

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Tuesday, August 26, 2025 11:59 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: TCEQ CH doc.pdf

H
RFR

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

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

From: james@bishopandbyrd.com <james@bishopandbyrd.com>
Sent: Sunday, August 24, 2025 7:47 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: James Bishop

EMAIL: james@bishopandbyrd.com

COMPANY:

ADDRESS: 1362 E. Creekview Dr.
Salado, TX 76571

PHONE: 2547187736

FAX:

COMMENTS: See attached. The previous copy/paste attempt did not layout correctly. James Bishop
1362 E. Creekview Drive Salado Texas 76571 254 718 7736

James Bishop
1362 E. Creekview Drive
Salado Texas 76571

I am requesting a contested hearing/reconsideration for permit number **WQ0016524001**
Mustang Springs Utility LLC
Jaffe Interests, LP

As an affected party I have 170 liner ft of mustang creek (new sewer route) on my property and am within 3 miles of the discharge point of the pollutants. I am greatly concerned for the health and safety of my family and animals. We use this creek for recreation all year around. With the typical low flowing nature of the natural spring feed, critical habitat watershed, the creek would now be a large majority pollutant discharge leaving it unusable/enjoyable for my family. We will now spend time trying to keep our children and animals out of the creek instead of enjoying it. We are on a water well with the potential for this pollution discharge to seep into water. We are also well with in the perimeters for nuisance and potential hazardous airborne pollutants. Our property also falls in the listed critical habitat for the federal endangered Salado Salamander. Beyond common decency of not altering a family's property to the point of no longer being able to use it for its intended purchase reason, I have several issues with the permit that must be addressed.

Reasons for major concern and reconsideration to deny this permit:

EPA/USFWS authority of federal endangered species Salado Salamander and potentially Cicurina Spider (blind spider)

In formal response to comment 9 TCEQ replied that:

The USFWS and TPWD were afforded an opportunity to review the permit application and proposed permit. Neither of these agencies expressed concern about the discharge's effects on wildlife in the area.

After speaking with USFWS I found that though the EPA did receive notice approximately September 16 of 2024, it was not sent to USFWS for review and consultation. Per TCEQ agreement with the EPA any new species added to the Federal endangered species list after the 1998 BO REQUIRES the TCEQ to get consultation with USFWS for pollutant discharge. The Salado Salamander was added in 2014 to the endangered species list and a critical habitat established in 2021. These procedures must be followed. If this is allowed to continue, it will open the flood gates for pollutant discharge into federal protected watersheds without federal review and consultation. It cannot be undone at that point. It must be corrected for this permit. We have been told in public hearing and now in written response by TCEQ that USFWS has no concern for the endangered species pertaining to this permit. This was brought up during comments at the public hearing in February of 2025. Multiple Protestants requested the formal response from USFWS with nothing

produced. There has been no consultation between USFWS and TCEQ as required. Code of federal regulations, title 50, part b, section 402.16
re-initiation of consultation

Major Concern for Public Health of infectious disease pandemic levels have not been addressed

My formal comment about a major concern for the spread of infectious diseases having the possibility of large increased risk was not addressed at all. According to the CDC and the NWSS these pathogens are found in our sewers. We also know they are airborne. According to the National Institutes of Health/US National Science foundation funded research by Rutgers university has been conducted on bio-films in sewer pipe containing antibiotic resistant bacteria that can withstand standard treatment processes potentially leaving sewer facility workers and the public exposed to health risks (NSF Story's July 15 2020 and Royal Society of chemistry issue 8 2020 Environmental Science: water research and technology). There are thousands of people who could be potentially affected by this, which has not been addressed. According to the article, even with facility measures taken the potential for overflow in time of heavy rain or plant failure could also be a serious concern during an outbreak. This must be addressed. For these reasons the permit should be denied.

As for pollutants in our well water:

we have been told on several occasions our well water should be safe from these pollutants, entering our aquifers with zero actual evidence or real science to prove that is the case. The applicant's pollutant discharge cannot legally pollute our drinking water as per TCEQ and EPA requirements. TCEQ has warned citizens to have their well water consistently tested if the sewage is allowed to be discharged into our creek in response to public comments. This sounds like TCEQ knows the risk is real. From what I've seen TCEQ can no more guarantee me it won't affect my drinking water than I can guarantee it will. I believe the information we have received is at best a guess. If there is even a chance of contamination of our drinking water this permit should be denied immediately.

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Tuesday, August 26, 2025 11:58 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

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From: james@bishopandbyrd.com <james@bishopandbyrd.com>
Sent: Sunday, August 24, 2025 7:16 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: James Bishop

EMAIL: james@bishopandbyrd.com

COMPANY:

ADDRESS: 1362 E. Creekview Dr.
Salado, TX 76571

PHONE: 2547187736

FAX:

COMMENTS: James Bishop 1362 E. Creekview Drive I am requesting a contested hearing/reconsideration for permit number WQ0016524001 Mustang Springs Utility LLC Jaffe Interests LP As an affected party I have 170 liner ft of mustang creek (new sewer route) on my property and am within 3 miles of the discharge point of the pollutants. I am greatly concerned for the health and safety of my family and animals. We use this creek for recreation all year around. With the typical low flowing nature of the natural spring feed, critical habitat watershed, the creek would now be a large majority pollutant discharge leaving it unusable/enjoyable for my family. We will now spend time trying to keep our children and animals out of the creek instead of enjoying it. We are on a water well with the potential for this pollution discharge to seep into water. We are also well within the perimeters for nuisance and potential hazardous airborne pollutants. Our property also falls in the listed critical habitat for the federal endangered Salado Salamander. Beyond common decency of not altering a families property to the point of no longer being able to use it for its intended purpose reason, I have several issues with the permit that must be addressed. Reasons for major concern and reconsideration to deny this permit: EPA/USFWS authority of federal endangered species Salado Salamander and potentially Cicurina Spider (blind spider): In formal response to comment 9 TCEQ replied that: The USFWS and TPWD were afforded an opportunity to review the permit application and proposed permit. Neither of these agencies expressed concern about the discharge's effects on wildlife in the area. After speaking with USFWS I found that though the EPA did receive notice approximately September 16 of 2024, it was not sent to USFWS for review and consultation. Per TCEQ agreement with the EPA any new species added to the Federal endangered species list after the 1998 BO REQUIRES the TCEQ to get consultation with USFWS for pollutant discharge. The Salado Salamander was added in 2014 to the endangered species list and a critical habitat established in 2021. These procedures must be followed. If this is allowed to continue it will open the flood gates for pollutant discharge into federal protected watersheds without federal review and consultation. It cannot be undone at that point. It must be corrected for this permit. We have been told in public hearing and now in written response by TCEQ that USFWS has no concern for the endangered species pertaining to this permit. This was brought up during comments at the public hearing in February of 2025. Multiple Protestants requested the formal response from USFWS with nothing produced. There has been no consultation between USFWS and TCEQ as required. Code of federal regulations, title 50, part b, section 402.16, Re-initiation of consultation Major Concern for Public Health of infectious disease pandemic levels have not been addressed: My formal comment about a major concern for the spread of infectious diseases having the possibility of large increased risk was not addressed at all. According to the CDC and the NWSS these pathogens are found in our sewers. We also know they are airborne. According to the National Institutes of Health/US National Science foundation funded research by Rutgers university has been conducted on bio-films in sewer pipe containing antibiotic resistant bacteria that can withstand standard treatment processes potentially leaving sewer facility workers and the public exposed to health risks (NSF Story's July 15 2020 and Royal Society of chemistry issue 8 2020 Environmental Science: water research and technology). There are thousands of people could be potentially affected by this, which has not been addressed. According to the article, Even with facility measures taken the potential for overflow in time of heavy rain or plant failure could also be a serious concern during an outbreak. This must be addressed. For these reasons the permit should be denied. Pollutants in our well water: We have been told on several occasions our well water should be safe from these pollutants entering our aquifers with zero actual evidence or real science to prove that is the case. The applicants pollutant discharge cannot legally pollute our drinking water as per TCEQ and EPA requirements. TCEQ has warned citizens to have their well water consistently tested if the sewage is allowed to be discharged into our creek in the response to public comments. This sounds like TCEQ knows the risk is real. From what I've seen TCEQ can no more guarantee me it won't affect my

drinking water than I can guarantee them it will. I believe the information we have received is at best a guess. If there is even a chance of contamination of our drinking water this permit should be denied immediately.

(6)

TCEQ Registration Form

February 3, 2025

MUSTANG SPRINGS UTILITY LLC PROPOSED WATER QUALITY PERMIT WQ0016524001

PLEASE PRINT

Name: James Bishop

Mailing Address: 1362 E. Creekview Dr.

Physical Address (if different): _____

City/State: Salado Texas Zip: 76571

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

Email: James@bishopandbyrd.com

Phone Number: (254) 718 7736

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

If yes, which one? _____

☒ Please add me to the mailing list.

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

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

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

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

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Monday, February 3, 2025 8:51 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016524001

From: james@bishopandbyrd.com <james@bishopandbyrd.com>
Sent: Sunday, February 2, 2025 3:01 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: James Bishop

EMAIL: james@bishopandbyrd.com

COMPANY:

ADDRESS: 1362 E. Creekview Dr.
Salado, TX 76571

PHONE: 2547187736

FAX:

COMMENTS: My name is James Bishop. I live at 1362 E. Creekview Drive in Salado. The Applicants proposed discharge body of water, Mustang Creek, runs over 170 feet on my property here in Hidden Springs Neighborhood. My family and I were shocked that this proposed facility would even be considered to pollute our waterways that have been worked so hard on to protect. I highly oppose this plant and demand to be considered an affected party. First, I would like to address the permit application

and its discrepancies. Your applicant has listed the discharge point, Mustang Creek, as murky with seasons of total dryness and non-contact use recreationally. This could not be further from the truth. We have lived on and enjoyed this creek for almost 10 years now. It is a perfectly clear, spring-fed body of water with perennial pools full of life. It contains protected species such as the Salado Salamander and the Blind Salamander in the aquifer just below the surface. I believe the Salado Salamander has been adopted to the Federal protected species list. Has the FWS (Fish and Wildlife Services) or an appropriate Federal protected species agency been contacted about TCEQ plan to allow the dumping of pollutants into these areas containing the protected species? There is also a State of Texas monitored snail, only found in our creek, a couple properties up from mine, coming directly out of a spring. Has TCEQ been in contact with TPWD (Texas Parks and Wildlife Division) about this matter? Has TCEQ done their research on this or are they taking the applicant to his/her word? For example, an increase in phosphorous would choke these areas with algae. This would be catastrophic to our wildlife in both Mustang and Salado Creek. Has this been considered? I was shocked to read how many sewer plant failures and infractions under TCEQ have happened. Has TCEQ run a risk model on this plant? Is it worth it knowing the impact on human life and wildlife, including protected species? The very thought of using Mustang Creek as a sewer pipe is beyond comprehension. Our entire neighborhood lives off of water wells. There are many in the Edwards aquifer just below the surface. With the many springs, crevices, and fractures along our Mustang Creek bottom how is the TCEQ going to guarantee us that the horrific chemicals used to treat the raw sewage accompanying the pollutant discharge will not seep into our drinking water? Will this discharge be constantly monitored by TCEQ to see at what levels these dangerous chemicals are being released, given TCEQ's track record of infractions and failures? In this application or executive notes on the draft permit approval there is no mention of a contracted operator. Did TCEQ approve this draft permit without the most important part of the plant function, the operator? The operator is also responsible for one of the most important parts of the plant, THE BACK UP POWER. What does this back up system look like? How many generators will be used at what amperage? How does this compare to the fully functional plant draw? How many thousands of gallons of diesel will it take to run the plant generators and for how long? A TCEQ operational permit would also solidify the degradation of my property along with everyone in Hidden Springs neighborhood. This would completely alter the land from intended use when purchased. We can no longer safely get in the water or explore Mustang Creek that will be full of pollutants. Does TCEQ recommend swimming in the pollutant discharge? This also leads to a devaluation of my property and many others. Who will be compensating citizens for this if this tragedy is allowed to move forward? Beyond the filth from the functional sewer plant discharge, planned to be released on my property, we are all at high risk of one (unnamed) operator mistake or one bad storm causing a more potent toxic mix of chemicals and human waste, or an all-out plant failure, dumping raw sewage into my neighborhood and onto my property straight through to the Village of Salado's biggest asset, Salado Creek. In this time of COVID, has TCEQ considered the risk of spread of infectious disease found in human waste for their approval? Would we now be at a much greater risk of these pandemic-level diseases? Especially in the case of a plant malfunction? And all this for WHAT?? ONE DEVELOPER'S PROFIT! Not one citizen of the Village of Salado or its surrounding areas will benefit from this sewer plant, and we are carrying ALL the RISK! TCEQ is required not only to protect our very few unpolluted water ways we have left, but also to protect the GREATER GOOD of our citizens. There is common ground to be found between the developer and the citizens of Salado and the surrounding area. This permit should be canceled immediately. The developer can use OSSF (septic) systems for his property. This will allow the developer to make his profits while keeping the pollutants on his property, the Village to get their tax revenue, and remove all the UNJUST RISK from the citizens. There is not a single reason this would not work. The development can completely handle these individual septic systems. I pray that TCEQ Commissioners would keep the best interest of the people of Salado and all who survive off our most precious Edwards Aquifer at the forefront of their decision.

Reviewed By GCW

FEB 14 2025

IP No. 300456

Name BISHOP JAMES

Organization

Title

IP Detail	Address	Electronic Communications	Items & Actions	Additional IDs	Counties	Customers & Regulated Entities
Request Received Date		02/02/2025		Last Polling Date		Legislator
Comment						
Save		Reset				
Individual						
Name	Prefix	Suffix	Title	Organization	Concerned Citizen	Delete
BISHOP JAMES					NO	X
Add...						
Address						
Street/PO Box	1362 E CREEKVIEW DR			State	TX	Zip 76571-6179
City	SALADO			Country	USA	
Building/Mail Drop				Multiple Addresses	No	
Electronic Communications						
Type	PHONE			Country	Phone (254) 718-7736	Ext.
Type				Country	Fax	Ext.
Type	EMAIL james@bishopandoyrd.com					

IP No. 300456

Name BISHOP, JAMES

Organization

Title

IP Detail

Address

Electronic Communications

Items & Actions

Additional IDs

Counties

Customers & Regulated Entities

Items

Show more columns

Number	Program	ID Type	Additional ID	Principal	CN	Status	Active	Comments	Delete
137935	WWPERMIT	PERMIT	WQ0016524001	JAFFE INTERESTS LP	CN600749410	ACTIVE	YES	NO	X

Associate...

Actions

Date/Time	Type	Delivery	Acknowledgement	Comments	Documents	Delete
02/03/2025 07:30 PM	COMMENT - ORAL ENGLISH	ATTEND PM	-	NO	NO	X
02/03/2025 07:00 PM	MAILING LIST ADD	ATTEND PM	-	NO	NO	X
02/02/2025 03:01 PM	COMMENT - WRITTEN ENGLISH	ECOMMENT	-	YES	NO	X
02/02/2025 02:00 PM	TBD	ECOMMENT	-	YES	YES	X

Add...

Edit Protestant Comments

Comments

My name is James Bishop. I live at 1362 E. Creekview Drive in Salado. The Applicants proposed discharge body of water, Mustang Creek, runs over 170 feet on my property here in Hidden Springs Neighborhood. My family and I were shocked that this proposed facility would even be considered to pollute our waterways that have been worked so hard on to protect. I highly oppose this plant and demand to be considered an affected party.

First, I would like to address the permit application and its discrepancies. Your applicant has listed the discharge point, Mustang Creek, as murky with seasons of total dryness and non-contact use recreationally. This could not be further from the truth. We have lived on and enjoyed this creek for almost 10 years now. It is a perfectly clear, spring-fed body of water with perennial pools full of life. It contains protected species such as the Salado Salamander and the Blind Salamander in the aquifer just below the surface. I believe the Salado Salamander has been adopted to the Federal protected species list. Has the FWS (Fish and Wildlife Services) or an appropriate Federal protected species agency been contacted about TCEQ plan to allow the dumping of pollutants into these areas containing the protected species? There is also a State of Texas monitored snail, only found in our creek, a couple properties up from mine, coming directly out of a spring. Has TCEQ been in contact with TPWD (Texas Parks and Wildlife Division) about this matter? Has TCEQ done their research on this or are they taking the applicant to his/her word? For example, an increase in phosphorous would choke these areas with algae. This would be catastrophic to our wildlife in both Mustang and Salado Creek. Has this been considered? I was shocked to read how many sewer plant failures and infractions under TCEQ have happened. Has TCEQ run a risk model on this plant? Is it worth it knowing the impact on human life and wildlife, including protected species?

The very thought of using Mustang Creek as a sewer pipe is beyond comprehension. Our entire neighborhood lives off of water wells. There are many in the Edwards aquifer just below the surface. With the many springs, crevices, and fractures along our Mustang Creek bottom how is the TCEQ going to guarantee us that the horrific chemicals used to treat the raw sewage accompanying the pollutant discharge will not seep into our drinking water? Will this discharge be constantly monitored by TCEQ to see at what levels these dangerous chemicals are being released, given TCEQ's track record of infractions and failures? In this application or executive notes on the draft permit approval there is no mention of a contracted operator. Did TCEQ approve this draft permit without the most important part of the plant function, the operator? The operator is also responsible for one of the most important parts of the plant, THE BACK UP POWER. What does this back up system look like? How many generators will be used at what amperage? How does this compare to the fully functional plant draw? How many thousands of gallons of diesel will it take to run the plant generators and for how long?

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Beyond the filth from the functional sewer plant discharge, planned to be released on my property, we are all at high risk of one (unnamed) operator mistake or one bad storm causing a more potent toxic mix of chemicals and human waste, or an all-out plant failure, dumping raw sewage into my neighborhood and onto my property straight through to the Village of Salado's biggest asset, Salado Creek. In this time of COVID, has TCEQ considered the risk of spread of infectious disease found in human waste for their approval? Would we now be at a much greater risk of these pandemic-level diseases? Especially in the case of a plant malfunction? And all this for WHAT?? ONE DEVELOPER'S PROFIT! Not one citizen of the Village of Salado or its surrounding areas will benefit from this sewer plant, and we are carrying ALL the RISK! TCEQ is required not only to protect our very few unpolluted water ways we have left, but also to protect the GREATER GOOD of our citizens. There is common ground to be found between the developer and the citizens of Salado and the surrounding area. This permit should be canceled immediately. The developer can use OSSF (septic) systems for his property. This will allow the developer to make his profits while keeping the pollutants on his property, the Village to get their tax revenue, and remove all the UNJUST RISK from the citizens. There is not a single reason this would not work. The development can completely handle these individual septic systems. I pray that TCEQ Commissioners would keep the best interest of the people of Salado and all who survive off our most precious Edwards Aquafer at the forefront of their decision.

Documents

File Name

Remove

[salado creek discharge point.JPG](#)

X

1-1 of 1 records

Page 1 of 1

1

5

+ Choose File

Drag & Drop files to the box above to upload, or select Choose File

OK

Reset

Cancel

A black and white photograph of a creek, identified as Salado Creek. The creek flows from the background towards the foreground, with a grassy bank on the right side. The background is filled with bare trees under a bright sky. A large, dark, stylized text box is overlaid on the upper portion of the image.

**Salado Creek
Discharge
Point
2/1/2025**

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 4:44 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

H

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

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From: pjbishop50@yahoo.com <pjbishop50@yahoo.com>
Sent: Wednesday, August 27, 2025 10:44 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Patricia K Bishop

EMAIL: pjbishop50@yahoo.com

COMPANY:

ADDRESS: 1410 East Creekview Drive
Salado, TX 76571

PHONE: 2547607483

FAX:

COMMENTS: Patricia Bishop 1410 East Creekview Drive Salado, Texas [76571] (254)760-7483 RE: Mustang Springs Utility, LLC and Jaffe Interests, LP TPDES Permit No. WQ0016524001 Dear Sirs: I request a contested case hearing in regard to the above TPDES Permit No. WQ0016524001. I am writing in protest to Mustang Springs Utility, LLC and Jaffe Interests, LP's proposal to build a Pollutant Discharge Elimination System that will dump an entire planned subdivision's sewage into Salado's pristine, spring-fed Mustang Creek. The new Mustang Springs subdivision is located a few miles upstream from my home in Hidden Springs Subdivision. Mustang Creek runs through the back acreage of my property. My grandchildren and other children in our subdivision explore and play in the shallow, spring-fed waters of Mustang Creek. The thought of polluting this treasure with the filth from Mustang Springs Pollutant Discharge Elimination System is devastating. I demand to be considered as an "affected party" of the proposed Pollutant Discharge Elimination System as the pollutant discharge is intended to be released onto my property. The approval would completely abolish the intended use I had for my property when I purchased it. The stench and filth will destroy the unspoiled quality of life homeowners have enjoyed, as well as distress property values throughout Hidden Springs Subdivision. I find it hard to believe that the Environmental Protection Agency and the United States Fish and Wildlife Service have signed off on this Permit. The Salado Salamander is on the Federal Endangered Species list and has caused officials in Salado to be very protective of Salado's creeks. This endeavor by Mustang Springs Utility, LLC and Jaffe Interests, LP not only could potentially harm the existence of this Salamander, but endanger the flourishing wildlife that exists in this area. It has been revealed that Jaffe Interests, LP has future plans to expand Mustang Creek Subdivision, adding hundreds more homes dumping sewage into the spring-fed creeks of Salado. Mustang Springs Utility, LLC and Jaffe Interests, LP have a right to do as they please so long as it does no harm to others and does not affect the rights of others. Their rights end where others' rights begin. The U.S. Environmental Protection Agency states that owners of rivers, streams and creeks cannot pollute the water in a way that affects downstream users, as they have a duty to pass on the flow of water without obstruction or pollution that impacts the "rights of others". This principle is part of the Riparian Water Rights System, which emphasizes reasonable use and protection of water quality for all users. While riparian owners have rights to use the water, they cannot legally pollute it in a way that harms downstream users. Discharging waste, chemicals, or other harmful substances into the water is prohibited by the Clean Water Act, as it degrades water quality for all users and harms the ecosystem. The EPA states that downstream owners can take legal action against upstream polluters if their water rights are violated. This can include seeking damages or requiring the polluter to cease harmful activities. Because Mustang Creek runs through the lower acreage of my property, I want it made known to all those involved in TPDES Permit No. WQ0016524001 that I do not give Permission or Right-of-Way for Mustang Springs Utility, LLC and Jaffe Interests, LP to pass their treated waste water through my property by way of Mustang Creek. I refuse to give up any of my rights. My hope is, if Dark Waters are discovered in Mustang Creek, that all Riparian Owners will group together to take legal action against all individuals involved in the Permitting of WQ0016524001. Thank you for your attention to this matter, Patricia Bishop

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Tuesday, February 11, 2025 3:36 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Georgetown says more than 90,000 gallons of wastewater spilled into Berry Creek | FOX 7 Austin

From: Patricia Bishop <pjbishop50@yahoo.com>
Sent: Tuesday, February 11, 2025 12:32 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Fw: Georgetown says more than 90,000 gallons of wastewater spilled into Berry Creek | FOX 7 Austin

Regarding: RN111677324
Permit # WQ0016524001
JAFTE INTERESTS LP

Subject: Georgetown says more than 90,000 gallons of wastewater spilled into Berry Creek / FOX 7 Austin
(See attachment below)

Dear Sirs:

This news article below validates the concerns the citizens of Salado have against the proposal to build a Pollutant Discharge Elimination System that will dump an entire planned subdivision's sewage into Salado's pristine spring-fed Mustang Creek. The possibilities of this very disaster must be addressed by the TCEQ when considering the approval of Permit WQ0016524001. Because a failsafe option exists with On Site Sewer Facility Systems (OSSF), the proposed TPDES should not even be considered.

JAFTE INTERESTS LP articulated at the last town meeting that the Pollutant Discharge Elimination System can be expanded to take on future development plans, i.e. to expand Mustang Springs subdivision, etc. Their objective for the TPDES is not for health or safety reasons, but it is for their financial gain! JAFTE INTERESTS LP obviously cares nothing for human or animal life.

Because a reasonable and better option exists with OSSF, it is the obligation of TCEQ to deny the proposed TPDES and require JAFTE INTERESTS to utilize On Site Sewer Facility Systems. The earth is equipped to eradicate human and animal waste; but the water could be irreparably polluted. The well-being of families and wildlife must take precedence over greed.

Thank you for your attention and concern in this matter,
Patricia Bishop

1410 East Creekview Drive
Salado, Texas 76571
pjbishop50@yahoo.com
(254)760-7483

<https://www.fox7austin.com/news/georgetown-90000-gallons-wastewater-spill-berry-creek>

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Tuesday, January 28, 2025 4:54 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: Public_Servant_Questionnaire_Generic_Template.docx

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: pjbishop50@yahoo.com <pjbishop50@yahoo.com>
Sent: Tuesday, January 28, 2025 3:18 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WRRF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Patricia Bishop

EMAIL: pjbishop50@yahoo.com

COMPANY:

ADDRESS: 1410 East Creekview Drive
Salado, TX 76571

PHONE: 2547607483

FAX:

COMMENTS: I am writing in protest to JAFFE INTERESTS LP's proposal to build a Pollutant Discharge Elimination System that will dump an entire planned subdivision's sewage into Salado's pristine spring-fed Mustang Creek. The new Mustang Springs subdivision is located a few miles upstream from my home in Hidden Springs Subdivision. Mustang Creek runs through Hidden Springs Subdivision and continues on into the entire city of Salado and into downtown Salado, Texas. Mustang Creek is one of the focal points of Salado as these spring-fed creeks are the "major tourist attraction" for the city. Mustang Creek is recreationally used year-round by families with small children in direct contact with these waters. In this age of Covid, discharge of pollutants in these waters is a major problem and will most definitely become a Health Concern. As I am located on East Creekview Drive, the filth from Mustang Springs Pollutant Discharge Elimination System is planned to be running through the back of my property. I demand to be considered as an "affected party" of the proposed Pollutant Discharge Elimination System as the pollutant discharge will be released onto my property. This will cause a devastating degradation of my land. The approval would completely change the intended use I had for my property when I purchased it. The stench and filth will destroy the unspoiled quality of life homeowners have enjoyed and lower property values throughout Hidden Springs Subdivision. JAFFE INTERESTS LP's Application's description of the condition and use of Mustang Creek is grossly inaccurate. They state the condition of Mustang Creek is "murky". That could not be further from the truth. Mustang Creek is clear, spring-fed waters. The creek has always sustained perennial pools teeming with life. Mustang Creek is home of the protected Salado Salamander and the Blind Salamander!! This protected species will not survive this proposed Pollutant Discharge Elimination System. This proposed TPDES should not even be considered as there is another better option with On Site Sewer Facility (OSSF) systems that Mustang Springs subdivision should be utilizing. This eliminates every problem that could, and will, occur with TPDES. The risk of plant failure with TPDES due to an "unnamed" plant operator responsible for backup power can only result in havoc. ALL OF THIS FOR ONE MAN'S PROFIT?! There is not one citizen of Salado, that is not financially involved in this endeavor, that approves of this Proposal.

Public Servant Questionnaire

This questionnaire must be filled out by any public servant before s/he can ask any questions of First Middle Last Name, Trustee/Secure Party/Bailor. This Questionnaire is not specific to you, this is the general policy and procedure of the aforementioned private wo/man with all public Servants in any type of public relations. This Questionnaire is provided authorized under Federal law including the Privacy Act, [5 U.S.C. 552a, 88 Stat. 1896, et seq., 1974], as well as applicable state laws. This is not a failure to cooperate but rather a provision to establish the capacity in which we are contracting as well as open and fair dealing under the Good Faith Oxford, Clean Hands, and Fair Dealings Doctrines. A blank copy of this documentation is also on record with the Secretary of State as a matter of public record under necessity as a matter of established policy and procedure.

1. Public servant's full legal name: _____
2. Public servant's residence address: _____
3. Name of Agency: _____
4. ID number: _____
5. Badge Number: _____
6. Bonding agency and number: _____
7. Full legal name of supervisor and office address: _____
8. Will you as a public servant uphold the constitution of the United States? ☐ Yes ☐ No
9. Will you as a public servant furnish a copy of the law or regulation that authorized the action being taken or information requested in this case? ☐ Yes ☐ No
10. Will you as a public servant provide in writing that portion of the law authorizing the questions asked? ☐ Yes ☐ No
11. Are the answers to your questions voluntary or mandatory? ☐ Voluntary ☐ Mandatory
12. What will be the effect upon me if I should not choose to answer any or all of these questions? _____
13. Are the questions being asked based upon a specific law or regulation or are they a discovery process? ☐ Law/Regulation ☐ Discovery Process
14. If based on specific law or regulation, please state: _____
15. What other uses may be made of this information: _____
16. What other agencies may have access to this information? _____
17. Name of person in government requesting this information? _____
18. Is this investigation general or special? ☐ General ☐ Special
Note: by 'general,' it means any kind of blanket investigations in which a number of persons are involved because of geography, type of business income, etc. By 'special,' it means any investigation of an individual nature in which others are involved.
19. Have you consulted, questioned, interviewed, or received information from any third party relating to this matter? ☐ Yes ☐ No
20. If yes, give identity of all such third parties: 1) _____
(Use back of sheet if more area is needed.) 2) _____
21. Do you reasonably anticipate either a civil or criminal action to be initiated or pursued based upon and of the information, which you seek? ☐ Yes ☐ No
22. Is there a file of records, information, or correspondence relating to me being maintained by this agency? ☐ Yes ☐ No
23. Is this agency using information on me, which was supplied by another agency or government source? ☐ Yes ☐ No
24. Will the public servant guarantee that no department [other than the one by which he is employed] will use the information in these files? ☐ Yes ☐ No

(Internal Use Only)

Did public servant provide proof of identity?

☐ Yes ☐ No

I hereby sign and affirm under the penalty of perjury that the answers supplied herein are true and correct in every particular.

Signature of Public Servant

Would you like a copy of this completed Questionnaire to be provided to the address you listed above? Yes ☐ No ☐

Notice: If any person or agency receives any request for information relating to the aforesaid, the aforesaid must be advised in writing before releasing such information. Failure to do so may subject you to possible civil or criminal action as provided by this act and/or other applicable law(s).

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 4:47 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: Reconsideration- Permit^N WQ0016524001.docx

RFR

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

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

From: trailsendsalado@gmail.com <trailsendsalado@gmail.com>
Sent: Wednesday, August 27, 2025 4:44 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: MRS Jacquie Chenoweth

EMAIL: trailsendsalado@gmail.com

COMPANY:

ADDRESS: 1413 Trails End
Salado, TX 76571

PHONE: 5126355037

FAX:

COMMENTS: This letter constitutes a formal request for reconsideration for Permit #WQ0016524001.

To The Texas Commission on Environmental Quality (TCEQ),

This letter constitutes a formal request for reconsideration for Permit #WQ0016524001.

As an affected party, I am deeply concerned about the potential environmental and public health consequences of the proposed wastewater treatment process and discharge location. The proximity of the discharge site to Mustang Creek, which flows into Salado Creek, poses significant risks to our community.

The effluent water, although being treated, may still contain pollutants such as pharmaceuticals, waste products, and toxic substances. The cracks and fissures combined with low water levels and dry creek bed sections of Mustang Creek exacerbate this concern, creating a pathway for contamination of surface and groundwater sources, including our wells. These actions pose a direct threat to human health through compromised drinking water and could lead to substantial cleanup costs for the Hidden Springs Community and the Village of Salado.

Furthermore, the ecological impact is equally alarming. The potential for pollutants to alter natural conditions and affect biodiversity is significant. Recent discoveries of the Endangered Blind Spider (Cicurina) and the proximity to the habitat of the Threatened Salado Salamander underscore the critical need for thorough environmental review.

The TCEQ's Executive Directors' Response to Public Comments, stating a lack of concern from these agencies, is insufficient. The assertion that relevant agencies, including the Environmental Protection Agency (EPA), the US Fish and Wildlife Service (USFWS), and the Texas Parks and Wildlife Department (TPWD), have no concerns regarding wildlife impacts requires further clarification and the release of detailed official findings from these agencies.

Salado Creek, a major attraction for both residents and tourists, is particularly vulnerable; its pristine natural spring, used for swimming and baptisms, could be severely impacted by polluted water entering the creek. The potential damage to this vital community asset and its economic impact on the Village of Salado must not be underestimated.

A viable mitigation strategy exists. Given Mustang Springs advertised lakes, containing and utilizing the effluent for irrigation within their community would be a responsible and sustainable alternative. These actions would conserve a precious resource, especially in a region where water scarcity is a growing concern. This approach would minimize the environmental risks associated with discharging the effluent into Mustang Creek, which flows into Salado Creek. We urge a thorough review of this proposal and a commitment to protecting the health and environment of our community.

Sincerely,

Charles and Jacquie Chenoweth

1413 Trails End

Salado, TX 76571

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Monday, August 11, 2025 12:05 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

RFR

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

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

From: customer12.5a@gmail.com
Sent: Sunday, August 10, 2025 12:02 PM
To: PUBCOMMENT-OCC
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: James Cooper

EMAIL: customer12.5a@gmail.com

COMPANY:

ADDRESS: 1609 Trails End
Salado, TX 76571

PHONE: 2543461692

FAX:

COMMENTS: Requesting reconsideration of the executive director's decision. My water well is located in the Trinity aquifer system. No assessment was made on the impact of the wastewater plant on the Trinity aquifer system, as per response 5 (RESPONSE 5: ...There are no applicable regulatory requirements for the Trinity Aquifer's recharge, contribution, or transition zones for this specific permit.). In other words, the executive director's decision is circumspect, limited and indicates no actual local concern for the impact of delivering millions of gallons of sewage/wastewater into the water supply local existing residents are going to be using, it's being written off as non-applicable. Yet another example of bureaucracy at work, money and progress being the only drivers considered as the land is laid waste and the predictable consequences. You people make me sick, literally.

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Tuesday, January 21, 2025 3:14 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

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: customer12.5a@gmail.com <customer12.5a@gmail.com>
Sent: Tuesday, January 21, 2025 9:34 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WRRF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: DR. James Cooper

EMAIL: customer12.5a@gmail.com

COMPANY:

ADDRESS: 1609 Trails End
Salado, TX 76571

PHONE: 2543461692

FAX:

COMMENTS: Hello TCEQ, the proposed effluent path for the Mustang Springs Wastewater Treatment Facility is contained within the back part of my property (directly involved) and will impact my house's well water which is used for drinking water, cooking, bathing, etc. JAFFE INTERESTS LP, CN600749410 has already committed an act of bad faith in the unpermitted construction of a water dam at their Mustang Springs site. Relying on them to act in good faith in managing a massive amount of water resources is a mistake and will have long-term impacts on the surrounding environment and their neighbors' health and quality of life. Is an environmental impact study being performed? -To assess aquifer porosity, aquifer drawdown, aquifer water quality including runoff contaminants and microflora, local drainage basin characteristics, wildlife impacts, road & traffic impacts, drought tolerance & fire risk (unmitigated expansion of human dwellings leads to catastrophes as per recent LA county fires), etc. I'm strongly opposed to this wastewater treatment plant plan being implemented. It will have long-term negative consequences. You're opening up a can of worms.

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Thursday, July 25, 2024 6:33 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

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: customer12.5a@gmail.com <customer12.5a@gmail.com>
Sent: Thursday, July 25, 2024 7:57 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WRRF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP,MUSTANG SPRINGS UTILITY LLC

CN NUMBER: CN600749410,CN606112068

NAME: DR. James K Cooper

EMAIL: customer12.5a@gmail.com

COMPANY:

ADDRESS: 1609 TRAILS END
SALADO TX 76571-6163

PHONE: 2543461692

FAX:

COMMENTS: Hello, I live in Hidden Springs in Salado. The Mustang Springs waste water plan will discharge directly upstream of my property's well. I don't want to drink waste water regardless of assurances as to proper waste water management. Mustang Springs has shown they don't have any integrity to follow the rules already & consistently, so why assume they would treat the water properly. I didn't move out into the country at great expense to drink someone else's shit water. Please don't allow this plan to go forward. Thank you, James Cooper 254 346 1692

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 4:45 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: TCEQ Final.pdf

RFR

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

How is our customer service? Fill out our online customer satisfaction survey at:
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From: dgrides@gmail.com <dgrides@gmail.com>
Sent: Wednesday, August 27, 2025 1:11 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Damon Dalton

EMAIL: dgrides@gmail.com

COMPANY:

ADDRESS: 1308 Mission Trl
salado, TX 76571

PHONE: 8053419483

FAX:

COMMENTS: Attached is a letter regarding a request for reconsideration. Please let me know if this was done correctly. Thank you, Damon Dalton

Jennifer and Damon Dalton
1308 Mission Trail
Salado, TX 76571
(805) 341-9483

August 27, 2025

Texas Commission on Environmental Quality
Re: Request for Reconsideration of Executive Director's Decision
Permit No. WQ0016524001

Dear TCEQ,

We are requesting reconsideration of the executive director's decision regarding Permit No. WQ0016524001.

We believe we have **affected party status** because Mustang Creek runs directly through our property, where we live and spend many hours paddle boarding, swimming, and enjoying time with our children. Our spring is also monitored by the U.S. Fish and Wildlife Service (USFWS) for wildlife preservation.

While we have several concerns, we would like to focus on the most pressing issues:

1. Impact on Endangered Species and Wildlife

Our property is home to an abundant amount of wildlife that we cherish and work hard to protect. Several species in our area are endangered or classified as critical, including the *Cicurina* blind spider, the Salado salamander, and various snail species that inhabit Mustang Creek.

From our research, it appears that the U.S. Fish and Wildlife Service, the Environmental Protection Agency (EPA), and the Texas Parks and Wildlife Department (TPWD) may not have been properly notified or consulted regarding this permit, particularly concerning Title 50, Part B, Section 402.16. We **respectfully request clarification on whether these agencies were contacted and whether an environmental impact review was completed.**

2. Water Quality and Public Health Concerns

We are deeply concerned about the effect of discharging large amounts of reclaimed water into a natural, flowing creek. Mustang Creek connects to the Edwards Aquifer, which supplies drinking water to our family and many others.

There are numerous cracks and fissures along the creek bed where contamination could easily enter our water source. Pharmaceuticals, chemicals, and pathogens—including those associated with biofilms, as highlighted in the 2020 NIH Rutgers study—pose serious risks to water safety and public health.

We were informed by TCEQ representatives that if this permit is approved, we will be required to test our water regularly. To us, this indicates significant uncertainty about the environmental impact and

safety of our drinking water. As homeowners with an aerobic septic system, we are required to comply with strict regulations and are limited in the chemicals we can use to protect our groundwater. By contrast, reclaimed wastewater from other households may contain a wide range of hazardous substances that could be discharged into Mustang Creek without sufficient safeguards.

3. Risk of Sewage Spills

Past incidents demonstrate the risks of relying on wastewater infrastructure. On January 28, 2025, Georgetown, TX, experienced a sewage spill at the Pecan Branch Wastewater Treatment Plant, which flowed into Berry Creek. The city was unaware of the spill for ten days, until a resident reported it.

During this period, private well owners were instructed to boil water or rely on distilled sources until safety could be verified. This incident underscores that spills are not a question of *if*, but *when*. Such events can cause irreparable harm to local water quality, property values, and public health.

4. Alternatives for Reclaimed Water Disposal

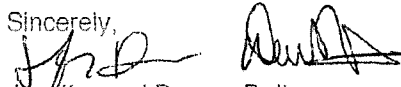
We question why the proposed reclaimed water cannot be dispersed across the 1,100 acres of available land owned by the applicant rather than being discharged into Mustang Creek. Doing so would significantly reduce environmental risk while supporting groundwater recharge.

Conclusion

The approval of this permit threatens the health of our family, the delicate ecosystem within Mustang Creek, and the value of our property. Based on our research, there is **substantial evidence** that key agencies have not been properly consulted and that potential environmental and health risks have not been adequately addressed.

We respectfully request a thorough review of these concerns and urge TCEQ to reconsider its decision regarding Permit No. WQ0016524001.

Sincerely,



Handwritten signatures of Jennifer and Damon Dalton.

Jennifer and Damon Dalton

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 4:42 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: Fieber Comments TCEQ WQ0016524001.docx

H
RFR

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

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

From: Fieber@prodigy.net <Fieber@prodigy.net>
Sent: Tuesday, August 26, 2025 9:19 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Deborah Fieber

EMAIL: Fieber@prodigy.net

COMPANY:

ADDRESS: 1605 Mission Trail
Salado, TX 76571

PHONE: 4084643928

FAX:

COMMENTS: I am requesting a Contested Case Hearing/Reconsideration of Permit #WQ0016524001.

James and Deborah Fieber
1605 Mission Trail
Salado, TX 76571
408-464-3928

We are requesting a Contested Case Hearing/Reconsideration for Mustang Springs Utility, LLC and Jaffe, LP, TPDES Permit # WQ0016524001.

We have Affected Party status because we will be directly affected by this WWTP as Mustang Creek runs through our property. Our family spends time in this creek, we find arrowheads and other tribal artifacts in this creek, and USFWS monitors the springs on our property for wildlife.

We recently received an email from the USFWS scientist that comes to our property telling us of a new discovery in/near the springs on our property. It is an Endangered blind spider (Cicurina). Also present in these springs is an Imperiled snail (Phreatodrobia bulla) and the entirety of Mustang Creek is in the Critical Habitat Watershed for the Threatened Salado Salamander. With this type of protected species in direct contact with the effluent from this WWTP we were surprised to see that there was no report or comments from EPA, USFWS, or TPWD. So we did a little research. It has come to our attention that TCEQ sent the EPA a notice about this permit in September of 2024. Somehow it was never forwarded to USFWS. However, TCEQ, according to the 1998 agreement with the EPA, is REQUIRED to have DIRECT CONTACT with USFWS when dealing with an endangered/threatened species. To add to the error, TCEQ stated in the Executive Director's Response to Public Comments that "USFWS and TPWD were afforded an opportunity to review the permit application and proposed permit. Neither of these agencies expressed concern about the discharge's effects on wildlife in the area". Of course they didn't reply – THEY HAD NEVER SEEN IT! And it was TCEQ's job to make sure they saw it, and had direct contact regarding it. In 1998 TCEQ promised the EPA that they could govern themselves. Hmmm.

We are also concerned that during periods of low water flow through the creek, the majority of the water will be effluent. That will change the properties of the water and likely effect the wildlife living in and near Mustang Creek and ultimately Salado Creek, home of the Threatened Salado Salamander. A study by Rutgers University in 2020 showed that biofilm found in wastewater treatment pipes often contain harmful, antibiotic-resistant bacteria and can withstand standard treatment to disinfect waste water pipes. Not to mention the ongoing problem of pharmaceuticals that are flushed down the toilet and not currently filtered out of the effluent. These protected species don't stand a chance.

We are worried of the possible hazards (dead animals or algae blooms) in our now pristine, spring-fed creek due to "a mistake" made upstream. (My father worked in water works his entire career and he will not drink tap water due to the "mistakes" that he saw happen on a regular bases in water treatment plants) Yes, 'mistakes' happen. Sure, you can give them a hefty fine, but the lack of concern for those downstream of the WWTP is not what we expected from an agency committed to Environmental Quality. Even the best laid plans have failures and putting a Threatened Species (Salado Salamander) and Endangered Species (Blind Spider, Cicurina) at risk is unacceptable.

This property, Mustang Springs, should be required to keep all effluent on site by using purple pipe throughout the development and at each home site, using injection wells, using ponds/lakes to contain additional effluent, septic tanks on each property, and similar methods of containment. Mustang Springs is marketed as having lakes (none are currently in existence so they will have to be dug out and created). And if the effluent is as clean as we've been told it will be, the lakes will be filled with beautiful, crystal clear water. Suitable for swimming, fishing, and wildlife.

The bottom line is that TCEQ DID NOT DIRECTLY CONSULT WITH EITHER USFWS OR TPWD AND LIED ABOUT IT IN THE EXECUTIVE DIRECTOR'S RESPONSE TO COMMENTS. According to the Code of Federal Regulations, Title 50, Chapter IV, Subchapter A, Part 402, Subpart B, Section 402.16, Reinitiation of consultation is required at this point.

3

TCEQ Registration Form

February 3, 2025

MUSTANG SPRINGS UTILITY LLC PROPOSED WATER QUALITY PERMIT WQ0016524001

PLEASE PRINT

Name: James & Deborah Fieber

Mailing Address: 1605 Mission Trail

Physical Address (if different): —

City/State: Salado Zip: 76571

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

Email: fieber@prodigy.net

Phone Number: (408) 464-3928

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

If yes, which one? —

☐ Please add me to the mailing list.

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

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

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

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

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Monday, February 3, 2025 1:18 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016524001

From: fieber@prodigy.net <fieber@prodigy.net>
Sent: Monday, February 3, 2025 11:55 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Deborah FIEBER

EMAIL: [fieber@prodigy.net](mailto: fieber@prodigy.net)

COMPANY:

ADDRESS: 1605 Mission Trail
Salado, TX 76571

PHONE: 4084643928

FAX:

COMMENTS: We would like to know why this permit is moving forward when the entirety of treatment plant and all discharge is located within the boundaries of the Critical Habitat of the threatened Salado Salamander? This designation was issued by the U.S. Fish and Wildlife in 2014 (Threatened Species) and 2020 (Critical Habitat). For years, the author of the reports, Peter Diaz, with Texas Fish and Wildlife, has been monitoring the springs in the section of Mustang Creek that flows through our property. So we know

for a fact that there is aquatic activity worthy of monitoring in Mustang Creek that will be affected by this. The degradation of the water in this creek will contribute to the decline in the numbers of the Salado Salamander further downstream. Can we get a copy of the U.S. Fish and Wildlife report that is required for this permit? Several years ago this same developer proposed a waste water treatment plant that would discharge effluent into a different nearby creek. Both the previous creek (Buttermilk Creek) and current creek (Mustang Creek) flow into Salado Creek. That permit application was withdrawn in part due to the fact that there are fractures and fissures in the Salado Creek bed that allows surface water to flow directly into Edwards Aquifer. This waste water treatment plant will send effluent into Salado Creek, across these same fractures and fissures, just via a different tributary. And, to our knowledge, there has been no survey to determine if there are fractures and fissures in Mustang Creek which would also allow effluent to flow directly into the Edwards Aquifer. This means the Edwards Aquifer is still at risk, along with all the wells that are currently drawing water from it. This might create a litigious situation. The effluent from this waste water treatment plant will degrade the water flowing through our property. We bought this property specifically because it had two spring fed creeks on it. We use it in the summer to cool off and like to just sit and watch the water flow by. With the effluent traditionally causing high levels of algae growth we will not be able to enjoy the creek as we intended. And that isn't even addressing the property devaluation that will occur due to the degradation of this feature on our property. This makes us an Affected Party. All of the above mentioned issues are only from effluent discharged from a waste water treatment plant that is operating correctly. It is well documented that these types of plants worldwide are notorious for having failures and creating fatal conditions to wildlife downstream.

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Monday, February 3, 2025 8:52 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016524001

H

From: mfarmall59@gmail.com <mfarmall59@gmail.com>
Sent: Sunday, February 2, 2025 2:38 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Mark L Johnston

EMAIL: mfarmall59@gmail.com

COMPANY:

ADDRESS: P O Box 907
Salado, TX 76571

PHONE: 2547029634

FAX:

COMMENTS: I request a contested case hearing on the Mustang Springs Waste Water Permit. We live in Hidden Springs and the effluent flow will have a direct impact on our only water supply which comes from the Edwards, middle and lower trinity recharge zones. This will not only impact our community but also the entire town of Salado and other areas downstream. I cannot imagine any discharge should be acceptable in such a fragile water source area. Please give further thought to a much more restrictive

type of treatment facility that would keep the discharge out of the Mustang Creek. I understand Williamson county has much stricter rules on the treatment of wastewater and ask the same strict rules apply to this application. We would ask the same strict rules apply with 5-5-2-1 maximum limits for treated discharge with all effluent discharge retained on the Mustang Springs property.

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 4:43 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

H
RFR

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

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www.tceq.texas.gov/customersurvey

From: jjsaking4@gmail.com <jjsaking4@gmail.com>
Sent: Tuesday, August 26, 2025 10:43 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: John King

EMAIL: jjsaking4@gmail.com

COMPANY:

ADDRESS: 1346 E Creekview Dr
Salado, TX 76571

PHONE: 2544441652

FAX:

COMMENTS: John and Jeffri King 1346 E. Creekview Drive Salado, Texas 76571 jjsaking4@gmail.com 254-613-3875 Date: August 26, 2025 Texas Commission on Environmental Quality Laurie Gharis, Chief Clerk MC-105 P.O. Box 13087 Austin, TX 78711-3087 Subject: Requesting Contested Hearing/Reconsideration of Permit No. WQ0016524001 for Mustang Springs Utility, LLC and Jaffe Interests, LP— Impact to Endangered Salado Salamander, Coordination with Texas Parks and Wildlife Department and U.S. Fish and Wildlife Service, and Aquifer Impact To Whom It May Concern: I am writing as an affected party to request a contested hearing/reconsideration to the proposed issuance of Water Quality Permit No. WQ0016524001 for several key reasons. I am directly impacted by this permit because the proposed discharge will run directly into Mustang Creek, and Mustang Creek is located on my property (approximately 170 linear feet). Mustang Creek is a sensitive ecological feature that contributes to the Edwards Aquifer recharge zone and provides an important habitat for endangered species, including, but not limited to, the Salado Salamander. This salamander species, which is federally listed under the Endangered Species Act (ESA), depends on clean, clear, spring-fed waters. Any discharge into Mustang Springs will degrade water quality, alter the spring's hydrology, and contribute to the decline of this already imperiled species. Please ensure coordination and consultation has occurred with the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife since this permitted activity has the potential to affect endangered species. The Salado Salamander's critical habitat is fragile to the point that areas along the Salado Creek state not to move rocks. Mustang Creek feeds into Salado Creek. TCEQ has a legal obligation (Code of Federal Regulation, Title 50, Part B, Section 402.16 Re-Initiation of Consultation) to consult with TPWD and the U.S. Fish and Wildlife Service concerning potential impacts to the Salado Salamander before proceeding with this permit. Where can the public confirm that required consultation occurred and the EPA and U.S. Fish and Wildlife stated no impact? Given the high ecological sensitivity of Mustang Creek and its role in sustaining downstream spring and aquifer health, this permit requires additional consideration. The Edwards aquifers will be impacted by the discharge. The run-off allowed has the potential to harm the water supply of all existing well owners located downstream. Our well, along with all of our surrounding neighbors, is our only source of water. We do not have access to public water and expensive wells were legally drilled to supply water to the property. If contamination occurs through the discharge or accidental spillage, the negligence in allowing this to occur physically harms me and my neighbors. Additionally, TCEQ stated that if approved, well owners should have their water tested frequently for contamination. This statement alone is confirmation of our suspicions and frequent testing is an additional expense burdened upon us. What happens if the water is contaminated? Who will pay to have fresh water trucked in to supply our homes with potable water? Placing fines on a waste facility does not help us or ensure we receive the water we rely on. Shortly after the TCEQ permit hearing in February 2025, Georgetown suffered a failure of one of their "self-governed" waste water facilities which dumped over 90,000 gallons of sewage into Berry Creek in just over an hour putting all of the affected well owners at risk. We are next if this permit is approved, and TCEQ knows it which is why they issued the advice to have our wells tested periodically if the permit is approved. My last reason for writing is to remind TECQ that Mustang Springs Subdivision does not have rights to any water even though they advertise this to buyers, investors and TCEQ. In your findings you stated that you don't issue water permits, but please explain why you would take so much effort to approve a waste water facility when there is no water to treat? We are not stupid people and we deserve an answer. We attended every Clearwater UWCD meeting since 2023. At this time, we are only aware of a test drill permit for the lower Trinity where the result was that the water is not potable. It was so poor in fact, that Mustang Springs pulled their own permit for the second test well. An additional permit has to be approved by Clearwater UWCD for the subdivision to gain water access which has not been issued. Mustang Springs Subdivision was denied water access through Killeen, Texas. The applicant has

submitted an application for a desalinization plant (which will cause even more harm to Mustang Creek than the waste water facility if approved), but it has not been approved. So, despite what the applicant tells you, water remains an issue for this subdivision. How can TCEQ approve a permit for wastewater when there is no water? Per Texas law, a homeowner must show proof of legal water supply before applying for a septic permit. Why doesn't TCEQ require the same for developers, such as Mustang Springs and Jaffe Interests, that every other citizen is not eligible for? Finally, my family and neighbors use the Mustang Creek bed and waters throughout the year. Except during periods of heavy rain, there is normally a minimal amount of flowing water. Other than some pools in the concaves of the creek, the majority of the creek appears dry most of the year, with water running under the gravel against the rock bed which feeds the Edwards Aquifer. If TCEQ approves the permit, nearly 1,000,000 gallons of effluent a day (per the permit request) will flow down the creek bed, changing it forever, and taking away the primary reason we bought this land 14 years ago and make the creek unusable. Issuing this permit without further review will result in irreparable harm to my property, my water supply and the unique ecological resources it supports. Thank you for your attention to this urgent and important matter. We look forward to a timely response. Sincerely, John and Jeffri King

TCEQ Registration Form

February 3, 2025

12

MUSTANG SPRINGS UTILITY LLC PROPOSED WATER QUALITY PERMIT WQ0016524001

PLEASE PRINT

Name: ¹² Jeffri King and John King

Mailing Address: 1346 E Creekview Drive

Physical Address (if different):

City/State: Salado, TX Zip: 76571

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

Email: jjsaking4@gmail.com

Phone Number: (254) 613-3875

- 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)

submitted online. Thanks!

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

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Monday, February 3, 2025 8:46 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: TCEQ TPDES Permit Application No. WQ0016524001.pdf

From: johnking0780@gmail.com <johnking0780@gmail.com>
Sent: Sunday, February 2, 2025 7:46 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: John C King

EMAIL: johnking0780@gmail.com

COMPANY:

ADDRESS: 1346 E Creekview Dr
Salado, TX 76571

PHONE: 2546133875

FAX:

COMMENTS: My name is John King. I live at 1346 E. Creekview Drive, Salado, TX. This is in reference to TPDES Permit Number WQ0016524001. The Applicants proposed discharge of water, Mustang Creek, runs nearly 200 feet on my property in the Hidden Springs subdivision. My wife and I are highly concerned that this proposed facility is being considered given the lack of critical issues not met in the permit application and blatant misinformation. I highly oppose this plant and demand to be considered an

affected party. First, I would like to address the permit application and its discrepancies. The applicant has listed the discharge point, Mustang Creek, as “murky with seasons of total dryness and non-contact use recreationally”. This is a lie. We have lived on and enjoyed Mustang Creek for almost 14 years. It is a perfectly clear, spring-fed body of water with perennial pools full of life. It contains protected species such as the Salado Salamander and the Blind Salamander in the Edwards Aquifer only feet below the surface of the creek bed. The Salado Salamander is on the Federally Threatened species list “due to the limited size or reach as well as the decline of its habitat”. There is also a State of Texas monitored snail, only found in Mustang Creek. Has TCEQ contacted the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Division regarding either of these issues, and if so, what was their response to the application? In addition to these protected species, turkey, deer, bobcats, coyotes, opossums, racoons, etc., and a wide variety of birds, all use Mustang Creek as their water source. Next, the thought of using Mustang Creek as a sewer pipe is unethical considering it is a charging zone for the aquifers that provide clean, fresh drinking water for all the residents of Hidden Springs and the surrounding area. As stated in the application, in recent years we have had seasons of “total dryness”. When this occurs again, can we expect nothing but foul discharge to run its course? Our entire neighborhood survives on water pumped from wells in the Edwards and Middle Trinity Aquifers. The Edwards Aquifer lies just feet below the bedrock of Mustang Creek and is charged by springs through crevices, and fractures along the creek bed. If approved, the facility will charge the aquifers with the chemicals used to treat raw sewage, and the accompanying pollutant discharge. Our sole source of water is at stake, which makes this proposal totally unacceptable. Finally, my family, neighbors, and guests can be seen using Mustang Springs daily for recreational purposes. Whether it’s soaking in its cool, refreshing waters on a hot summer day, fishing, exploring the creek, or local schools and universities studying the rare species which inhabit Mustang Creek, to say that it is suitable as a discharge zone because of “non-contact use recreationally” is a complete fabrication. When searching for property 14 years ago to build our forever home, my wife and I immediately fell in love with the creek. Since living here, we spend much of our free time relaxing in our own “state park” on Mustang Creek. There is no foul smelling, murky water filled with algae, but rather crystal clear, spring water. A TCEQ operational permit would solidify the degradation of my property and everyone else in Hidden Springs neighborhood. This would completely alter the land from intended use when purchased. We can no longer safely use the water for recreational purposes, because it will be polluted. The approval of the facility will also lead to a devaluation of my property, the other residents in Hidden Spring, and all residents along Mustang and Salado Creeks. Who will compensate property owners if the application is approved? There is a solution the developer can use to prevent all the issues stated above: the use of OSSF (septic) systems for the development’s sewer needs.

My name is John King. I live at 1346 E. Creekview Drive, Salado, TX. This is in reference to TPDES Permit Number WQ0016524001. The Applicants proposed discharge of water, Mustang Creek, runs nearly 200 feet on my property in the Hidden Springs subdivision. My wife and I are highly concerned that this proposed facility is being considered given the lack of critical issues not met in the permit application and blatant misinformation. I highly oppose this plant and demand to be considered an affected party.

First, I would like to address the permit application and its discrepancies. The applicant has listed the discharge point, Mustang Creek, as "murky with seasons of total dryness and non-contact use recreationally". This is a lie. We have lived on and enjoyed Mustang Creek for almost 14 years. It is a perfectly clear, spring-fed body of water with perennial pools full of life. It contains protected species such as the Salado Salamander and the Blind Salamander in the Edwards Aquifer only feet below the surface of the creek bed. The Salado Salamander is on the Federally Threatened species list "due to the limited size or reach as well as the decline of its habitat". There is also a State of Texas monitored snail, only found in Mustang Creek. Has TCEQ contacted the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Division regarding either of these issues, and if so, what was their response to the application? In addition to these protected species, turkey, deer, bobcats, coyotes, opossums, racoons, etc., and a wide variety of birds, all use Mustang Creek as their water source.

Next, the thought of using Mustang Creek as a sewer pipe is unethical considering it is a charging zone for the aquifers that provide clean, fresh drinking water for all the residents of Hidden Springs and the surrounding area. As stated in the application, in recent years we have had seasons of "total dryness". When this occurs again, can we expect nothing but foul discharge to run its course? Our entire neighborhood survives on water pumped from wells in the Edwards and Middle Trinity Aquifers. The Edwards Aquifer lies just feet below the bedrock of Mustang Creek and is charged by springs through crevices, and fractures along the creek bed. If approved, the **facility will charge the aquifers with the chemicals used to treat raw sewage, and the accompanying pollutant discharge**. Our sole source of water is at stake, which makes this proposal totally unacceptable.

Finally, my family, neighbors, and guests can be seen using Mustang Springs daily for recreational purposes. Whether it's soaking in its cool, refreshing waters on a hot summer day, fishing, exploring the creek, or local schools and universities studying the rare species which inhabit Mustang Creek, to say that it is suitable as a discharge zone because of "non-contact use recreationally" is a complete fabrication. When searching for property 14 years ago to build our forever home, my wife and I immediately fell in love with the creek. Since living here, we spend much of our free time relaxing in our own "state park" on Mustang

Creek. There is no foul smelling, murky water filled with algae, but rather crystal clear, spring water. A TCEQ operational permit would solidify the **degradation of my property and everyone else in Hidden Springs neighborhood**. This would completely alter the land from intended use when purchased. We can no longer safely use the water for recreational purposes, because it will be polluted. The approval of the facility will also lead to a **devaluation of my property, the other residents in Hidden Spring, and all residents along Mustang and Salado Creeks**. Who will compensate property owners if the application is approved?

There is a solution the developer can use to prevent all the issues stated above: **the use of OSSF (septic) systems for the development's sewer needs**.

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 5:10 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Cc: Laurie Gharis; Deornette Monteleone
Subject: FW: Public comment on Permit Number WQ0016524001

RFR

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

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www.tceq.texas.gov/customersurvey

From: trinarlynch@outlook.com <trinarlynch@outlook.com>
Sent: Wednesday, August 27, 2025 4:58 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Katrina Lynch

EMAIL: trinarlynch@outlook.com

COMPANY:

ADDRESS: 1824 Mission Trail 1824 Mission Trail
Salado, TX 76571

PHONE: 2542172217

FAX:

COMMENTS: Patrick and Katrina Lynch 1824 Mission Trail Salado TX, 76571 Trinarlynch@outlook.com 254-217-2217 August 27, 2025 Texas Commission on Environmental Quality Office of the Chief Clerk, MC-105 P.O. Box 13087 Austin, Texas 78711-3087 Re: Request for Reconsideration of TPDES Permit No. WQ0016524001 for Mustang Springs Utility, LLC and Jaffe Interests, LP – Mustang Springs Wastewater Treatment Plant Dear TCEQ Executive Director and Commissioners: I am writing as a concerned resident [or stakeholder, if applicable] to formally request reconsideration of the Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016524001, issued [or preliminarily approved, based on available information] for the Mustang Springs Wastewater Treatment Plant (WWTP) in Bell County, Texas. This request is based on new information and potential procedural deficiencies under the Endangered Species Act (ESA), specifically 50 CFR § 402.16, which requires reinitiation of consultation when new information reveals effects on listed species or critical habitat not previously considered, or when a new species is listed or critical habitat designated that may be affected by the action. The Mustang Springs WWTP authorizes the discharge of up to 990,000 gallons per day of treated domestic wastewater via pipe into Mustang Creek, which flows into Salado Creek in Segment No. 1243 of the Brazos River Basin. This area is part of the Edwards Balcones Fault Zone (BFZ) Aquifer system, characterized by karst limestone formations with cracks, fissures, and interconnected springs. These geologic features facilitate rapid infiltration of surface water into groundwater, posing significant risks of contamination to aquifers and downstream habitats. Mustang Creek and the associated Salado Creek watershed are designated critical habitat for the Salado salamander (*Eurycea chisholmensis*), a federally threatened species under the ESA. Critical habitat for the Georgetown and Salado salamanders was designated by the U.S. Fish and Wildlife Service (USFWS) in 2021, encompassing approximately 1,315 acres in Bell and Williamson Counties, including springs along Salado Creek and hydraulically connected systems. 5 The Salado salamander is restricted to springs feeding Salado Creek, and pollution introduced to these creeks can enter the aquifer, affecting occupied springs. 0 Additionally, the region supports other ESA-listed species, including blind cave spiders and arachnids (such as *Cicurina* species and Bone Cave harvestman), which inhabit karst caves and fissures in central Texas limestone formations. 41 45 The cracks and fissures in the limestone base of Mustang Creek could allow treated and untreated effluent to infiltrate groundwater, potentially contaminating wells near Mustang Creek and harming these species' habitats. Public comments, including those from the Clearwater Underground Water Conservation District (CUWCD), have highlighted science-based concerns about the discharge's impact on co-located springs and the Edwards BFZ Aquifer, including geologic features along the effluent path that exacerbate contamination risks. 85 Furthermore, the increased discharge from the Mustang Springs Subdivision WWTP threatens numerous Native American artifacts found along Mustang Creek and surrounding areas. Central Texas creeks, including those in Bell County, have yielded significant archaeological finds from Paleo-Indian and later periods, such as tools and burial sites. 11 19 Enhanced erosion, sedimentation, or chemical changes from effluent could harm or destroy these cultural resources, potentially violating the National Historic Preservation Act (NHPA) and requiring additional review. Under the ESA, federal agencies must consult with USFWS to ensure actions do not jeopardize listed species or destroy critical habitat. Although TCEQ administers the TPDES program under EPA delegation, the program retains federal oversight, and ESA compliance is required. Available documentation for this permit, including the administrative and technical packages, shows no evidence of formal consultation with USFWS regarding impacts on the Salado salamander or other listed species. 71 72 Instead, it appears TCEQ forwarded the application to EPA for review, but EPA did not initiate or forward for USFWS consultation, constituting a failure to comply with Section 7 of the ESA. CUWCD's comments also noted procedural shortcomings, such as inadequate notice to affected parties, underscoring broader process failures. 85 New information, including ongoing monitoring of the Salado

salamander and recent lawsuits challenging critical habitat designations, reveals potential effects not previously considered in the permit review. 7 40 I urge TCEQ to reinitiate consultation with USFWS immediately, reconsider the permit under 50 CFR § 402.16, and suspend discharges until a full assessment addresses these risks. This action is essential to protect endangered species, groundwater resources, and cultural heritage in the Salado area. Please provide a written response within 30 days and include me in any further proceedings. Thank you for your attention to this critical matter. Sincerely,
Patrick and Katrina Lynch

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Thursday, August 28, 2025 4:07 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Cc: Laurie Gharis; Deornette Monteleone
Subject: FW: Public comment on Permit Number WQ0016524001

RFR

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

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www.tceq.texas.gov/customersurvey

From: Patdlynch@outlook.com
Sent: Wednesday, August 27, 2025 8:38 PM
To: PUBCOMMENT-OCC
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: DR. Patrick D Lynch

EMAIL: Patdlynch@outlook.com

COMPANY:

ADDRESS: 1824 Mission Trl
Salado, TX 76571

PHONE: 7372164056

FAX:

COMMENTS: Patrick Lynch MD 1824 Mission Trl Salado, TX 76571 Patdlynch@outlook.com 737-216-4056 August 27, 2025 Texas Commission on Environmental Quality (TCEQ) Attn: Water Quality Division P.O. Box 13087 Austin, TX 78711-3087 Subject: Request for Reconsideration of TPDES Permit No. WQ0016524001 for Mustang Springs Utility, LLC and Jaffe Interests, LP, Mustang Springs Subdivision, Salado, Texas Dear TCEQ Commissioners and Staff, I am writing to formally request reconsideration of the Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016524001, which authorizes the discharge of treated effluent from the proposed wastewater treatment plant for the Mustang Springs Subdivision in Salado, Texas. This permit, if approved, would allow effluent discharge into or near Mustang Springs Creek, posing significant environmental risks to protected species, cultural resources, and local drinking water supplies. Under the framework of the Endangered Species Act (ESA) and in alignment with 50 CFR § 402.16, I urge TCEQ to reinstitute interagency consultation with the U.S. Fish and Wildlife Service (USFWS) due to potential adverse effects not fully considered in the initial review. Mustang Springs Creek serves as critical habitat for several imperiled species, including the Salado salamander (*Eurycea chisholmensis*), a federally threatened amphibian endemic to the Salado Springs complex and nearby waterways. This species relies on clean, oxygen-rich spring-fed waters for survival, and the introduction of treated effluent could degrade water quality through increased nutrient loads, sedimentation, and chemical contaminants. Such pollution may lead to algal blooms that reduce dissolved oxygen levels, directly threatening the salamander's gill-based respiration and potentially causing population declines or extirpation. Additionally, the creek and surrounding karst features support blind spiders (genus *Cicurina*), which are cave-dwelling arachnids adapted to subterranean environments in the Edwards Aquifer region. These species, often listed as endangered or of conservation concern, are highly sensitive to changes in water chemistry and flow. Effluent discharge could introduce toxins or alter humidity in karst habitats, leading to dehydration, reduced prey availability, or direct mortality for these eyeless, fragile invertebrates. Similarly, imperiled shrimp-like amphipods and other aquatic invertebrates, such as those found in Edwards Aquifer karst systems (e.g., *Stygobromus pecki* or *Palaemonetes antrorum*), face existential risks from contamination, as they depend on pristine groundwater free from pollutants that could bioaccumulate in their food chain or disrupt their reproductive cycles. The effluent's potential to kill these species stems from acute toxicity from residual chemicals like chlorine or pharmaceuticals, as well as chronic effects from nutrient enrichment that fosters harmful bacterial growth. Beyond ecological concerns, the Mustang Springs Creek area is rich in Native American cultural heritage, including artifacts from Paleoindian settlements dating back over 16,000 years, such as those associated with the Buttermilk Creek complex. Pumping wastewater into the creek could erode streambanks, disturb sediments, and accelerate the degradation of these irreplaceable archaeological resources through increased water flow, chemical corrosion, or physical displacement during flood events. This would irreparably harm the historical record of indigenous peoples who inhabited the region for millennia. The underlying limestone foundation of Mustang Springs Creek, part of the karstic Edwards Aquifer, exacerbates these risks. Karst aquifers feature fissures, sinkholes, and rapid subsurface flow paths that allow pollutants to infiltrate quickly and spread widely, potentially contaminating nearby private and public wells used for drinking water. Effluent constituents, including nitrates and emerging contaminants, could migrate through these conduits, posing health risks to residents by elevating nitrate levels that cause methemoglobinemia or introducing pathogens and chemicals into the groundwater supply. Furthermore, it appears that TCEQ did not follow proper protocol in the permitting process by failing to directly consult with the USFWS regarding potential impacts to listed species and critical habitat. Instead, the application was forwarded only to the U.S. Environmental Protection Agency (EPA), which did not subsequently forward it to the USFWS for the required Section 7 consultation under the ESA. This procedural lapse undermines the interagency

cooperation mandated by federal law and may have resulted in an incomplete assessment of the permit's environmental consequences. These issues must be evaluated in the context of 50 CFR § 402.16, which mandates reinitiation of ESA consultation when new information reveals effects of an action that may affect listed species or critical habitat in a manner or to an extent not previously considered (§ 402.16(a)(2)), or if the action is modified in a way that causes unconsidered effects (§ 402.16(a)(3)). Recent public concerns, ongoing monitoring of species like the Salado salamander, the documented vulnerability of the Edwards Aquifer, and the apparent failure to properly initiate consultation with USFWS constitute such new information or procedural deficiencies, warranting a fresh review to ensure compliance with federal protections for threatened species and their habitats. Failure to reinitiate could violate interagency cooperation requirements under the ESA. In light of these substantial risks and procedural concerns, I respectfully request that TCEQ deny or suspend Permit No. WQ0016524001 pending a comprehensive reassessment, including reinitiated ESA consultation with USFWS and further evaluation of cultural and groundwater impacts. Alternative wastewater management options, such as land application or advanced treatment with zero discharge, should be explored to protect this sensitive ecosystem. Thank you for your attention to this critical matter. Please provide a written response within 30 days and include me in any further proceedings. I am available for any further discussion. Sincerely, Patrick Lynch MD

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 4:46 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: 2025.08.26 HR-RFR.pdf

H

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

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From: mahita@txenvirolaw.com <mahita@txenvirolaw.com>
Sent: Wednesday, August 27, 2025 1:31 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Vic McWherter

EMAIL: mahita@txenvirolaw.com

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

ADDRESS: 1206 San Antonio Street
Austin, TX 78701

PHONE: 5124696000

FAX: 5124829346

COMMENTS: On behalf of Vic McWherter and Eric Allmon, I am submitting the attached request for a contested case hearing.

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

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

Of Counsel:
David Frederick
Vic McWherter
Claire Krebs

August 27, 2025

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

Via: TCEQ Online Comment Form

Re: Request for Contested Case Hearing Regarding the Application by Mustang Springs Utility, LLC and Jaffe Interests, LP for TPDES Permit No. WQ0016524001

Dear Ms. Gharis,

Grace Ranches, LLC, d/b/a Mustang Creek Ranch, LLC, and Bill and Tere Grace (collectively, "Mustang Creek Ranch" or "Requestors"), maintain their request for a contested case hearing regarding the above-referenced Application by Mustang Springs Utility, LLC and Jaffe Interests, LP (collectively, "Applicants"), and provide the following information as a supplement to their initial comments and request for hearing dated February 5, 2025. The Executive Director's Response to Comments ("RTC") does not resolve issues previously raised by Requestors. The Requestors may be contacted through my office at the address and telephone number indicated below.

I. Requestors are "Affected Persons."

Mustang Creek Ranch operates a world-class white-tail deer breeding program, hunting business, and cattle ranch located on acreage immediately adjacent to the property where Applicants propose to treat and discharge wastewater. Owners and operators Bill and Tere Grace have maintained the business and their family homestead at this location since 1992. They have dedicated over 30 years to maintaining their wildlife preserve and undertaking conservation efforts focused on supporting wildlife diversity and the natural beauty of the Salado area. Their business operations include an extensive scientific breeding program dedicated to improving the genetics of white-tail deer. The breeding program has Category 1 CWD status, the highest rating available from Texas Parks & Wildlife. Their business also offers guided hunting experiences and opportunities to enjoy nature. In addition, Requestors raise cattle on their property.

Mustang Creek, the proposed receiving waters for Applicants' discharge of up to 990,000 gallons per day of wastewater, flows through the middle of the Mustang Creek Ranch property. The proposed permit is not adequately protective of surface water. The resulting surface water

contamination will cause potential harm to the health and safety of the Grace family and Mustang Creek Ranch's employees, guests, and business patrons. The contamination of Mustang Creek will also cause potential harm to the inventory of white-tail deer, aquatic life, and other wildlife on the Mustang Creek Ranch property.

Requestors' economic interests are dependent on outdoor activities and the breeding and hunting of white-tail deer. These economic interests would be harmed by the detrimental effects of surface water contamination. Requestors' world-class breeding program and inventory of white-tail deer would be at risk. The impairment of Mustang Creek's aesthetics would further deter patrons from visiting Mustang Creek Ranch to enjoy hunting and outdoor activities. While each issue raised by Requestors remains disputed following issuance of the RTC, the Executive Director's response regarding potential impacts to Requestor's deer breeding program and deer inventory merits a specific reply. In response to Comment 28, the Executive Director indicates these impacts are outside of TCEQ's jurisdiction and cannot be considered in the Commission's decision-making process. Requestors disagree. Included among the policy considerations stated in 30 Tex. Admin. Code § 307.1, Texas is to maintain water quality consistent with the propagation and protection of terrestrial life (even if Implementation Procedures only address aquatic life), and also Texas is to maintain water quality consistent with existing industries and economic development. For these reasons, the impact of water quality on livestock—and, more broadly, animal life¹—is commonly included among issues the Commission refers for hearing, particularly when affected persons have a property interest in livestock and economic interests adversely affected by potential harm to animal life. Furthermore, under Tex. Water Code §5.115, a person who has a personal justiciable interest related to an economic interest affected by an administrative hearing is considered an "affected person."

In addition, because of Requestors' location, their interests would also be uniquely affected by the unsuitable location of the proposed facility and resulting nuisance odor conditions. Their wildlife preserve and business operations, as well as their family homestead and three other dwellings for their family and guests, are all in very close proximity to the Applicants' unsuitable site location. For these reasons, Requestors are affected persons.

II. Hearing Request

Requestors are affected persons who have raised concerns that are relevant and material to the Commission's decision on the Application. The RTC failed to address the issues raised in Requestors' prior comments and hearing request. All such issues remain disputed. For these reasons, Requestors maintain their request for a contested case hearing.

III. Conclusion

Thank you for your attention to this matter. Please contact me with any questions.

¹ See *Application of Clear Utilities, LLC for New TPDES Permit No. 0016273001*, TCEQ Docket No. 2024-1582-MWD (Interim Order dated November 12, 2024) (Referred Issue A).

Respectfully submitted,

/s/ Vic McWherter

Vic McWherter

State Bar No. 00785565

vmcwherter@txenvirolaw.com

Eric Allmon

State Bar No. 24031819

eallmon@txenvirolaw.com

PERALES, ALLMON & ICE, P.C.

1206 San Antonio Street

Austin, Texas 78701

512-469-6000 (t) | 512-482-9346 (f)

Counsel for Requestors

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Tuesday, February 4, 2025 7:38 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: 2025.02.03 Comments.pdf

H

From: mahita@txenvirolaw.com <mahita@txenvirolaw.com>
Sent: Monday, February 3, 2025 5:40 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: MR Vic McWherter

EMAIL: mahita@txenvirolaw.com

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

ADDRESS: 1206 San Antonio Street
Austin, TX 78701

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the attached document.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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

Of Counsel:
David Frederick
Richard Lowerre
Vic McWherter

February 3, 2025

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

Via TCEQ Online Comment Form

Re: Public Comments and Request for Contested Case Hearing regarding Application by Mustang Springs Utility, LLC and Jaffe Interests, LP for TPDES Permit No. WQ0016524001.

Dear Ms. Gharis:

On behalf of Grace Ranches, LLC, d/b/a Mustang Creek Ranch, LLC, and Bill and Tere Grace (“Mustang Creek Ranch” or “Requestors”)¹, I submit the following comments and request for a contested case hearing regarding the above-referenced Application by Mustang Springs Utility, LLC and Jaffe Interests, LP (collectively, “Applicants”).

I. Requestors are “Affected Persons.”

Mustang Creek Ranch operates a world-class white-tail deer breeding program, hunting business, and cattle ranch located on acreage immediately adjacent to the property where Applicants propose to treat and discharge wastewater. Owners and operators Bill and Tere Grace have maintained the business and their family homestead at this location since 1992. They have dedicated over 30 years to maintaining their wildlife preserve and undertaking conservation efforts focused on supporting wildlife diversity and the natural beauty of the Salado area. Their business operations include an extensive scientific breeding program dedicated to improving the genetics of white-tail deer. The breeding program has Category 1 CWD status, the highest rating available from Texas Parks & Wildlife. Their business also offers guided hunting experiences and opportunities to enjoy nature. In addition, Requestors raise cattle on their property.

¹ Grace Ranches LLC, d/b/a Mustang Creek Ranch, LLC, is the owner of property identified as Map ID 1; Property ID 1316143 in the Application’s Adjacent and Downstream Landowners List.

Mustang Creek, the proposed receiving waters for Applicants' discharge of up to 990,000 gallons per day of wastewater, flows through the middle of the Mustang Creek Ranch property. The proposed permit is not adequately protective of surface water. The resulting surface water contamination will cause potential harm to the health and safety of the Grace family and Mustang Creek Ranch's employees, guests, and business patrons. The contamination of Mustang Creek will also cause potential harm to the inventory of white-tail deer, aquatic life, and other wildlife on the Mustang Creek Ranch property.

Requestors' economic interests are dependent on outdoor activities and the breeding and hunting of white-tail deer. These economic interests would be harmed by the detrimental effects of surface water contamination. Requestors' world-class breeding program and inventory of white-tail deer would be at risk. The impairment of Mustang Creek's aesthetics would further deter patrons from visiting Mustang Creek Ranch to enjoy hunting and outdoor activities.

Because of Requestors' location, their interests would also be uniquely affected by the unsuitable location of the proposed facility, nuisance odor conditions, and other concerns about the proposed permit discussed further below. Their wildlife preserve and business operations, as well as their family homestead and three other dwellings for their family and guests, are all in very close proximity to the Applicants' unsuitable site location. For these reasons, Requestors are affected persons.

II. The Application contains errors and inconsistencies regarding the identity of the Co-Applicant and the identity of the owner of the land where the facility is to be located.

The Application identifies Mustang Ranch Utilities, LLC, as an Applicant and the owner of the proposed wastewater treatment plant facility. The Application further states the need for a Co-Applicant because of the "ownership of land where the facility is to be built."² The legal name of the Co-Applicant is listed as Jaffe Interests, LP. The authorized signatory for this Co-Applicant is listed as Mr. Ron Lynn Mitchell; however, no explanation is provided as to the legal basis for this authorization to sign on behalf of Jaffe Interests, LP, and no executed signature pages and certifications are included in the Application materials made available to the public.

To make matters more confusing, the Application also states that Mr. Mitchell is authorized to sign in his capacity as "owner," implying that Mr. Mitchell himself owns the land where the treatment plant will be located.² In fact, Section 9(D) of the Application *expressly* identifies Mr.

² Application at 3.

Ron Lynn Mitchell as owner of the land where the treatment plant will be located.³ If the Application is correct in naming Mr. Mitchell as owner of the land, then the owner of the land is neither the facility owner (Mustang Ranch Utilities, LLC) nor the Co-Applicant (Jaffe Interests, LP), and a lease or deed recorded easement should have been attached and included with the Application.⁴ The Application is flawed because of either (1) erroneous or missing information about the owner of the land where the facility is to be located, and the legal relationship between Jaffe Interests, LP and Mr. Ron Lynn Mitchell, or (2) the Applicants' failure to include a lease or deed recorded easement, if indeed the owner of the property where the facility is to be located is neither the Applicant nor the Co-Applicant.

III. Notice is likely defective because of the Applicants' omission of adjacent landowners.

TCEQ received the Application on April 5, 2024. In response to a notice of deficiency and prior to mailing of initial notice, the Adjacent and Downstream Landowners List and Map was supplemented. For purposes of required mailed notice, the finalized list identified 18 landowners by name, mailing address, and Property ID Number. However, a review of Bell County deed records and Bell County Appraisal District records indicates that several adjacent or downstream landowners were still omitted from this component of the Application, and presumably did not receive required mailed notice. These omitted property owners include, but may not be limited to, the following persons and the associated properties: David Stewart and Tran Cassandra Huynh, owners of record of Property ID 523941, 9297 Creek Side Drive, Salado, TX 76571, as of December 13, 2023; Tamara Lyn Graham and Arch Emmett Graham, owners of record of Property ID 523947, 9249 Creek Side Drive, Salado, TX 76571, as of July 12, 2023; Adriana Patricia Gama Manon, owner of record of Property ID 523948, 9241 Creek Side Drive, Salado, TX 76571; as of July 7, 2023; Scott Newell, owner of record of Property ID 523950, 9225 Creek Side Drive, Salado, TX 76571; as of July 13, 2023; and Venkenta Reddy Arimanda and Stella W. Arimanda, owners of record of two properties consisting of Property ID 523951 and Property ID 523952, 9209 Creek Side Drive, Salado, TX 76571, as of June 23, 2023.

Available records indicate that all required landowners were not listed in the Application. Any omitted adjacent landowners could not have not received proper mailed notice from the TCEQ Chief Clerk. A correct list of adjacent and downstream landowners must be developed, with mailed

³Application at 8.

⁴Application at 8, Section 9(D).

notice given to those landowners who were previously and erroneously omitted. Also, the comment period should be extended to allow full participation by those landowners. If this is not done, then any permit issued would be vulnerable to later revocation due to the lack of proper notice. TCEQ has consistently required that “adjacency” reach to include all persons adjacent to property that is owned by the Applicant or related business entities. SOAH has previously recommended revocation of a permit where it was discovered after issuance that the Applicant had failed to identify all required adjacent landowners, and the subject permit would have been suspended but for the parties’ settlement of the case. *Petition to Revoke Far Hills Utility District’s TPDES Water Quality Permit No. WQ00145550002*, SOAH Docket No. 582-09-5727, TCEQ Docket No. 2009-0290-MWD. Currently, it appears there are persons owning adjacent and/or downstream properties who should have received mailed notice of the Application, but did not.

IV. The discharge has not been demonstrated to be sufficiently protective of surface water quality.

The proposed discharge will contain multiple contaminants, including nutrients and bacteria. These contaminants have the potential to adversely impact the receiving waters of Mustang Creek, as well as Segment No. 1243 of the Brazos River Basin. The designated uses for Segment No. 1243 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. The uses of these downstream waters have not been adequately protected. The Executive Director erred in concluding that the requirements of a Tier 2 review were met, considering that the discharge will degrade Segment No. 1243 without being necessary for important social or economic development. Neither the requirements of a Tier 1 anti-degradation review, nor the requirements of a Tier 2 anti-degradation review have been demonstrated to have been met. The discharge will add nutrients and other contaminants to the receiving water body that will adversely impact the appearance of the water, lower the dissolved oxygen concentration, and be detrimental to aquatic life. In addition to the failure of the Applicants to demonstrate compliance with the anti-degradation requirements, the requirements of the general criteria for water quality, set forth at 30 Tex. Admin. Code § 307.4, have not been met.

V. The discharge has not been demonstrated to be sufficiently protective of groundwater.

Contaminants from the proposed discharge could adversely affect groundwater resources in southern Bell County. The Edwards (BFZ) is located in the southern part of Bell County, in the

same area where Applicants' facility is proposed to be located. The Edwards (BFZ) serves as a major water supply source for the Village of Salado and some of the surrounding rural water supplies. The Trinity quifer underlies all of Bell County. It has not been demonstrated that the permit includes adequate conditions to provide the necessary protection for these vital groundwater resources.

VI. Applicants have not demonstrated adequate protection for wildlife, including endangered and threatened species.

The proposed facility and discharge have the potential to adversely impact wildlife, including threatened species. This threat to wildlife has not been sufficiently addressed by the Applicant or the TCEQ. The Salado Salamander, *Eurycea chisholmensis*, a threatened aquatic species, has been determined to occur in Segment No. 1243, and will be adversely impacted by the proposed facility and discharge. Federal requirements related to protection of endangered or threatened species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. The water quality standards otherwise applicable to the facility do not provide adequate protection for this species. Nevertheless, 30 Tex. Admin. Code § 307.6(b)(4) still requires that water in the State must be maintained to preclude adverse toxic effects on aquatic life. Therefore, site-specific controls are required when Texas' other toxic criteria and implementation procedures under Chapter 307 provide insufficient protection.

When EPA approved the Texas program in 1998, it noted that adoption of broadly-stated narrative supplemental standards, without detailed implementation procedures, allow flexibility to ensure aquatic species are protected. EPA further cited 30 Tex. Admin. Code § 307.6(b)(4) as an example of a such a supplemental standard. 63 Fed. Reg. 51164, 51197. EPA noted that 30 Tex. Admin. Code § 307.6(b)(4) is to be used to impose case-specific conditions in TPDES permits to protect aquatic and aquatic-dependent species from the toxic effects of discharges "when Texas' other toxic criteria and implementation procedures provide insufficient protection." 63 Fed. Reg. 51164, 51197. TCEQ should deny the permit, since the default toxic criteria and implementation procedures do not provide sufficient protection for potentially impacted threatened species in this case, and the required case-specific conditions necessary to protect aquatic life, including the Salado Salamander, have not been developed.

VII. Applicants have not demonstrated compliance with odor control and abatement requirements.

Neither the Application nor the draft permit demonstrate that nearby residents will be adequately protected from nuisance odor conditions resulting from Applicants' proposed wastewater treatment operations. The buffer zone map provided in the Application shows the facility's property boundaries and a line marking a radius of 50 feet around the proposed treatment plant units; however, given the scale provided on the map, the distance of these units from the property line is unclear, and in some places appears to be less than the absolute minimum distance of 150 feet. *See* 30 Tex. Admin. Code § 309.13(e)(1).

Furthermore, the Applicants rely on a nuisance odor prevention plan that was filed almost two years ago, on February 18, 2023, before the current Application was filed. A new location within Applicants' property was chosen for the wastewater treatment plant since the time that the associated subdivision development was initially planned and the old nuisance odor plan was submitted. An updated nuisance odor prevention plan must be submitted with the Application and be made available for review, in order for neighbors to meaningfully participate in the decision on the adequacy of the plan to prevent nuisance odors on neighboring properties. Currently, no information has been made available to the public in the form of an engineering report, prepared and sealed by a licensed Texas professional engineer, addressing climatological conditions, surrounding land use existing now and anticipated in the future, and proposed solutions for preventing odor at the edge of the required buffer zone and beyond that are supported by actual test data or appropriate calculations. *See* 30 Tex. Admin. Code § 309.13(e)(2).

VIII. Applicants have not demonstrated compliance with applicable location standards of Chapter 309 of the TCEQ Rules, including floodplain protection and protection against active geologic processes.

The proposed site of the wastewater treatment facility is at risk for flooding. The Application materials received from TCEQ contained two different FEMA maps locating the proposed plant property in two different places. One map locates the plant site in FEMA floodplain map panel 48027CO525E, in Zone A, Special Flood Hazard Area. While the second map locates the proposed plant property approximately 1000 feet further west in panel 48027CO500E, this area is designated as Zone X, and also at risk for flooding. Though the specific location of the plant may have been moved out of Zone A, neither site for the plant minimizes the possibilities for contaminating water in the State, in consideration of active geologic processes (including erosion), groundwater conditions, soil conditions, and climatological conditions. In addition, as discussed above, the facility has not been shown to be protective against excessive offensive odors. In short,

Applicants have not demonstrated compliance with the Location Standards of Subchapter B of Chapter 309 of the TCEQ Rules.

IX. Applicants have not demonstrated that the design, operation, and maintenance of the proposed facilities will prevent the unauthorized discharges of waste and comply with Chapter 217 of the TCEQ Rules.

Mustang Creek Ranch is dependent on its natural environment to support its business operations. Any spillage of untreated waste occurring during emergency events would be devastating to Requestors' interests. Applicants have not demonstrated that the proposed plant would be designed, operated, and maintained in compliance with 30 Tex. Admin. Code Chapter 217, including, without limitation, "the requirement that a wastewater treatment facility must be designed to prevent the discharge of untreated or partially treated wastewater during electrical power outages." 30 Tex. Admin. Code § 217.36(a).

X. Applicants have not demonstrated that there is a need for the proposed facility or that Applicants have complied with the TCEQ's regionalization policy.

Under Tex. Water Code § 26.081(a), it is "state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to prevent pollution and maintain and enhance state water quality." Further, "in considering the issuance...of a permit to discharge waste, the commission may deny or alter the terms of the proposed permit...based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as such by commission order pursuant to provisions of this subchapter." Tex. Water Code § 26.0282.

Because of these statutory considerations, applicants for TCEQ wastewater discharge permits are instructed to determine whether there are existing permitted facilities within three miles of their proposed facility and make inquiry of such facilities as to whether they have the capability to provide service. In this matter, Applicants represented there are no existing facilities within three miles. This representation is questionable given that there are existing permitted outfalls that appear to be located three miles or less south and southeast of the proposed WWTP site boundary.⁵

⁵ Using the tools referenced in TCEQ application instructions, Requestors located the following facilities which appear to be within three miles, or close to three miles, from the proposed WWTP: TPDES Permit No. 16330-001, outfall 001, Permittee South Central Water Company and Whitis Land Investments, Ltd.; TPDES Permit No. 16418-001, outfall 001, Permittee 221 Granger Road LLC; and TPDES Permit No. 16207, outfall 001, Permittee JTX Land Holdings LLC. While these existing facilities may be more than three miles from Applicant's proposed discharge

If Applicants failed to make an inquiry to existing facilities within the designated area, the Application is defective and the permit must be denied.

Furthermore, Applicants have provided insufficient justification of need. The Applicants indicate that the 4,642 acres associated with the WWTP are in the process of being platted, and assume that 4,950-LUEs (living unit equivalents) would be served by the WWTP in order to estimate wastewater flows. These assumptions and estimates are unsupported and speculative, thereby providing insufficient justification of need.

For these reasons, Applicants have failed to comply with the state's regionalization policy and have also provided an insufficient justification of the need for their proposed facility.

XI. Conclusion

For the above reasons, Requestors respectfully ask that the Application be denied. If not denied, Requestors request a contested case hearing with regard to the Application.

Respectfully submitted,

/s/ Vic McWherter

Vic McWherter

State Bar No. 00785565

vmcwherter@txenvirolaw.com

Eric Allmon

State Bar No. 24031819

eallmon@txenvirolaw.com

PERALES, ALLMON & ICE, P.C.

1206 San Antonio Street

Austin, Texas 78701

512-469-6000 (t) | 512-482-9346 (f)

Counsel for Requestors

point, this is only because Applicants propose to pipe the effluent approximately 1.5 miles north of the WWTP site prior to discharge in Mustang Creek.

TCEQ Registration Form

February 3, 2025

10

MUSTANG SPRINGS UTILITY LLC PROPOSED WATER QUALITY PERMIT WQ0016524001

PLEASE PRINT

Name: Vic McWhorter; (Perales, Allmon & Lee)

Mailing Address: 1206 San Antonio St Austin TX 78701

Physical Address (if different): _____

City/State: _____ Zip: _____

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

Email: Vmcwhorter@txenvirolaw.com

Phone Number: (512) 469-6008

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

If yes, which one? _____

Representing Grace Ranches LLC d/b/a Mustang Creek Ranch, LLC

☐ Please add me to the mailing list. & Bill and Tere Grace

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

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

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

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

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2025 4:46 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001
Attachments: TCEQ PDF.pdf

RFR

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

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

From: lmfm729@gmail.com <lmfm729@gmail.com>
Sent: Wednesday, August 27, 2025 3:29 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Larry Michels

EMAIL: lmfm729@gmail.com

COMPANY:

ADDRESS: 1346 Long Meadow
Salado, TX 76571

PHONE: 2545351826



FAX:

COMMENTS: Please see attached PDF

August 27, 2025

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

SUBJECT: Mustang Springs Utility, LLC and Jaffe Interests, LP
TPDES Permit No. WQ0016524001

Request for Reconsideration

Laurie Gharis,

Please consider this a formal "Request for Reconsideration" of the Executive Directors Decision detailed in your communications dated July 28, 2025.

It has been determined TCEQ did not consult with US Fish & Wildlife on the subject as required by CFR Title 50, Chapter 1, Sub Chapter B, Part 17. This is contrary to TCEQ staff's verbal comments during the Public Hearing held in early February 2025, that there were no comments from either the EPA and US Fish and Wildlife. If they did not request a consultation with US Fish and Wildlife as required by the above referenced CFR, I would think it is factual they provided no comments. However, that is not an excuse to ignore the requisite process.

I expect this will prompt the TCEQ Executive Director and Commissioners to correct this oversight with a formal consultation with US Fish and Wildlife.

Thank you for your consideration.

Regards,

Larry Michels
1346 Long Meadow
Salado, Texas 76571
(254) 535-1826

Tammy Johnson

From: PUBCOMMENT-OCC
Sent: Monday, February 10, 2025 2:20 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

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: lmfm729@gmail.com <lmfm729@gmail.com>
Sent: Saturday, February 8, 2025 7:39 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WWTF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP

CN NUMBER: CN600749410

NAME: Larry Michels

EMAIL: lmfm729@gmail.com

COMPANY:

ADDRESS: 1346 Long Meadow
Salado, TX 76571

PHONE: 2545351826

FAX:

COMMENTS: Too many false statements in the application. No CCN for water or sewer. Brad Buckley has requested 30 day stay until all issues with CCN are resolved.

4

TCEQ Registration Form

February 3, 2025

MUSTANG SPRINGS UTILITY LLC PROPOSED WATER QUALITY PERMIT WQ0016524001

PLEASE PRINT

Name: Larry Michels

Mailing Address: _____

Physical Address (if different): _____

City/State: _____ Zip: _____

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

Email: _____

Phone Number: () _____

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

If yes, which one? _____

☒ Please add me to the mailing list.

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

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

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

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

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Wednesday, July 24, 2024 5:05 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016524001

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

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From: lmfm729@gmail.com <lmfm729@gmail.com>
Sent: Tuesday, July 23, 2024 1:51 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016524001

REGULATED ENTY NAME MUSTANG SPRINGS WRRF

RN NUMBER: RN111677324

PERMIT NUMBER: WQ0016524001

DOCKET NUMBER:

COUNTY: BELL

PRINCIPAL NAME: JAFFE INTERESTS LP, MUSTANG SPRINGS UTILITY LLC

CN NUMBER: CN600749410,CN606112068

NAME: Larry Michels

EMAIL: lmfm729@gmail.com

COMPANY:

ADDRESS: 1346 LONG MDW
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COMMENTS: Conflicting locations in application and one locations does not comply with the Village of Salado Development Agreement with Mustang Springs developer. Application does not address source of water and backup power requirements.