

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

March 25, 2024

Via: Online Submission Form

RE: Comments on the Application and Draft Permit of Plum Creek Caldwell, LP for the Major Amendment to TPDES Permit No. WQ0015738001.

Dear Ms. Gharis:

These comments are submitted on behalf of the San Marcos River Foundation (SMRF) for the Application and Draft Permit of Plum Creek Caldwell, LP, for proposed major amendment to TPDES Permit No. WQ0015738001. SMRF is a non-profit organization that was established to protect public access to and to preserve the San Marcos River. More specifically, SMRF works to protect the flow of aquifer fed springs into the San Marcos River, improve the water quality of the river, and protect the beauty of the river and nearby parks. A large part of SMRF's work involves water quality monitoring and scientific studies aimed at improving the quality of effluent discharged from wastewater facilities. SMRF is concerned that the proposed major amendment to WQ0015738001 will impede the organization's ability to continue protecting the water quality of the San Marcos River.

Plum Creek Caldwell LP has applied for a major amendment to discharge permit TPDES Permit No. WQ0015738001 ("the Draft Permit"), to authorize wastewater discharge at a volume not to exceed 3,080,000 gallons per day in the final stage. The Draft Permit would allow the discharge of treated effluent into Dickerson Creek thence to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin.

SMRF is concerned about the impacts that the Draft Permit will have on the water quality of the receiving waters, most notably the San Marcos River, and the impacts that the Draft Permit will have on their members and others who enjoy the river. Many of these concerns stem from the high levels of nutrient pollution permitted in the Draft Permit and the impacts that this will have on water quality, wildlife, and the ability of SMRF members to continue using the receiving waters as they do now. The algae, odor, harm to aquatic and terrestrial wildlife, and increased turbidity of the receiving waters from the proposed discharge would harm the interests of SMRF, and their members. SMRF is also concerned that the Draft Permit will harm its members that live along and own property along Dickerson Creek due to the increase in volume of effluent and impacts to water quality.

In these comments, SMRF highlights some of the ways, and Draft Permit for proposed TPDES Permit No. WQ0015738001 violates applicable TCEQ regulations and leaves the receiving waters at high risk from nutrient pollution and other hazards.

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

Elevated levels of Carbonaceous Biochemical Oxygen Demand (CBOD), Total Suspended Solids (TSS), nitrogen and phosphorus from treated wastewater, like the levels allowed in the Draft Permit, cause increased algal growth, proliferation of cyanotoxins, and increased murkiness in water. U.S. ENVIRONMENTAL PROTECTION AGENCY, A COMPILATION OF COST DATA ASSOCIATED WITH THE IMPACTS AND CONTROL OF NUTRIENT POLLUTION (2015). The discharge of pollutants allowed in the Draft Permit will impair water quality in the receiving waters, harm the existing biological communities, and impair any agricultural, fishing, and contact and noncontact recreation uses of the receiving waters.

SMRF is concerned that there is no limit on total phosphorus for the wastewater effluent permitted in the Draft Permit given the well documented detrimental impacts associated with increasing phosphorus levels in a phosphorus limited ecosystems.¹ The harmful impacts associated with the pollution from the Draft Permit are of great concern since the receiving waters of Dickerson Creek are often in low flow conditions, exacerbating the harmful impacts of the pollution.

The Draft Permit will allow wastewater sewage containing high levels of nutrients and other pollutants to be discharged into the San Marcos River, impairing the uses of the iconic Texas river. The San Marcos River is an important feature of the Texas Hill Country and currently supports active recreational use by thousands every day in summer, good fishing, and several water intakes for public and private water supplies. Use of the San Marcos River for fishing and recreation will be impaired with the increased nutrients, algae, odors, and spills that will occur if Draft Permit is issued. TCEQ needs to consider these negative impacts to surface water quality and how they will affect landowners and the recreational and tourism economy dependent upon an attractive and safe San Marcos River. TCEQ should have also conducted a Tier 2 analysis of the Draft Permit's discharge on the San Marcos River to better understand these impacts. 3 million gallons of wastewater per day is a lot of water, and the discharge, along with its contaminants, will surely reach the San Marcos River and harm water quality in violation of TCEQ's antidegradation rules. SMRF is also concerned that the Draft Permit will violate the Tier 1 antidegradation requirements in the San Marcos River and Dickerson Creek as well as other Texas Surface Water Quality Standards.

¹ U.S. Environmental Protection Agency, *Indicators: Phosphorus*, (last visited Apr. 11, 2022) <https://www.epa.gov/national-aquatic-resource-surveys/indicators-phosphorus>; USGS, *Phosphorus and Water*, (last visited Apr. 11, 2022) <https://www.usgs.gov/special-topics/water-science-school/science/phosphorus-and-water>; Taylor et al., *Spatial, Temporal and Experimental: Three Study Design Cornerstones for Establishing Defensible Numeric Criteria in Freshwater Ecosystems*, 2018 J. OF APPLIED ECOLOGY 1(2018); U.S. ENVIRONMENTAL PROTECTION AGENCY, AMBIENT WATER QUALITY CRITERIA RECOMMENDATIONS, INFORMATION SUPPORTING THE DEVELOPMENT OF STATE AND TRIBAL NUTRIENT CRITERIA, RIVERS AND STREAMS IN NUTRIENT ECOREGION IV 22 (2001); RYAN KING ET AL., DEVELOPMENT OF BIOLOGICAL INDICATORS OF NUTRIENT ENRICHMENT FOR APPLICATION IN TEXAS STREAM: § 106 WATER POLLUTION CONTROL GRANT #98665304 (2009); Jason Taylor et al., *Nonlinear Response of Stream Ecosystem Structure to Low-Level Phosphorus Enrichment*, 2014 FRESHWATER BIOLOGY 1 (2014).

SMRF is also concerned that the post-discharge dissolved oxygen levels will not be high enough to satisfy TCEQ's rules in light of the likelihood of increased algal blooms and increases in other oxygen demanding substances.

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

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

The Draft Permit must include a limit for total phosphorus for all phases and include a limit on total nitrogen in order to protect human health and the health of wildlife.

In the current Draft Permit, TCEQ is only requiring an effluent quality of 5 mg/L CBOD, 5 mg/L TSS, 2 mg/L Ammonia Nitrogen, in the final phase of the Draft Permit. The Draft Permit, if issued, should set limits on these pollutants at levels no less stringent than 5-5-2-0.5 for all phases of the discharge.² However, even more stringent effluent levels are achievable for total phosphorus and should be in place to better protect wildlife and human health. Ideally, to best protect a river ecosystem already overtaxed by phosphorus pollution, the total phosphorus limit should be set at .15 mg/L. A 2007 report by the U.S. Environmental Protection Agency (EPA), the agency found that wastewater treatment plants are capable of treating wastewater to reduce total phosphorus levels below .5 mg/L. U.S. EPA, ADVANCED WASTEWATER TREATMENT TO ACHIEVE LOW CONCENTRATION OF PHOSPHORUS (2007). Moreover, the impacts from increased phosphorus can be eliminated altogether with the implementation of a zero-discharge system.

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

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

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

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

Setting more stringent treatment standards would support the inclusion of a re-use provision in the Draft Permit. The higher quality treated wastewater can be sold for irrigation or industry, making it a valuable commodity for the Applicant. For example, treated wastewater can also be reused in landscape irrigation, gray water systems, and cooling towers, and presents a much better option than groundwater. There are many other uses for good quality treated wastewater, uses better than polluting the San Marcos River. With water prices skyrocketing and demand for water rising steeply, including a reuse provision in the Draft Permit would be a win-win to meet the growing demand for treated wastewater and lessen the impacts of wastewater pollution in the San Marcos River. SMRF has a settlement agreement with the original applicant for WQ0015738001 where the original applicant agreed to reuse 75% of the wastewater under a 210 Beneficial Reuse Permit. SMRF asks that the current Applicant commit to at least 75% wastewater reuse under the Draft Permit, ideally more, to signal a commitment to environmental protection and water conservation in the region.

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

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

V. THE PROPOSED DISCHARGE IS NOT PROTECTIVE OF WILDLIFE.

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

The wildlife in the San Marcos River continues to require high-quality, clear water. Wildlife such as otters, fish, sensitive mussels, benthic creatures, and other invertebrates need clean water to survive and reproduce. To avoid or minimize adverse impacts to the aquatic and terrestrial wildlife dependent on the San Marcos River, the Draft Permit, if issued, must include more

stringent effluent requirements and consider increasing dissolved oxygen to protect aquatic life uses or include reuse provisions.

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

State policy encourages and promotes the development and use of regional and area-wide waste collection, treatment, and disposal systems to prevent pollution and maintain and enhance the quality of water in the state. Tex. Water Code § 26.801(a). When considering whether to issue a discharge permit, TCEQ must consider the need for the permit and the availability of existing or proposed regional waste collection, treatment, and disposal systems. The Applicant has not demonstrated why it needs its own permit and cannot tie into existing wastewater treatment infrastructure and participate in regionalization plans already in place. On a related note, SMRF is concerned that the Applicant has not demonstrated that it needs the full permitted amount requested in the Draft Permit.

VII. SMRF IS CONCERNED THAT IT WAS NOT NOTIFIED OF THE PERMIT BEING TRANSFERRED TO PLUM CREEK CALDWELL, LP.

Under the settlement agreement between SMRF and Cherryville #5 LTD for the initial issuance of WQ0015738001, Cherryville was required to notify SMRF if the permit was to be transferred to another entity. SMRF did not receive notification that WQ0015738001 was being transferred to Plum Creek Caldwell, LP.

For the above reasons, SMRF opposes the proposed amendments to TPDES Permit No. WQ0015738001 and ask that the Application for the amendments to WQ0015738001 be denied.

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

Sincerely,

Victoria Rose
Staff Attorney
Save Our Springs Alliance
4701 Westgate Blvd.
Bldg. D, Suite 401
Austin, Texas 78745
Tel.: 512-477-2320, ext. 6
Fax: 512-477-6410
victoria@sosalliance.org

Virginia Parker
Executive Director
San Marcos River Foundation

P.O. Box 1393
San Marcos, Texas 78667
Tel.: 512-353-4628
virginia@sanmarcosriver.org

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March 26, 2024

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Amendment - Water Quality Permit Number
WQ0015738001

PLEASE PRINT

Name: Victoria Rose

Mailing Address: 4701 West Gate Blvd Unit Suite D-401

Physical Address (if different): _____

City/State: Austin TX Zip: 78745

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

Email: Victoria@SOSalliance.org

Phone Number: (936) 788 3001

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

If yes, which one? SMRF

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March 26, 2024

PLUM CREEK CALDWELL, LP
Amendment - Water Quality Permit Number
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PLEASE PRINT

Name: Robert Vasquez

Mailing Address: 475 River Grove Rd Kingsbury TX

Physical Address (if different): _____

City/State: Kingsbury TX Zip: 78638

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

Email: foundtreasuresTexas@gmail.com

Phone Number: (480) 540-2754

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

If yes, which one? _____

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

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MAR 26 2024

AT PUBLIC MEETING

- 1) ^{High} Nitrate concentrations reaching the San Marcos river and contaminating the ^{water or} ^{use in the} ^{San Marcos}
- 2) ^{High} Phosphate concentration reaching the San Marcos river
- 3) 3 million 80 thousand gallons dumping into the San Marcos and beginning to eroding my property
- 4) My well water being contaminated
- 5) Another concern, what occurs at the times that there are heavy rains, which increases the volume of water coming down Dickerson creek. This extra volume will barrage my shoreline
- 6) Is the planned treatment facility above the floodway, if not will it be ~~the~~ raised to stop the possible effluent being contaminated and reaching the San Marcos