



# Administrative Package Cover Page

**This file contains the following documents:**

1. Summary of application (in plain language)
    - English
    - Alternative Language (Spanish)
  2. First Notice (NORI-Notice of Receipt of Application and Intent to Obtain a Permit)
    - English
    - Alternative Language (Spanish)
  3. Application materials
- 



# Portada de Paquete Administrativo

**Este archivo contiene los siguientes documentos:**

1. Resumen en lenguaje sencillo (PLS, por sus siglas en inglés) de la actividad propuesta
  - Inglés
  - Idioma alternativo (español)
2. Primer aviso (NORI, por sus siglas en inglés)
  - Inglés
  - Idioma alternativo (español)
3. Solicitud original



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

### PLAIN LANGUAGE SUMMARY FOR TPDES OR TLAP PERMIT APPLICATIONS

#### Plain Language Summary Template and Instructions for Texas Pollutant Discharge Elimination System (TPDES) and Texas Land Application (TLAP) Permit Applications

Applicants should use this template to develop a plain language summary as required by [Title 30, Texas Administrative Code \(30 TAC\), Chapter 39, Subchapter H](#). Applicants may modify the template as necessary to accurately describe their facility as long as the summary includes the following information: (1) the function of the proposed plant or facility; (2) the expected output of the proposed plant or facility; (3) the expected pollutants that may be emitted or discharged by the proposed plant or facility; and (4) how the applicant will control those pollutants, so that the proposed plant will not have an adverse impact on human health or the environment.

Fill in the highlighted areas below to describe your facility and application in plain language. Instructions and examples are provided below. Make any other edits necessary to improve readability or grammar and to comply with the rule requirements.

If you are subject to the alternative language notice requirements in [30 TAC Section 39.426](#), **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package**. For your convenience, a Spanish template has been provided below.

#### **ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS DOMESTIC WASTEWATER/STORMWATER**

*The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.*

City of San Marcos (CN600521272) proposes to operate the FM 1978 Water Reclamation Facility (RN# TBD), a new Wastewater Treatment Facility. The facility will be located at on Fleming Pass approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123, in the City of San Marcos, Guadalupe County, Texas 78666. The City is applying for a new TPDES permit to allow discharges of treated wastewater into Cottonwood Creek. Initial output flows are anticipated to be up to 2.0 MGD with future wastewater treatment plant expansions expected to ultimately discharge up to 8.0 MGD.

Discharges from the facility are expected to contain five-day carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), ammonia nitrogen (NH3-N), dissolved oxygen (DO) and total phosphorus (TP). Wastewater discharge will be mainly residential and will be treated by the proposed FM 1978 Water Reclamation Facility. The Facility is anticipated to include major components associated with conventional activated sludge

wastewater treatment processes; however, as this is a Progressive Design Build project, considerations will be made for other proposed solutions that can reliably and efficiently meet the project objectives. The major components and design alternatives to be considered include the following: Influent Lift Station, Primary Treatment, Secondary Treatment, Tertiary Treatment, Disinfection, Plant Water System, Biosolids Treatment & Handling, Plant Electrical, Instrumentation & SCADA Systems, Administration, Operations & Support Buildings, Odor Control, Site Improvements, Plant Outfall.

## **PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP**

**AGUAS RESIDUALES** Introduzca 'INDUSTRIALES' o 'DOMÉSTICAS' aquí / **AGUAS PLUVIALES**

*El siguiente resumen se proporciona para esta solicitud de permiso de calidad del agua pendiente que está siendo revisada por la Comisión de Calidad Ambiental de Texas según lo requerido por el Capítulo 39 del Código Administrativo de Texas 30. La información proporcionada en este resumen puede cambiar durante la revisión técnica de la solicitud y no es una representación ejecutiva fedérale de la solicitud de permiso.*

La Ciudad de San Marcos (CN600521272) propone operar la Planta de Recuperación de Agua FM 1978 (RN101416337), una Planta de Tratamiento de Aguas Residuales. La planta se ubicará en Fleming Pass, aproximadamente a 2,8 km al este de la intersección de la Carretera Farm-to-Market 1978 y la Carretera Estatal 123, en la Ciudad de San Marcos, Condado de Guadalupe, Texas 78666. Al solicitar un nuevo permiso para la Planta de Tratamiento de Aguas Residuales (PTAR), este permiso no autoriza la descarga de contaminantes al agua del estado.

Se espera que las descargas de la planta contengan la demanda bioquímica de oxígeno carbonoso (DBO5) de cinco días, sólidos suspendidos totales (SST), nitrógeno amoniacal ( $\text{NH}_3\text{-N}$ ), oxígeno disuelto (OD) y fósforo total (PF). Las descargas de aguas residuales serán principalmente residenciales y serán tratadas por la Planta de Recuperación de Agua FM 1978 propuesta. Se prevé que la instalación incluya componentes principales asociados con los procesos convencionales de tratamiento de aguas residuales mediante lodos activados. Sin embargo, dado que se trata de un proyecto de Diseño y Construcción Progresivos, se considerarán otras soluciones propuestas que puedan cumplir los objetivos del proyecto de forma fiable y eficiente. Los principales componentes y alternativas de diseño que se considerarán incluyen: Estación de Elevación de Influentes, Tratamiento Primario, Tratamiento Secundario, Tratamiento Terciario, Desinfección, Sistema de Agua de la Planta, Tratamiento y Manejo de Biosólidos, Sistema Eléctrico de la Planta, Instrumentación y Sistemas SCADA, Edificios de Administración, Operaciones y Soporte, Control de Olores, Mejoras del Sitio y Emisario de la Planta.



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

**PROPOSED PERMIT NO. WQ0016808001**

**APPLICATION.** City of San Marcos, 630 East Hopkins Street, San Marcos, Texas 78666, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016808001 (EPA I.D. No. TX0147842) to authorize the discharge of treated wastewater at a volume not to exceed an annual average flow of 8,000,000 gallons per day. The domestic wastewater treatment facility will be located approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123, near the city of San Marcos, in Guadalupe County, Texas 78666. The discharge route will be from the plant site to Cottonwood Creek, thence to York Creek, thence to the Lower San Marcos River. TCEQ received this application on May 7, 2025. The permit application will be available for viewing and copying at Seguin Public Library, 313 West Nolte Street, Seguin, in Guadalupe County, Texas prior to the date this notice is published in the newspaper. The application, including any updates, and associated notices are available electronically at the following webpage:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.91944,29.810975&level=18>

**ALTERNATIVE LANGUAGE NOTICE.** Alternative language notice in Spanish is available at:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

El aviso de idioma alternativo en español está disponible en

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

**ADDITIONAL NOTICE.** TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public

interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.** If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**INFORMATION AVAILABLE ONLINE.** For details about the status of the application, visit the Commissioners' Integrated Database at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Search the database using the permit number for this application, which is provided at the top of this notice.

**AGENCY CONTACTS AND INFORMATION.** All public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at [www.tceq.texas.gov/goto/pep](http://www.tceq.texas.gov/goto/pep). Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from City of San Marcos at the address stated above or by calling Mr. Paul Kite, Assistant Director of Utilities, at 512-393-8003.

Issuance Date: June 13, 2025

# Comisión de Calidad Ambiental del Estado de Texas



## **AVISO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA**

### **PERMISO PROPUESTO NO. WQ0016808001**

**SOLICITUD.** City of San Marcos, 630 East Hopkins Street, San Marcos, Texas 78666, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para el propuesto Permiso No. WQ0016808001 (EPA I.D. No. TX 0147842) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la descarga de aguas residuales tratadas en un volumen que no sobrepasa un flujo promedio diario de 8,000,000 galones por día. La planta estará ubicada aproximadamente 1.75 millas al noreste de la intersección de Farm-to-Market Road 1978 y State Highway 123, cerca de la ciudad de San Marcos en el Condado de Guadalupe, Texas 78666. La ruta de descarga estará del sitio de la planta a Cottonwood Creek, de allí a York Creek, de allí al río San Marcos Inferior. La TCEQ recibió esta solicitud el 7 de mayo de 2025. La solicitud para el permiso estará disponible para leerla y copiarla en la Biblioteca Pública de Seguin, 313 West Nolte Street, Seguin, Texas antes de la fecha de publicación de este aviso en el periódico. La solicitud (cualquier actualización y aviso inclusive) está disponible electrónicamente en la siguiente página web:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=97.91944,29.810975&level=18>

**AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

**AVISO ADICIONAL.** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. **El aviso de la solicitud y la decisión preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.**

**COMENTARIO PUBLICO / REUNION PUBLICA.** Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés

público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

**OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO.** Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todo los comentarios públicos esenciales, pertinentes, o significativos. **A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso.** Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

**PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS:** su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión.

La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. **Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.**

**LISTA DE CORREO.** Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas correos siguientes (1) la lista de correo permanente para recibir los avisos del solicitante

indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cual lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

**INFORMACIÓN DISPONIBLE EN LÍNEA.** Para detalles sobre el estado de la solicitud, favor de visitar la Base de Datos Integrada de los Comisionados en [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Para buscar en la base de datos, utilizar el número de permiso para esta solicitud que aparece en la parte superior de este aviso.

**CONTACTOS E INFORMACIÓN A LA AGENCIA. Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía <http://www14.tceq.texas.gov/epic/eComment/> o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087.** Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del City of San Marcos a la dirección indicada arriba o llamando a Sr. Paul Kite, Subdirector de Servicios Públicos al (512) 393-8003.

Fecha de emisión: 13 de junio de 2025

## Leah Whallon

---

**From:** James Bronikowski <jbronikowski@ardurra.com>  
**Sent:** Wednesday, June 11, 2025 10:49 AM  
**To:** Leah Whallon; Kite, Paul  
**Cc:** Naiser, Marcus; Jeff Peters  
**Subject:** Re: Application for Proposed Permit No. WQ0016808001; City of San Marcos; FM 1978 WRF 2  
**Attachments:** AR-2 PLAIN LANGUAGE SUMMARY (Updated).docx; Updated Municipal Discharge New Spanish NORI.docx; Updated\_Affected Landowners map.pdf; Updated\_AFFECTED LANDOWNERS.pdf

Good morning Ms. Whallon,

Attached are the updated documents as requested.

1. Updated Plain Language Summary (TCEQ-20972). **Attached.**
2. Spanish NORI in a Microsoft Word document. **Attached.**
3. I noticed a discrepancy in the affected landowner list and mailing labels. There is a mailing label for Andrew Mitchell, who is not on the list. Number 17 on the list is listed as UDI. Please confirm if this landowner should be included, and provide an updated landowner list to include Andrew Mitchell on the list at number 17. **Yes, Andrew Mitchell should be included. Updated affected landowner list and map are attached.**

Please let us know if you need anything further.

Thank you,



**James Bronikowski, PE, CFM**

*Group Leader - Austin Water*

**O:** 512.381.8334 | **M:** 281.796.4919

7500 Rialto Blvd, Bldg. 1, Suite 240, Austin, Texas 78735

[jbronikowski@ardurra.com](mailto:jbronikowski@ardurra.com) | [www.ardurra.com](http://www.ardurra.com)



---

**From:** Leah Whallon <Leah.Whallon@Tceq.Texas.Gov>

**Sent:** Wednesday, June 11, 2025 10:32 AM

**To:** James Bronikowski <jbronikowski@ardurra.com>; Kite, Paul <PKite@sanmarcostx.gov>

**Cc:** Naiser, Marcus <MNaiser@sanmarcostx.gov>; Jeff Peters <jpeters@ardurra.com>

**Subject:** RE: Application for Proposed Permit No. WQ0016808001; City of San Marcos; FM 1978 WRF 2

Good Morning,

I'm following up on this application. Please let me know if additional time is needed and I can send a 30 day extension.

Thanks,



**Leah Whallon**

Texas Commission on Environmental Quality  
Water Quality Division  
512-239-0084  
[leah.whallon@tceq.texas.gov](mailto:leah.whallon@tceq.texas.gov)

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

---

**From:** Leah Whallon

**Sent:** Wednesday, June 4, 2025 11:04 AM

**To:** 'James Bronikowski' <jbronikowski@ardurra.com>; 'Kite, Paul' <PKite@sanmarcostx.gov>

**Cc:** 'Naiser, Marcus' <MNaiser@sanmarcostx.gov>; 'Jeff Peters' <jpeters@ardurra.com>

**Subject:** RE: Application for Proposed Permit No. WQ0016808001; City of San Marcos; FM 1978 WRF 2

Good Morning,

I've reviewed the response and have a couple of items to request that were not found in the response.

1. Updated Plain Language Summary (TCEQ-20972).
2. Spanish NORI in a Microsoft Word document.
3. I noticed a discrepancy in the affected landowner list and mailing labels. There is a mailing label for Andrew Mitchell, who is not on the list. Number 17 on the list is listed as UDI. Please confirm if this landowner should be included, and provide an updated landowner list to include Andrew Mitchell on the list at number 17.

The other items look good to go. I am also waiting for completion of pre-technical reviews. Please let me know if you have any questions.

Thank you,



**Leah Whallon**

Texas Commission on Environmental Quality  
Water Quality Division  
512-239-0084  
[leah.whallon@tceq.texas.gov](mailto:leah.whallon@tceq.texas.gov)

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



---

**From:** Leah Whallon  
**Sent:** Friday, May 30, 2025 3:25 PM  
**To:** James Bronikowski <[jbronikowski@ardurra.com](mailto:jbronikowski@ardurra.com)>; Kite, Paul <[PKite@sanmarcostx.gov](mailto:PKite@sanmarcostx.gov)>  
**Cc:** Naiser, Marcus <[MNaiser@sanmarcostx.gov](mailto:MNaiser@sanmarcostx.gov)>; Jeff Peters <[jpeters@ardurra.com](mailto:jpeters@ardurra.com)>  
**Subject:** RE: Application for Proposed Permit No. WQ0016808001; City of San Marcos; FM 1978 WRF 2

Thank you, James.

I will review the response and follow up next week. Please let me know if you have any questions.

Thanks,



**Leah Whallon**  
Texas Commission on Environmental Quality  
Water Quality Division  
512-239-0084  
[leah.whallon@tceq.texas.gov](mailto:leah.whallon@tceq.texas.gov)

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

---

**From:** James Bronikowski <[jbronikowski@ardurra.com](mailto:jbronikowski@ardurra.com)>  
**Sent:** Friday, May 30, 2025 3:22 PM  
**To:** Leah Whallon <[Leah.Whallon@Tceq.Texas.Gov](mailto:Leah.Whallon@Tceq.Texas.Gov)>; Kite, Paul <[PKite@sanmarcostx.gov](mailto:PKite@sanmarcostx.gov)>  
**Cc:** Naiser, Marcus <[MNaiser@sanmarcostx.gov](mailto:MNaiser@sanmarcostx.gov)>; Jeff Peters <[jpeters@ardurra.com](mailto:jpeters@ardurra.com)>  
**Subject:** Re: Application for Proposed Permit No. WQ0016808001; City of San Marcos; FM 1978 WRF 2

Good afternoon, Ms. Whallon.

Please find responses to all of your comments in the cover letter of the attached pdf. Updated documents are also included in the pdf. The attached word document includes the list of affected landowners' addresses formatted for mailing labels as requested.

Please let me know if you need any further information.

Thank you,



**James Bronikowski, PE, CFM**  
*Group Leader - Austin Water*  
O: 512.381.8334 | M: 281.796.4919  
7500 Rialto Blvd, Bldg. 1, Suite 240, Austin, Texas 78735  
[jbronikowski@ardurra.com](mailto:jbronikowski@ardurra.com) | [www.ardurra.com](http://www.ardurra.com)



---

**From:** Leah Whallon <[Leah.Whallon@Tceq.Texas.Gov](mailto:Leah.Whallon@Tceq.Texas.Gov)>  
**Sent:** Friday, May 16, 2025 11:55 AM  
**To:** Kite, Paul <[pkite@sanmarcostx.gov](mailto:pkite@sanmarcostx.gov)>  
**Cc:** Naiser, Marcus <[mnaiser@sanmarcostx.gov](mailto:mnaiser@sanmarcostx.gov)>; James Bronikowski <[jbronikowski@ardurra.com](mailto:jbronikowski@ardurra.com)>  
**Subject:** Application for Proposed Permit No. WQ0016808001; City of San Marcos; FM 1978 WRF 2

Good Afternoon,

Please see the attached Notice of Deficiency letter dated May 16, 2025 requesting additional information needed to declare the application administratively complete. Please send the complete response by May 30, 2025.

Please let me know if you have any questions.

Thank you,



**Leah Whallon**  
Texas Commission on Environmental Quality  
Water Quality Division  
512-239-0084  
[leah.whallon@tceq.texas.gov](mailto:leah.whallon@tceq.texas.gov)

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



May 30, 2025

Leah Whallon  
Texas Commission on Environmental Quality  
Water Quality Division  
512-239-0084

**Subject: Response to TPDES Notice of Deficiency Letter  
Application for Proposed Permit No. WQ0016808001  
City of San Marcos – FM 1978 WRF**

Dear Ms. Whallon:

Below are our responses in blue to your requested items. Revised documents are attached as described.

1. An older version of the Administrative Report application form (TCEQ-10053) was submitted. Please complete and provide the most recent version of the administrative report, (rev. date - 10/17/2024).

[The newest version has been completed. Please see the attached document.](#)

2. Core Data Form, Section III, Items 23-26

The applicant's mailing address is listed for the physical address of the proposed facility. Please provide a revised page that lists either a street address for the proposed facility location in item 23 or a location description using only a single distance in feet or miles from a nearby intersection in item 25 and complete item 26. A suggested location description in this format is "approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123."

[The address has been updated. Please see the attached document.](#)

3. Please also update the physical location description throughout the application to be consistent on all forms including items:

- Administrative Report 1.0, Section 10.A
- Plain Language Summary (TCEQ-20972)
- Supplemental Permit Information Form (TCEQ-20972)



The location has been updated throughout the form. Please see the attached document.

4. Administrative Report 1.0, Section 8.D

The public building name listed is “313 W. Nolte St.” with a physical address of “303 W. Nolte St.” The public viewing location could not be verified. Please provide a revised page to list the name of the building and it’s address where the application will be available to the public.

The section has been updated to reflect the public building as the Seguin Public Library. Please see the attached document.

5. Plain Language Summary (TCEQ-20972)

The plain language summary does not include the proposed output (flow) from the facility, includes an incorrect RN number, and includes a statement intended only for land application permits “this permit will not authorize discharge or pollutants into water in the state.” Please provide updated summaries in English and Spanish to include the output, list the correct RN number, and remove the land application statement.

The form has been updated. Please see the attached document.

6. Administrative Report 1.1, Section 1

Please provide the affected landowner list formatted for mailing labels (Avery 5160) in a Microsoft Word document.

The mailing labels have been provided. Please see the attached document.

7. The following is a portion of the NORI which contains information relevant to your application. Please read it carefully and indicate if it contains any errors or omissions. The complete notice will be sent to you once the application is declared administratively complete.

APPLICATION. City of San Marcos, 630 East Hopkins Street, San Marcos, Texas 78666, has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016808001 (EPA I.D. No. TX0147842) to authorize the discharge of treated wastewater at a volume not to exceed an annual average flow of 8,000,000 gallons per day. The domestic wastewater treatment facility will be located approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123, near the city of San Marcos, in Guadalupe County, Texas 78666. The discharge route will be from the plant site to Cottonwood Creek, thence to York Creek, thence to Lower San Marcos River (pending RWA). TCEQ received this application on May 7, 2025. The permit application will be available for viewing and copying at [Seguin Public Library, 313 W. Nolte St,](#)



[Seguin, TX 78155](#) in Guadalupe County, Texas prior to the date this notice is published in the newspaper. The application, including any updates, and associated notices are available electronically at the following webpage:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=97.91944,29.810975&level=18>

Further information may also be obtained from City of San Marcos at the address stated above or by calling Mr. Paul Kite, Assistant Director of Utilities, at 512-393-8003.

[The selected NORI language has been updated to reflect the correct viewing and copying location at the Seguin Public Library, 313 W. Nolte St, Seguin, TX 78155. Everything else appears to be accurate.](#)

8. The application indicates that public notices in Spanish are required. After confirming the portion of the NORI above does not contain any errors or omissions, please use the attached template to translate the NORI into Spanish. Only the first and last paragraphs are unique to this application and require translation. Please provide the translated Spanish NORI in a Microsoft Word document.

[The public notice has been translated into Spanish. Please see the attached document.](#)

If you have any questions or wish to discuss further, please feel free to contact me at (512) 381-8333 or via email at [jbronikowski@ardurra.com](mailto:jbronikowski@ardurra.com).

Respectfully,

James Bronikowski, PE, CFM  
Group Leader / Project Manager

Ardurra Group, Inc.  
TBPE Firm No. F-10053

Attachments:

Revised Administrative Report application form (TCEQ-10053)  
Revised Core Data Form, Section III, Items 23-26



May 30, 2025

Revised Plain Language Summary (TCEQ-20972)  
Revised Supplemental Permit Information Form (TCEQ-20972)  
Administrative Report 1.1, Section 1 formatted for mailing labels (Avery 5160)  
Revised NORI Language (Spanish language version)

cc: Paul Kite, City of San Marcos  
Marcus Naiser, PE; City of San Marcos  
Jeff Peters, PE; Ardurra Group, Inc.



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## DOMESTIC WASTEWATER PERMIT APPLICATION CHECKLIST

Complete and submit this checklist with the application.

APPLICANT NAME: City of San Marcos

PERMIT NUMBER (If new, leave blank): WQ00 New Permit

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original USGS Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Affected Landowners Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SPIF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landowner Disk or Labels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Core Data Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buffer Zone Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Summary of Application (PLS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flow Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Involvement Plan Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Drawing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Design Calculations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Solids Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 4.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 5.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 6.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Worksheet 7.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

For TCEQ Use Only

Segment Number \_\_\_\_\_ County \_\_\_\_\_  
Expiration Date \_\_\_\_\_ Region \_\_\_\_\_  
Permit Number \_\_\_\_\_







TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**DOMESTIC WASTEWATER PERMIT APPLICATION  
ADMINISTRATIVE REPORT 1.0**

For any questions about this form, please contact the Applications Review and Processing Team at 512-239-4671.

**Section 1. Application Fees (Instructions Page 26)**

Indicate the amount submitted for the application fee (check only one).

Flow	New/Major Amendment	Renewal
<0.05 MGD	\$350.00 <input type="checkbox"/>	\$315.00 <input type="checkbox"/>
≥0.05 but <0.10 MGD	\$550.00 <input type="checkbox"/>	\$515.00 <input type="checkbox"/>
≥0.10 but <0.25 MGD	\$850.00 <input type="checkbox"/>	\$815.00 <input type="checkbox"/>
≥0.25 but <0.50 MGD	\$1,250.00 <input type="checkbox"/>	\$1,215.00 <input type="checkbox"/>
≥0.50 but <1.0 MGD	\$1,650.00 <input type="checkbox"/>	\$1,615.00 <input type="checkbox"/>
≥1.0 MGD	\$2,050.00 <input checked="" type="checkbox"/>	\$2,015.00 <input type="checkbox"/>

Minor Amendment (for any flow) \$150.00 ☐

**Payment Information:**

Mailed      Check/Money Order Number:   
Check/Money Order Amount:   
Name Printed on Check:   
EPAY      Voucher Number:   
Copy of Payment Voucher enclosed?      Yes ☒

**Section 2. Type of Application (Instructions Page 26)**

a. Check the box next to the appropriate authorization type.

- ☒ Publicly Owned Domestic Wastewater  
☐ Privately-Owned Domestic Wastewater  
☐ Conventional Water Treatment

b. Check the box next to the appropriate facility status.

- ☐ Active      ☒ Inactive

c. Check the box next to the appropriate permit type.

- ☒ TPDES Permit  
☐ TLAP  
☐ TPDES Permit with TLAP component  
☐ Subsurface Area Drip Dispersal System (SADDS)

d. Check the box next to the appropriate application type

- ☒ New  
☐ Major Amendment with Renewal  
☐ Major Amendment without Renewal  
☐ Renewal without changes  
☐ Minor Amendment with Renewal  
☐ Minor Amendment without Renewal  
☐ Minor Modification of permit

e. For amendments or modifications, describe the proposed changes: N/A

f. For existing permits:

Permit Number: WQ00 N/A

EPA I.D. (TPDES only): TX N/A

Expiration Date: N/A

### Section 3. Facility Owner (Applicant) and Co-Applciant Information (Instructions Page 26)

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

City of San Marcos

*(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at <http://www15.tceq.texas.gov/crpub/>

CN: 600521272

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix: Mr.

Last Name, First Name: Hjorth, Tyler

Title: Director of Utilities

Credential: P.E.

B. **Co-applicant information.** Complete this section only if another person or entity is required to apply as a co-permittee.

What is the Legal Name of the co-applicant applying for this permit?

N/A

*(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)*

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at: <http://www15.tceq.texas.gov/crpub/>

CN: N/A

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix: N/A

Last Name, First Name: N/A

Title: N/A

Credential: N/A

Provide a brief description of the need for a co-permittee: N/A

### C. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete **Attachment 1** of Administrative Report 1.0. Attachment AR-1: Core Data Form

## Section 4. Application Contact Information (Instructions Page 27)

This is the person(s) TCEQ will contact if additional information is needed about this application. Provide a contact for administrative questions and technical questions.

A. Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential: Click to enter text.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512-393-8003 E-mail Address: pkite@sanmarcostx.gov  
Check one or both: ☒ Administrative Contact ☐ Technical Contact

B. Prefix: Mr. Last Name, First Name: Naiser, Marcus  
Title: Assistant Director of CIP Credential: P.E.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512-393-8376 E-mail Address: mnaiser@sanmarcostx.gov  
Check one or both: ☐ Administrative Contact ☒ Technical Contact

## Section 5. Permit Contact Information (Instructions Page 27)

Provide the names and contact information for two individuals that can be contacted throughout the permit term.

A. Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential: Click to enter text.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512-393-8003 E-mail Address: pkite@sanmarcostx.gov

B. Prefix: Mr. Last Name, First Name: Naiser, Marcus  
Title: Assistant Director of CIP Credential: P.E.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512-393-8376 E-mail Address: mnaiser@sanmarcostx.gov

## Section 6. Billing Contact Information (Instructions Page 27)

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits ***in effect on September 1 of each year***. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (using form TCEQ-20029).

Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential: Click to enter text.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512-393-8003 E-mail Address: pkite@sanmarcostx.gov

## Section 7. DMR/MER Contact Information (Instructions Page 27)

Provide the name and complete mailing address of the person delegated to receive and submit Discharge Monitoring Reports (DMR) (EPA 3320-1) or maintain Monthly Effluent Reports (MER).

Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential: Click to enter text.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, Tx 78666  
Phone No.: 512-393-8003 E-mail Address: pkite@sanmarcostx.gov

## Section 8. Public Notice Information (Instructions Page 27)

### A. Individual Publishing the Notices

Prefix: Ms. Last Name, First Name: Alexander Andreana  
Title: Project Manager Credential: Click to enter text.  
Organization Name: Jacobs  
Mailing Address: 720 River Rd. City, State, Zip Code: San Marcos, Tx 78666  
Phone No.: 512-0393-8345 E-mail Address: andreana.alexander@jacobs.com

**B. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package**

Indicate by a check mark the preferred method for receiving the first notice and instructions:

☒ E-mail Address

☐ Fax

☐ Regular Mail

**C. Contact permit to be listed in the Notices**

Prefix: Mr. Last Name, First Name: Kite, Paul

Title: Assistant Director of Utilities Credential: Click to enter text.

Organization Name: City of San Marcos

Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666

Phone No.: 512-393-8003 E-mail Address: pkite@sanamrcostx.gov

**D. Public Viewing Information**

*If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.*

Public building name: Seguin Public Library

Location within the building: Front Desk

Physical Address of Building: 313 W. Nolte St.

City: Seguin County: Guadalupe

Contact (Last Name, First Name): Silvia, Christy

Phone No.: 830-401-2422 Ext.: N/A

**E. Bilingual Notice Requirements**

This information **is required** for **new, major amendment, minor amendment or minor modification, and renewal** applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☒ Yes ☐ No

If **no**, publication of an alternative language notice is not required; **skip to** Section 9 below.

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

☒ Yes ☐ No

3. Do the students at these schools attend a bilingual education program at another location?

☐ Yes ☒ No

4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?

☐ Yes ☒ No

5. If the answer is **yes** to **question 1, 2, 3, or 4**, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

#### F. Summary of Application in Plain Language Template

Complete the F. Summary of Application in Plain Language Template (TCEQ Form 20972), also known as the plain language summary or PLS, and include as an attachment.

**Attachment:** Attachment AR-2: Plain Language Summary

#### G. Public Involvement Plan Form

Complete the Public Involvement Plan Form (TCEQ Form 20960) for each application for a **new permit or major amendment to a permit** and include as an attachment.

**Attachment:** Attachment AR-3: Public Involvement Plan

## Section 9. Regulated Entity and Permitted Site Information (Instructions Page 29)

A. If the site is currently regulated by TCEQ, provide the Regulated Entity Number (RN) issued to this site. RN N/A

Search the TCEQ's Central Registry at <http://www15.tceq.texas.gov/crpub/> to determine if the site is currently regulated by TCEQ.

B. Name of project or site (the name known by the community where located):

FM 1978 Water Reclamation Facility 2

C. Owner of treatment facility: City of San Marcos

Ownership of Facility: ☒ Public ☐ Private ☐ Both ☐ Federal

D. Owner of land where treatment facility is or will be:

Prefix: Mr. Last Name, First Name: Kite, Paul

Title: Assistant Director of Utilities Credential: Click to enter text.

Organization Name: City of San Marcos

Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666

Phone No.: 512-393-8003 E-mail Address: pkite@sanmarcostx.gov

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

**Attachment:** N/A

E. Owner of effluent disposal site:

Prefix: N/A

Last Name, First Name: N/A

Title: N/A

Credential: N/A

Organization Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

**Attachment:** N/A as this project will be discharging to a waterway; not effluent disposal site.

F. Owner sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

Prefix: N/A

Last Name, First Name: N/A

Title: N/A

Credential: N/A

Organization Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

**Attachment:** N/A as this project will dispose of sludge to a certified landfill.

## Section 10. TPDES Discharge Information (Instructions Page 31)

A. Is the wastewater treatment facility location in the existing permit accurate?

☐ Yes ☒ No

If **no**, or a new permit application, please give an accurate description:

Approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123, in the City of San Marcos, Guadalupe County, Texas 78666.

B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☒ No

If **no**, or a new or amendment permit application, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

The outfall discharges to Cottonwood Creek, thence to York Creek, thence to the San Marcos River (Segment 1808).

City nearest the outfall(s): San Marcos

County in which the outfalls(s) is/are located: Guadalupe County

C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

☐ Yes ☒ No

If **yes**, indicate by a check mark if:

- ☐ Authorization granted      ☐ Authorization pending

For **new and amendment** applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

**Attachment:** N/A

- D. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge: Guadalupe, Cadwell and Gonzales

## Section 11. TLAP Disposal Information (Instructions Page 32)

- A. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

- ☐ Yes      ☐ No

If **no, or a new or amendment permit application**, provide an accurate description of the disposal site location:

N/A

- B. City nearest the disposal site: N/A

- C. County in which the disposal site is located: N/A

- D. For TLAPs, describe the routing of effluent from the treatment facility to the disposal site:

N/A

- E. For TLAPs, please identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained: N/A

## Section 12. Miscellaneous Information (Instructions Page 32)

- A. Is the facility located on or does the treated effluent cross American Indian Land?

- ☐ Yes      ☒ No

- B. If the existing permit contains an onsite sludge disposal authorization, is the location of the sewage sludge disposal site in the existing permit accurate?

- ☐ Yes      ☐ No      ☒ Not Applicable

If No, or if a new onsite sludge disposal authorization is being requested in this permit application, provide an accurate location description of the sewage sludge disposal site.

N/A



C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☒ Yes ☐ No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application: [Click to enter text.](#)

D. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If **yes**, provide the following information:

Account number: N/A

Amount past due: N/A

E. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If **yes**, please provide the following information:

Enforcement order number: N/A

Amount past due: N/A

## Section 13. Attachments (Instructions Page 33)

Indicate which attachments are included with the Administrative Report. Check all that apply:

☐ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.

☒ Original full-size USGS Topographic Map with the following information:

- Applicant's property boundary
- Treatment facility boundary
- Labeled point of discharge for each discharge point (TPDES only)
- Highlighted discharge route for each discharge point (TPDES only)
- Onsite sewage sludge disposal site (if applicable)
- Effluent disposal site boundaries (TLAP only)
- New and future construction (if applicable)
- 1 mile radius information
- 3 miles downstream information (TPDES only)
- All ponds.

☐ Attachment 1 for Individuals as co-applicants

☒ Other Attachments. Please specify: Attachment AR-1: Core Data Form, Attachment AR-2: Plain Language Summary, Attachment AR-3: Public Involvement Plan Form, Attachment AR-4: Supplemental Permit Information Form, Attachment AR-5: USGS Topo Map, Attachment AR-6: Affected Landowners Map and Labels, AR-7: Original Photographs, Attachment AR-8: Buffer Zone Map, Attachment AR-9: Regional Wastewater Services and Facilities Cost Sharing Agreement, AR-10: Easement Agreement.

## Section 14. Signature Page (Instructions Page 34)

*If co-applicants are necessary, each entity must submit an original, separate signature page.*

Permit Number: N/A

Applicant: City of San Marcos

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Tyler Hjorth, PE

Signatory title: Director of Utilities

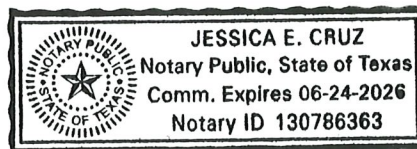
Signature:  Date: 30 May 2025  
(Use blue ink)

Subscribed and Sworn to before me by the said Tyler J. Hjorth  
on this 30<sup>th</sup> day of May, 2025.  
My commission expires on the 24<sup>th</sup> day of June, 2026.

  
Notary Public

[SEAL]

Hays  
County, Texas



# DOMESTIC WASTEWATER PERMIT APPLICATION ADMINISTRATIVE REPORT 1.0

The following information is required for new and amendment applications.

## Section 1. Affected Landowner Information (Instructions Page 36)

- A. Indicate by a check mark that the landowners map or drawing, with scale, includes the following information, as applicable:
- ☒ The applicant's property boundaries
  - ☒ The facility site boundaries within the applicant's property boundaries
  - ☒ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone
  - ☒ The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
  - ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
  - ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
  - ☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
  - ☐ The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
  - ☐ The property boundaries of all landowners surrounding the effluent disposal site
  - ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
  - ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located
- B. ☒ Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.
- C. ☒ Indicate by a check mark that the landowners list has also been provided as mailing labels in electronic format (Avery 5160).
- D. Provide the source of the landowners' names and mailing addresses: Guadalupe county appraisal district
- E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?
- ☐ Yes      ☒ No

If **yes**, provide the location and foreseeable impacts and effects this application has on the land(s):

N/A

## Section 2. Original Photographs (Instructions Page 38)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

## Section 3. Buffer Zone Map (Instructions Page 38)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☐ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes      ☐ No

# DOMESTIC WASTEWATER PERMIT APPLICATION

## SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

This form applies to TPDES permit applications only. Complete and attach the Supplemental Permit information Form (SPIF) (TCEQ Form 20971).

**Attachment:** Attachment AR-4: Supplemental Permit Information Form (SPIF)

# WATER QUALITY PERMIT

## PAYMENT SUBMITTAL FORM

Use this form to submit the Application Fee, if the mailing the payment.

- Complete items 1 through 5 below.
- Staple the check or money order in the space provided at the bottom of this document.
- **Do Not mail this form with the application form.**
- Do not mail this form to the same address as the application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

**Mail this form and the check or money order to:**

*BY REGULAR U.S. MAIL*

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
P.O. Box 13088  
Austin, Texas 78711-3088

*BY OVERNIGHT/EXPRESS MAIL*

Texas Commission on Environmental Quality  
Financial Administration Division  
Cashier's Office, MC-214  
12100 Park 35 Circle  
Austin, Texas 78753

**Fee Code:** WQP      **Waste Permit No:** [Click to enter text.](#)

1. Check or Money Order Number: [Click to enter text.](#)
2. Check or Money Order Amount: [Click to enter text.](#)
3. Date of Check or Money Order: [Click to enter text.](#)
4. Name on Check or Money Order: [Click to enter text.](#)
5. APPLICATION INFORMATION

Name of Project or Site: [Click to enter text.](#)

Physical Address of Project or Site: [Click to enter text.](#)

If the check is for more than one application, attach a list which includes the name of each Project or Site (RE) and Physical Address, exactly as provided on the application.

**Staple Check or Money Order in This Space**

# ATTACHMENT 1

## INDIVIDUAL INFORMATION

### Section 1. Individual Information (Instructions Page 41)

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., Miss): N/A

Full legal name (Last Name, First Name, Middle Initial): N/A

Driver's License or State Identification Number: N/A

Date of Birth: N/A

Mailing Address: N/A

City, State, and Zip Code: N/A

Phone Number: N/A Fax Number: N/A

E-mail Address: N/A

CN: N/A

#### For Commission Use Only:

Customer Number:

Regulated Entity Number:

Permit Number:

# DOMESTIC WASTEWATER PERMIT APPLICATION CHECKLIST OF COMMON DEFICIENCIES

Below is a list of common deficiencies found during the administrative review of domestic wastewater permit applications. To ensure the timely processing of this application, please review the items below and indicate by checking Yes that each item is complete and in accordance applicable rules at 30 TAC Chapters 21, 281, and 305. If an item is not required this application, indicate by checking N/A where appropriate. Please do not submit the application until the items below have been addressed.

Core Data Form (TCEQ Form No. 10400) ☒ Yes  
*(Required for all application types. Must be completed in its entirety and signed.*  
*Note: Form may be signed by applicant representative.)*

Correct and Current Industrial Wastewater Permit Application Forms ☒ Yes  
*(TCEQ Form Nos. 10053 and 10054. Version dated 6/25/2018 or later.)*

Water Quality Permit Payment Submittal Form (Page 19) ☐ Yes  
*(Original payment sent to TCEQ Revenue Section. See instructions for mailing address.)*

7.5 Minute USGS Quadrangle Topographic Map Attached ☒ Yes  
*(Full-size map if seeking "New" permit.*  
*8 ½ x 11 acceptable for Renewals and Amendments)*

Current/Non-Expired, Executed Lease Agreement or Easement ☐ N/A ☒ Yes

Landowners Map ☐ N/A ☒ Yes  
*(See instructions for landowner requirements)*

## **Things to Know:**

- All the items shown on the map must be labeled.
- The applicant's complete property boundaries must be delineated which includes boundaries of contiguous property owned by the applicant.
- The applicant cannot be its own adjacent landowner. You must identify the landowners immediately adjacent to their property, regardless of how far they are from the actual facility.
- If the applicant's property is adjacent to a road, creek, or stream, the landowners on the opposite side must be identified. Although the properties are not adjacent to applicant's property boundary, they are considered potentially affected landowners. If the adjacent road is a divided highway as identified on the USGS topographic map, the applicant does not have to identify the landowners on the opposite side of the highway.

Landowners Labels and Cross Reference List ☐ N/A ☒ Yes  
*(See instructions for landowner requirements)*

Electronic Application Submittal ☒ Yes  
*(See application submittal requirements on page 23 of the instructions.)*

Original signature per 30 TAC § 305.44 – Blue Ink Preferred ☒ Yes  
*(If signature page is not signed by an elected official or principle executive officer, a copy of signature authority/delegation letter must be attached)*

Summary of Application (in Plain Language) ☒ Yes



# Comisión de Calidad Ambiental del Estado de Texas



## AVISO DE RECIBO DE LA SOLICITUD Y EL INTENTO DE OBTENER PERMISO PARA LA CALIDAD DEL AGUA

### PERMISO PROPUESTO NO. WQ00

**SOLICITUD.** Ciudad de San Marcos, 630 Calle este de Hopkins, San Marcos, Texas 78666, ha solicitado a la Comisión de Calidad Ambiental del Estado de Texas (TCEQ) para el propuesto Permiso No. WQ0016808001 (EPA I.D. No. TX 0147842) del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) para autorizar la descarga de aguas residuales tratadas en un volumen que no sobrepasa un flujo promedio diario de 8,000,000 galones por día. La planta estará ubicada aproximadamente 1.75 millas al noreste de la intersección de Farm-to-Market Road 1978 y State Highway 123, cerca de la ciudad de San Marcos en el Condado de Guadalupe, Texas 78666. La ruta de descarga estará del sitio de la planta a Cottonwood Creek, de allí a York Creek, de allí al río San Marcos Inferior. La TCEQ recibió esta solicitud el 7 de mayo de 2025. La solicitud para el permiso estará disponible para leerla y copiarla en la Biblioteca Pública de Seguin, 313 W. Nolte St., Seguin, TX 78155 antes de la fecha de publicación de este aviso en el periódico. La solicitud (cualquier actualización y aviso inclusive) está disponible electrónicamente en la siguiente página web:

<https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

Este enlace a un mapa electrónico de la ubicación general del sitio o de la instalación es proporcionado como una cortesía y no es parte de la solicitud o del aviso. Para la ubicación exacta, consulte la solicitud.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=97.91944,29.810975&level=18>

*[Include the following non-italicized sentence if the facility is located in the Coastal Management Program boundary. The Coastal Management Program boundary is the area along the Texas Coast of the Gulf of México as depicted on the map in 31 TAC §503.1 and includes part or all of the following counties: Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Aransas, Refugio, Calhoun, Victoria, Jackson, Matagorda, Brazoria, Galveston, Harris, Chambers, Jefferson y Orange.]* El Director Ejecutivo de la TCEQ ha revisado esta medida para ver si está de acuerdo con los objetivos y las regulaciones del Programa de Administración Costero de Texas (CMP) de acuerdo con las regulaciones del Consejo Coordinador de la Costa (CCC) y ha determinado que la acción es conforme con las metas y regulaciones pertinentes del CMP.

**AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

**AVISO ADICIONAL.** El Director Ejecutivo de la TCEQ ha determinado que la solicitud es

administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. **El aviso de la solicitud y la decisión preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.**

**COMENTARIO PUBLICO / REUNION PUBLICA.** Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

**OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO.** Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todo los comentarios públicos esenciales, pertinentes, o significativos. **A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso.** Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

**PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS:** su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión.

La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. **Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.**

**LISTA DE CORREO.** Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas correos siguientes (1) la lista de correo permanente para recibir los avisos del solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cual lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

**INFORMACIÓN DISPONIBLE EN LÍNEA.** Para detalles sobre el estado de la solicitud, favor de visitar la Base de Datos Integrada de los Comisionados en [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Para buscar en la base de datos, utilizar el número de permiso para esta solicitud que aparece en la parte superior de este aviso.

**CONTACTOS E INFORMACIÓN A LA AGENCIA.** Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía <http://www14.tceq.texas.gov/epic/eComment/> o por escrito dirigidos a la Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del Ciudad de San Marcos a la dirección indicada arriba o llamando a *Sr. Paul Kite, Subdirector de Servicios Públicos* al (512) 393-8003.

Fecha de emisión: *[Date notice issued]*



# TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

<b>1. Reason for Submission</b> (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
<b>2. Customer Reference Number</b> (if issued)	<a href="#">Follow this link to search for CN or RN numbers in Central Registry**</a>	<b>3. Regulated Entity Reference Number</b> (if issued)
CN 600521272		RN

## SECTION II: Customer Information

<b>4. General Customer Information</b>		<b>5. Effective Date for Customer Information Updates</b> (mm/dd/yyyy)		TBD	
<input type="checkbox"/> New Customer <input checked="" type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>					
<b>6. Customer Legal Name</b> (If an individual, print last name first: eg: Doe, John)				<i>If new Customer, enter previous Customer below:</i>	
City of San Marcos					
<b>7. TX SOS/CPA Filing Number</b>		<b>8. TX State Tax ID</b> (11 digits)		<b>9. Federal Tax ID</b> (9 digits) 746002238	<b>10. DUNS Number</b> (if applicable) 27620574
<b>11. Type of Customer:</b>		<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		<input type="checkbox"/> Other:	
<b>12. Number of Employees</b>				<b>13. Independently Owned and Operated?</b>	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>14. Customer Role</b> (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following					
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner & Operator <input type="checkbox"/> Other: Owner's Advisor <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant					
<b>15. Mailing Address:</b>	603 East Hopkins Street				
	<b>City</b>	San Marcos	<b>State</b>	TX	<b>ZIP</b> 78666 <b>ZIP + 4</b>
<b>16. Country Mailing Information</b> (if outside USA)				<b>17. E-Mail Address</b> (if applicable)	
				PKite@sanmarcostx.gov	

<b>18. Telephone Number</b>	<b>19. Extension or Code</b>	<b>20. Fax Number (if applicable)</b>
( 512 ) 393-8376		(   ) -   -

## SECTION III: Regulated Entity Information

<b>21. General Regulated Entity Information</b> (If 'New Regulated Entity' is selected, a new permit application is also required.)								
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information								
<i>The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).</i>								
<b>22. Regulated Entity Name</b> (Enter name of the site where the regulated action is taking place.)								
FM 1978 Water Reclamatio Facility 2								
<b>23. Street Address of the Regulated Entity:</b>  (No PO Boxes)								
	City		State		ZIP		ZIP + 4	
<b>24. County</b>	Gaudalupe							

If no Street Address is provided, fields 25-28 are required.

<b>25. Description to Physical Location:</b>	Approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123.							
<b>26. Nearest City</b>					<b>State</b>	<b>Nearest ZIP Code</b>		
San Marcos					Tx	78666		
<i>Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).</i>								
<b>27. Latitude (N) In Decimal:</b>		29.810975			<b>28. Longitude (W) In Decimal:</b>		-97.919444	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds			
-97.919429	48	39.5	97	55	10.0			
<b>29. Primary SIC Code</b> (4 digits)	<b>30. Secondary SIC Code</b> (4 digits)		<b>31. Primary NAICS Code</b> (5 or 6 digits)		<b>32. Secondary NAICS Code</b> (5 or 6 digits)			
4952	N/A		221320		N/A			
<b>33. What is the Primary Business of this entity?</b> (Do not repeat the SIC or NAICS description.)								
Local Government								
<b>34. Mailing Address:</b>	630 East Hopkins Street							
	City	San Marcos	State	TX	ZIP	78666	ZIP + 4	
<b>35. E-Mail Address:</b>	MNaiser@sanmarcostx.gov							
<b>36. Telephone Number</b>	<b>37. Extension or Code</b>		<b>38. Fax Number (if applicable)</b>					
( 512 ) 393-8003			(   ) -   -					

**39. TCEQ Programs and ID Numbers** Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

## **SECTION IV: Preparer Information**

<b>40. Name:</b>	James Bronikowski	<b>41. Title:</b>	Group Leader, Austin
<b>42. Telephone Number</b>	<b>43. Ext./Code</b>	<b>44. Fax Number</b>	<b>45. E-Mail Address</b>
( 512 ) 381-8333		(   ) -	jbronikowski@ardurra.com

## **SECTION V: Authorized Signature**

**46.** By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

<b>Company:</b>	Ardurra Group	<b>Job Title:</b>	Group Leader (Austin)
<b>Name (In Print):</b>	James Bronikowski	<b>Phone:</b>	( 512 ) 381- 8333
<b>Signature:</b>		<b>Date:</b>	

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

### FOR AGENCIES REVIEWING DOMESTIC OR INDUSTRIAL TPDES WASTEWATER PERMIT APPLICATIONS

**TCEQ USE ONLY:**

Application type: \_\_\_\_Renewal \_\_\_\_Major Amendment \_\_\_\_Minor Amendment \_\_\_\_New

County: \_\_\_\_\_ Segment Number: \_\_\_\_\_

Admin Complete Date: \_\_\_\_\_

## Agency Receiving SPIF:

\_\_\_\_ Texas Historical Commission

\_\_\_\_ U.S. Fish and Wildlife

\_\_\_\_ Texas Parks and Wildlife Department

\_\_\_\_ U.S. Army Corps of Engineers

**This form applies to TPDES permit applications only.** (Instructions, Page 53)

Complete this form as a separate document. TCEQ will mail a copy to each agency as required by our agreement with EPA. If any of the items are not completely addressed or further information is needed, we will contact you to provide the information before issuing the permit. Address each item completely.

**Do not refer to your response to any item in the permit application form.** Provide each attachment for this form separately from the Administrative Report of the application. The application will not be declared administratively complete without this SPIF form being completed in its entirety including all attachments. Questions or comments concerning this form may be directed to the Water Quality Division's Application Review and Processing Team by email at [WQ-ARPTeam@tceq.texas.gov](mailto:WQ-ARPTeam@tceq.texas.gov) or by phone at (512) 239-4671.

The following applies to all applications:

1. Permittee: City of San Marcos

Permit No. WQ00 \_\_\_\_\_

EPA ID No. TX \_\_\_\_\_

Address of the project (or a location description that includes street/highway, city/vicinity, and county):

Approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123, in the City of San Marcos, Guadalupe County, Texas 78666.

Provide the name, address, phone and fax number of an individual that can be contacted to answer specific questions about the property.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Marcus Naiser

Credential (P.E, P.G., Ph.D., etc.): PE

Title: Assistant Director of CIP

Mailing Address: 630 East Hopkins St.

City, State, Zip Code: 78666

Phone No.: (512) 393-8376 Ext.:

Fax No.:

E-mail Address: MNaiser@sanmarcostx.gov

2. List the county in which the facility is located: Guadalupe
3. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property.

Owned by the City of San Marcos.

4. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the classified segment number.

The outfall discharges to Cottonwood Creek, thence to York Creek, thence to the San Marcos River (Segment 1808).

5. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report).

Provide original photographs of any structures 50 years or older on the property.

Does your project involve any of the following? Check all that apply.

- ☒ Proposed access roads, utility lines, construction easements
- ☐ Visual effects that could damage or detract from a historic property's integrity
- ☒ Vibration effects during construction or as a result of project design
- ☒ Additional phases of development that are planned for the future
- ☐ Sealing caves, fractures, sinkholes, other karst features



☐ Disturbance of vegetation or wetlands

1. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features):

The project will impact the surface area and have the potential for excavation. A geotechnical survey did not indicate karst features in the property.

2. Describe existing disturbances, vegetation, and land use:

Currently, the property is a pasture. The vegetation contains mostly grass and shrubs. This site is a part of a larger development area of 29.6 acres for the Facility site which will include clearing of vegetation and a change of land use. Additionally, there will be 0.98 acres for a permanent and temporary construction easement in connection with the Facility site.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

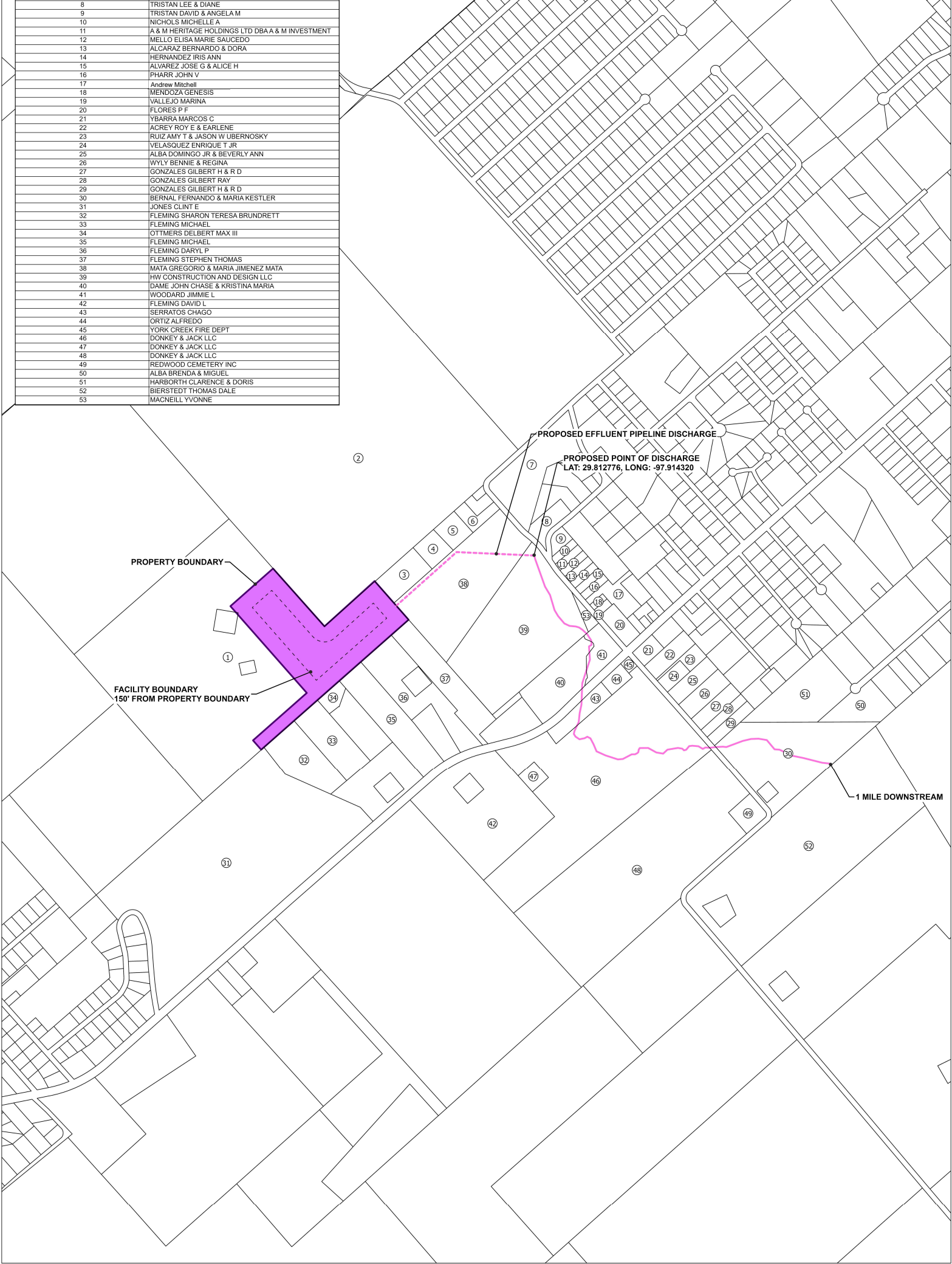
3. List construction dates of all buildings and structures on the property:

The WWTP is scheduled to be constructed May 2026 through Q4 2028.

4. Provide a brief history of the property, and name of the architect/builder, if known.

The property has been used for agriculture as a grazing pasture. The property is currently undeveloped.

8	TRISTAN LEE & DIANE
9	TRISTAN DAVID & ANGELA M
10	NICHOLS MICHELLE A
11	A & M HERITAGE HOLDINGS LTD DBA A & M INVESTMENT
12	MELLO ELISA MARIE SAUCEDO
13	ALCARAZ BERNARDO & DORA
14	HERNANDEZ IRIS ANN
15	ALVAREZ JOSE G & ALICE H
16	PHARR JOHN V
17	Andrew Mitchell
18	MENDOZA GENESIS
19	VALLEJO MARINA
20	FLORES P F
21	YBARRA MARCOS C
22	ACREY ROY E & EARLENE
23	RUIZ AMY T & JASON W UBERNOSKY
24	VELASQUEZ ENRIQUE T JR
25	ALBA DOMINGO JR & BEVERLY ANN
26	IWLY BENNIE & REGINA
27	GONZALES GILBERT H & R D
28	GONZALES GILBERT RAY
29	GONZALES GILBERT H & R D
30	BERNAL FERNANDO & MARIA KESTLER
31	JONES CLINT E
32	FLEMING SHARON TERESA BRUNDRETT
33	FLEMING MICHAEL
34	OTTMERS DELBERT MAX III
35	FLEMING MICHAEL
36	FLEMING DARYL P
37	FLEMING STEPHEN THOMAS
38	MATA GREGORIO & MARIA JIMENEZ MATA
39	HW CONSTRUCTION AND DESIGN LLC
40	DAME JOHN CHASE & KRISTINA MARIA
41	WOODARD JIMMIE L
42	FLEMING DAVID L
43	SERRATOS CHAGO
44	ORTIZ ALFREDO
45	YORK CREEK FIRE DEPT
46	DONKEY & JACK LLC
47	DONKEY & JACK LLC
48	DONKEY & JACK LLC
49	REDWOOD CEMETERY INC
50	ALBA BRENDA & MIGUEL
51	HARBORTH CLARENCE & DORIS
52	BIERSTEDT THOMAS DALE
53	MACNEILL YVONNE



AFFECTED LAND OWNERS - Corresponding numbers to Map	OWNER_NAME	MAIL_ADDR	MAIL_LINE1	MAIL_LINE2	MAIL_CITY	MAIL_STAT	MAIL_ZIP
1	JLBC 710 INVESTMENTS LLC	3701 LONG CHAMP DR AUSTIN TX 78746		3701 LONG CHAMP DR	AUSTIN	TX	78746
2	MOELLER FAMILY LIMITED PARTNERSHIP	5401 HWY 621 SAN MARCOS TX 78666		5401 HWY 621	SAN MARCOS	TX	78666
3	GARZA GLORIA DE LA ROSA	P O BOX 928 SAN MARCOS TX 78667		P O BOX 928	SAN MARCOS	TX	78667
4	MORALES ROXANNE & JUAN DELAROSA & GLORIA DE LA ROSA GARZA	C/O ROXANNE MORALES 1207 GIRARD AVE SAN MARCOS TX 78666	C/O ROXANNE MORALES	1207 GIRARD AVE	SAN MARCOS	TX	78666
5	MORALES ROXANE D	1207 GIRARD AVENUE SAN MARCOS TX 78666		1207 GIRARD AVENUE	SAN MARCOS	TX	78666
6	HERNANDEZ ROBERT & MARY H	P O BOX 379 SAN MARCOS TX 78667		P O BOX 379	SAN MARCOS	TX	78667
7	RIZK DORA	419 RIVERSIDE DR SAN MARCOS TX 78666		419 RIVERSIDE DR	SAN MARCOS	TX	78666
8	TRISTAN LEE & DIANE	1256 OLD GIN ROAD SAN MARCOS TX 78666		1256 OLD GIN ROAD	SAN MARCOS	TX	78666
9	TRISTAN DAVID & ANGELA M	1261 OLD GIN RD SAN MARCOS TX 78666		1261 OLD GIN RD	SAN MARCOS	TX	78666
10	NICHOLS MICHELLE A	4913 REDWOOD RD SAN MARCOS TX 78666		4913 REDWOOD RD	SAN MARCOS	TX	78666
11	A & M HERITAGE HOLDINGS LTD DBA A & M INVESTMENT	1250 NE LOOP 410 #400 SAN ANTONIO TX 78209		1250 NE LOOP 410 #400	SAN ANTONIO	TX	78209
12	MELLO ELISA MARIE SAUCEDO	1507 MARLTON ST SAN MARCOS TX 78666		1507 MARLTON ST	SAN MARCOS	TX	78666
13	ALCARAZ BERNARDO & DORA	4949 REDWOOD ROAD SAN MARCOS TX 78666		4949 REDWOOD ROAD	SAN MARCOS	TX	78666
14	HERNANDEZ IRIS ANN	RAYMOND C HERNANDEZ LIFE ESTATE 4961 REDWOOD RD SAN MARCOS TX 78666	RAYMOND C HERNANDEZ LIFE ESTATE	4961 REDWOOD RD	SAN MARCOS	TX	78666
15	ALVAREZ JOSE G & ALICE H	4973 REDWOOD RD SAN MARCOS TX 78666		4973 REDWOOD RD	SAN MARCOS	TX	78666
16	PHARR JOHN V	P O BOX 1214 KYLE TX 78640		P O BOX 1214	KYLE	TX	78640
17	ANDREW MITCHELL	5013 REDWOOD RD SAN MARCOS TX 78666		5013 REDWOOD RD	SAN MARCOS	TX	78666
18	MENDOZA GENESIS	5025 REDWOOD ROAD SAN MARCOS TX 78666		5025 REDWOOD ROAD	SAN MARCOS	TX	78666
19	VALLEJO MARINA	5037 REDWOOD RD SAN MARCOS TX 78666		5037 REDWOOD RD	SAN MARCOS	TX	78666
20	FLORES P F	ARCHDIOCESE OF SAN ANTONIO 2718 W WOODLAWN AVE SAN ANTONIO TX 78228	ARCHDIOCESE OF SAN ANTONIO	2718 W WOODLAWN AVE	SAN ANTONIO	TX	78228
21	YBARRA MARCOS C	5117 REDWOOD RD SAN MARCOS TX 78666		5117 REDWOOD RD	SAN MARCOS	TX	78666
22	ACREY ROY E & EARLENE	5149 REDWOOD RD SAN MARCOS TX 78666		5149 REDWOOD RD	SAN MARCOS	TX	78666
23	RUIZ AMY T & JASON W UBERNOSKY	5177 REDWOOD RD SAN MARCOS TX 78666		5177 REDWOOD RD	SAN MARCOS	TX	78666
24	VELASQUEZ ENRIQUE T JR	ENRIQUE R VELASQUEZ-LIFE ESTATE 5173 REDWOOD ROAD SAN MARCOS TX 78666	ENRIQUE R VELASQUEZ-LIFE ESTATE	5173 REDWOOD ROAD	SAN MARCOS	TX	78666
25	ALBA DOMINGO JR & BEVERLY ANN	5225 REDWOOD RD SAN MARCOS TX 78666		5225 REDWOOD RD	SAN MARCOS	TX	78666
26	WYLY BENNIE & REGINA	14674 FM 3353 KINGSBURY TX 78638		14674 FM 3353	KINGSBURY	TX	78638
27	GONZALES GILBERT H & R D	5265 REDWOOD RD SAN MARCOS TX 78666		5265 REDWOOD RD	SAN MARCOS	TX	78666
28	GONZALES GILBERT RAY	5275 REDWOOD CIR SAN MARCOS TX 78666		5275 REDWOOD CIR	SAN MARCOS	TX	78666
29	GONZALES GILBERT H & R D	5265 REDWOOD RD SAN MARCOS TX 78666		5265 REDWOOD RD	SAN MARCOS	TX	78666
30	BERNAL FERNANDO & MARIA KESTLER	5441 REDWOOD RD SAN MARCOS TX 78666		5441 REDWOOD RD	SAN MARCOS	TX	78666
31	JONES CLINT E	1848 PEBBLE BROOK DR NEW BRAUNFELS TX 78130		1848 PEBBLE BROOK DR	NEW BRAUNFELS	TX	78130
32	FLEMING SHARON TERESA BRUNDRETT	P O BOX 1038 DRIPPING SPRINGS TX 78620		P O BOX 1038	DRIPPING SPRINGS	TX	78620
33	FLEMING MICHAEL	453 FLEMING PASS SAN MARCOS TX 78666		453 FLEMING PASS	SAN MARCOS	TX	78666
34	OTTMERS DELBERT MAX III	1716 PIEDMONT AVE AUSTIN TX 78757		1716 PIEDMONT AVE	AUSTIN	TX	78757
35	FLEMING MICHAEL	453 FLEMING PASS SAN MARCOS TX 78666		453 FLEMING PASS	SAN MARCOS	TX	78666
36	FLEMING DARYL P	3278 FM 1978 SAN MARCOS TX 78666		3278 FM 1978	SAN MARCOS	TX	78666
37	FLEMING STEPHEN THOMAS	3270 FM 1978 SAN MARCOS TX 78666		3270 FM 1978	SAN MARCOS	TX	78666
38	MATA GREGORIO & MARIA JIMENEZ MATA	1825 FIR ST SAN MARCOS TX 78666		1825 FIR ST	SAN MARCOS	TX	78666
39	HW CONSTRUCTION AND DESIGN LLC	4908 REDWOOD RD SAN MARCOS TX 78666		4908 REDWOOD RD	SAN MARCOS	TX	78666
40	DAME JOHN CHASE & KRISTINA MARIA	4908 REDWOOD RD SAN MARCOS TX 78666		4908 REDWOOD RD	SAN MARCOS	TX	78666
41	WOODARD JIMMIE L	5082 REDWOOD RD SAN MARCOS TX 78666		5082 REDWOOD RD	SAN MARCOS	TX	78666
42	FLEMING DAVID L	3301 FM 1978 SAN MARCOS TX 78666		3301 FM 1978	SAN MARCOS	TX	78666
43	SERRATOS CHAGO	223 LAKESIDE PASS NEW BRAUNFELS TX 78130		223 LAKESIDE PASS	NEW BRAUNFELS	TX	78130
44	ORTIZ ALFREDO	2951 FM 1978 SAN MARCOS TX 78666		2951 FM 1978	SAN MARCOS	TX	78666
45	YORK CREEK FIRE DEPT	P O BOX 73 STAPLES TX 78670		P O BOX 73	STAPLES	TX	78670
46	DONKEY & JACK LLC	7312 VALBURN DR AUSTIN TX 78731		7312 VALBURN DR	AUSTIN	TX	78731
47	DONKEY & JACK LLC	7312 VALBURN DR AUSTIN TX 78731		7312 VALBURN DR	AUSTIN	TX	78731
48	DONKEY & JACK LLC	7312 VALBURN DR AUSTIN TX 78731		7312 VALBURN DR	AUSTIN	TX	78731
49	REDWOOD CEMETERY INC	C/O GAIL FLEMING 3301 FM 1978 SAN MARCOS TX 78666	C/O GAIL FLEMING	3301 FM 1978	SAN MARCOS	TX	78666
50	ALBA BRENDA & MIGUEL	1465 WOODLANDS DR KYLE TX 78640		1465 WOODLANDS DR	KYLE	TX	78640
51	HARBORTH CLARENCE & DORIS	5736 MEADOW BROOK LN SAN MARCOS TX 78666		5736 MEADOW BROOK LN	SAN MARCOS	TX	78666
52	BIERSTEDT THOMAS DALE	C/O KEVIN BIERSTEDT P O BOX 160 MARTINDALE TX 78655	C/O KEVIN BIERSTEDT	P O BOX 160	MARTINDALE	TX	78655
53	MACNEILL YVONNE	5048 REDWOOD RD SAN MARCOS TX 78666		5048 REDWOOD RD	SAN MARCOS	TX	78666

JLBC 710 INVESTMENTS LLC  
3701 LONG CHAMP DR  
AUSTIN TX 78746

MOELLER FAMILY LIMITED PARTNERSHIP  
5401 HWY 621  
SAN MARCOS TX 78666

GARZA GLORIA DE LA ROSA  
P O BOX 928  
SAN MARCOS TX 78667

MORALES ROXANNE & JUAN DELAROSA &  
GLORIA DE LA ROSA GARZA  
C/O ROXANNE MORALES 1207 GIRARD AVE  
SAN MARCOS TX 78666

MORALES ROXANE D  
1207 GIRARD AVENUE  
SAN MARCOS TX 78666

HERNANDEZ ROBERT & MARY H  
P O BOX 379  
SAN MARCOS TX 78667

RIZK DORA  
419 RIVERSIDE DR  
SAN MARCOS TX 78666

TRISTAN LEE & DIANE  
1256 OLD GIN ROAD  
SAN MARCOS TX 78666

TRISTAN DAVID & ANGELA M  
1261 OLD GIN RD  
SAN MARCOS TX 78666

NICHOLS MICHELLE A  
4913 REDWOOD RD  
SAN MARCOS TX 78666

A & M HERITAGE HOLDINGS LTD DBA A &  
M INVESTMENT  
1250 NE LOOP 410 #400  
SAN ANTONIO TX 78209

MELLO ELISA MARIE SAUCEDO  
1507 MARLTON ST  
SAN MARCOS TX 78666

ALCARAZ BERNARDO & DORA  
4949 REDWOOD ROAD  
SAN MARCOS TX 78666

HERNANDEZ IRIS ANN  
RAYMOND C HERNANDEZ LIFE ESTATE  
4961 REDWOOD RD  
SAN MARCOS TX 78666

ALVAREZ JOSE G & ALICE H  
4973 REDWOOD RD  
SAN MARCOS TX 78666

PHARR JOHN V  
P O BOX 1214  
KYLE TX 78640

ANDREW MITCHELL  
5013 REDWOOD RD  
SAN MARCOS TX 78666

MENDOZA GENESIS  
5025 REDWOOD ROAD  
SAN MARCOS TX 78666

VALLEJO MARINA  
5037 REDWOOD RD  
SAN MARCOS TX 78666

FLORES P F  
ARCHDIOCESE OF SAN ANTONIO  
2718 W WOODLAWN AVE  
SAN ANTONIO TX 78228

YBARRA MARCOS C  
5117 REDWOOD RD  
SAN MARCOS TX 78666

ACREY ROY E & EARLENE  
5149 REDWOOD RD  
SAN MARCOS TX 78666

RUIZ AMY T & JASON W UBERNOSKY  
5177 REDWOOD RD  
SAN MARCOS TX 78666

VELASQUEZ ENRIQUE T JR  
ENRIQUE R VELASQUEZ-LIFE ESTATE  
5173 REDWOOD ROAD  
SAN MARCOS TX 78666

ALBA DOMINGO JR & BEVERLY ANN  
5225 REDWOOD RD  
SAN MARCOS TX 78666

WYLY BENNIE & REGINA  
14674 FM 3353  
KINGSBURY TX 78638

GONZALES GILBERT H & R D  
5265 REDWOOD RD  
SAN MARCOS TX 78666

GONZALES GILBERT RAY  
5275 REDWOOD CIR  
SAN MARCOS TX 78666

GONZALES GILBERT H & R D  
5265 REDWOOD RD  
SAN MARCOS TX 78666

BERNAL FERNANDO & MARIA KESTLER  
5441 REDWOOD RD  
SAN MARCOS TX 78666

JONES CLINT E  
1848 PEBBLE BROOK DR NEW  
BRAUNFELS TX 78130

FLEMING SHARON TERESA BRUNDRETT  
P O BOX 1038  
DRIPPING SPRINGS TX 78620

FLEMING MICHAEL  
453 FLEMING PASS  
SAN MARCOS TX 78666

OTTMERS DELBERT MAX III  
1716 PIEDMONT AVE  
AUSTIN TX 78757

FLEMING MICHAEL  
453 FLEMING PASS  
SAN MARCOS TX 78666

FLEMING DARYL P  
3278 FM 1978  
SAN MARCOS TX 78666

FLEMING STEPHEN THOMAS  
3270 FM 1978  
SAN MARCOS TX 78666

MATA GREGORIO & MARIA JIMENEZ MATA  
1825 FIR ST  
SAN MARCOS TX 78666

HW CONSTRUCTION AND DESIGN LLC  
4908 REDWOOD RD  
SAN MARCOS TX 78666

DAME JOHN CHASE & KRISTINA MARIA  
4908 REDWOOD RD  
SAN MARCOS TX 78666

WOODARD JIMMIE L  
5082 REDWOOD RD  
SAN MARCOS TX 78666

FLEMING DAVID L  
3301 FM 1978  
SAN MARCOS TX 78666

SERRATOS CHAGO  
223 LAKESIDE PASS  
NEW BRAUNFELS TX 78130

ORTIZ ALFREDO  
2951 FM 1978  
SAN MARCOS TX 78666

YORK CREEK FIRE DEPT  
P O BOX 73  
STAPLES TX 78670

DONKEY & JACK LLC  
7312 VALBURN DR  
AUSTIN TX 78731

REDWOOD CEMETERY INC  
C/O GAIL FLEMING  
3301 FM 1978  
SAN MARCOS TX 78666

ALBA BRENDA & MIGUEL  
1465 WOODLANDS DR  
KYLE TX 78640

HARBORTH CLARENCE & DORIS  
5736 MEADOW BROOK LN  
SAN MARCOS TX 78666

BIERSTEDT THOMAS DALE  
C/O KEVIN BIERSTEDT  
P O BOX 160  
MARTINDALE TX 78655

MACNEILL YVONNE  
5048 REDWOOD RD  
SAN MARCOS TX 78666



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

### PLAIN LANGUAGE SUMMARY FOR TPDES OR TLAP PERMIT APPLICATIONS

#### Plain Language Summary Template and Instructions for Texas Pollutant Discharge Elimination System (TPDES) and Texas Land Application (TLAP) Permit Applications

Applicants should use this template to develop a plain language summary as required by [Title 30, Texas Administrative Code \(30 TAC\), Chapter 39, Subchapter H](#). Applicants may modify the template as necessary to accurately describe their facility as long as the summary includes the following information: (1) the function of the proposed plant or facility; (2) the expected output of the proposed plant or facility; (3) the expected pollutants that may be emitted or discharged by the proposed plant or facility; and (4) how the applicant will control those pollutants, so that the proposed plant will not have an adverse impact on human health or the environment.

Fill in the highlighted areas below to describe your facility and application in plain language. Instructions and examples are provided below. Make any other edits necessary to improve readability or grammar and to comply with the rule requirements.

If you are subject to the alternative language notice requirements in [30 TAC Section 39.426](#), **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package**. For your convenience, a Spanish template has been provided below.

#### ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS DOMESTIC WASTEWATER/STORMWATER

*The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.*

City of San Marcos (CN600521272) proposes to operate the FM 1978 Water Reclamation Facility (RN# TBD), a new Wastewater Treatment Facility. The facility will be located at on Fleming Pass approximately 1.75 miles northeast of the intersection of Farm-to-Market Road 1978 and State Highway 123, in the City of San Marcos, Guadalupe County, Texas 78666. The City is applying for a new TPDES permit to allow discharges of treated wastewater into Cottonwood Creek. Initial output flows are anticipated to be up to 2.0 MGD with future wastewater treatment plant expansions expected to ultimately discharge up to 8.0 MGD.

Discharges from the facility are expected to contain five-day carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), ammonia nitrogen (NH3-N), dissolved oxygen (DO) and total phosphorus (TP). Wastewater discharge will be mainly residential and will be treated by the proposed FM 1978 Water Reclamation Facility. The Facility is anticipated to include major components associated with conventional activated sludge

wastewater treatment processes; however, as this is a Progressive Design Build project, considerations will be made for other proposed solutions that can reliably and efficiently meet the project objectives. The major components and design alternatives to be considered include the following: Influent Lift Station, Primary Treatment, Secondary Treatment, Tertiary Treatment, Disinfection, Plant Water System, Biosolids Treatment & Handling, Plant Electrical, Instrumentation & SCADA Systems, Administration, Operations & Support Buildings, Odor Control, Site Improvements, Plant Outfall.

## PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP

AGUAS RESIDUALES Introduzca 'INDUSTRIALES' o 'DOMÉSTICAS' aquí /AGUAS PLUVIALES

*El siguiente resumen se proporciona para esta solicitud de permiso de calidad del agua pendiente que está siendo revisada por la Comisión de Calidad Ambiental de Texas según lo requerido por el Capítulo 39 del Código Administrativo de Texas 30. La información proporcionada en este resumen puede cambiar durante la revisión técnica de la solicitud y no es una representación ejecutiva fedérale de la solicitud de permiso.*

La Ciudad de San Marcos (CN600521272) propone operar la Planta de Recuperación de Agua FM 1978 (RN101416337), una Planta de Tratamiento de Aguas Residuales. La planta se ubicará en Fleming Pass, aproximadamente a 2,8 km al este de la intersección de la Carretera Farm-to-Market 1978 y la Carretera Estatal 123, en la Ciudad de San Marcos, Condado de Guadalupe, Texas 78666. Al solicitar un nuevo permiso para la Planta de Tratamiento de Aguas Residuales (PTAR), este permiso no autoriza la descarga de contaminantes al agua del estado.

Se espera que las descargas de la planta contengan la demanda bioquímica de oxígeno carbonoso (DBO5) de cinco días, sólidos suspendidos totales (SST), nitrógeno amoniacal ( $\text{NH}_3\text{-N}$ ), oxígeno disuelto (OD) y fósforo total (PF). Las descargas de aguas residuales serán principalmente residenciales y serán tratadas por la Planta de Recuperación de Agua FM 1978 propuesta. Se prevé que la instalación incluya componentes principales asociados con los procesos convencionales de tratamiento de aguas residuales mediante lodos activados. Sin embargo, dado que se trata de un proyecto de Diseño y Construcción Progresivos, se considerarán otras soluciones propuestas que puedan cumplir los objetivos del proyecto de forma fiable y eficiente. Los principales componentes y alternativas de diseño que se considerarán incluyen: Estación de Elevación de Influentes, Tratamiento Primario, Tratamiento Secundario, Tratamiento Terciario, Desinfección, Sistema de Agua de la Planta, Tratamiento y Manejo de Biosólidos, Sistema Eléctrico de la Planta, Instrumentación y Sistemas SCADA, Edificios de Administración, Operaciones y Soporte, Control de Olores, Mejoras del Sitio y Emisario de la Planta.





April 30, 2025

Texas Commission on Environmental Quality

Water Quality Division – Permitting Section

MC-148

P.O. Box 13087

Austin, Texas 78711-3087

**Subject: New TPDES Permit Application – FM 1978 Water Reclamation Facility**

To Whom It May Concern:

On behalf of the City of San Marcos (City), we are submitting the enclosed Texas Pollutant Discharge Elimination System (TPDES) permit application for a new regional wastewater treatment facility to be known as the FM 1978 Water Reclamation Facility, in Guadalupe County, Texas.

Residential developments currently underway near the southeastern portion of the City's ETJ are driving the need for treatment of domestic wastewater flows. Previously these developments were pursuing multiple small individual wastewater treatment plants (less than 1.0 MGD each, WQ0015784001, WQ0016163001, WQ0016049001, WQ0015817001 – see Attachment TR-3: Nearby WWTPs) with at least 2 of these receiving TPDES permits for facilities that have not been constructed. Recognizing the need for regional wastewater planning and a desire to be a great steward of public waters, the City decided to coordinate and enter into a cost sharing agreement with a growing list of area developments to provide a regional wastewater treatment solution. This solution is the regional wastewater treatment plant as described in this application and upon anticipated issuance of this permit, the status of the permits for the other aforementioned wastewater treatment plants would be changed. Permit WQ0015817001 is a permit for a Package Plant that was transferred to the City and a major amendment was submitted to increase its capacity to 0.99 MGD. This permit (WQ0015817001) will be terminated upon issuance of the new permit which will assume flows from a larger service area that encompasses several of the aforementioned permits as described in Attachment TR-3.



The following materials are included as part of this complete application package:

**Payment:**

- Copy of ePay Payment Voucher

**Administrative Reports:**

- Administrative Report 1.0
- Administrative Report 1.1

**Technical Reports:**

- Technical Report 1.0
- Technical Report 1.1

**Worksheets:**

- Worksheet 2: Receiving Waters

**Attachments for Administrative Report:**

- AR-1: Core Data Form
- AR-2: Plain Language Summary
- AR-3: Public Involvement Plan Form
- AR-4: Supplemental Permit Information Form (SPIF)
- AR-5: USGS Topographic Map
- AR-6: Affected Landowners Maps and Labels
- AR-7: Original Photographs of Site Conditions
- AR-8: Buffer Zone Map
- AR-9: Regional Wastewater Services and Facilities Cost Sharing Agreement
- AR-10: Easement Agreement

April 30, 2025



**Attachments for Technical Report:**

- TR-1: Process Flow Diagram
- TR-2: Site Drawing
- TR-3: Nearby Wastewater Treatment Plants
- TR-4: Design Calculations
- TR-5: Wind Rose Data
- TR-6: Sludge Management Plan

If you have any questions or wish to discuss further, please feel free to contact me at (512) 381-8334 or via email at [jbronikowski@ardurra.com](mailto:jbronikowski@ardurra.com). We look forward to your review and issuance of the requested permit.

Very truly yours,

**James Bronikowski, PE**  
Group Leader / Project Manager  
Ardurra Group, Inc  
TBPE Firm No. F-10053

cc: Marcus Naiser, P.E., City of San Marcos  
Jeff Peters, P.E., Ardurra Group

Your transaction is complete. Thank you for using TCEQ ePay.

**Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt and the vouchers for your records. An email receipt has also been sent.**

Transaction Information

Trace Number: 582EA000664839

Date: 04/22/2025 11:36 AM

Payment Method: CC - Authorization 0000074397

ePay Actor: MARCUS NAISER

Actor Email: mnaiser@sanmarcostx.gov

IP: 66.90.243.129

TCEQ Amount: \$2,050.00

Texas.gov Price: \$2,096.38\*

\* This service is provided by Texas.gov, the official website of Texas. The price of this service includes funds that support the ongoing operations and enhancements of Texas.gov, which is provided by a third party in partnership with the State.

Payment Contact Information

Name: MARCUS NAISER

Company: CITY OF SAN MARCOS

Address: 630 EAST HOPKINS ST, SAN MARCOS, TX 78666

Phone: 512-393-8376

Cart Items

Click on the voucher number to see the voucher details.

Voucher	Fee Description	AR Number	Amount
<a href="#">763408</a>	WW PERMIT - FACILITY WITH FLOW >= 1.0 MGD - NEW AND MAJOR AMENDMENTS		\$2,000.00
<a href="#">763409</a>	30 TAC 305.53B WQ NOTIFICATION FEE		\$50.00
TCEQ Amount:			\$2,050.00

ePay Again

Exit ePay

**Note: It may take up to 3 working days for this electronic payment to be processed and be reflected in the TCEQ ePay system. Print this receipt for your records.**



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## DOMESTIC WASTEWATER PERMIT APPLICATION CHECKLIST

Complete and submit this checklist with the application.

APPLICANT NAME: City of San Marcos

PERMIT NUMBER (If new, leave blank): WQ00 New Permit

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original USGS Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Affected Landowners Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SPIF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landowner Disk or Labels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Core Data Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buffer Zone Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Involvement Plan Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flow Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Drawing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Design Calculations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solids Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 3.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 4.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 5.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 6.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 7.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

For TCEQ Use Only

Segment Number \_\_\_\_\_ County \_\_\_\_\_

Expiration Date \_\_\_\_\_ Region \_\_\_\_\_

Permit Number \_\_\_\_\_



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**DOMESTIC WASTEWATER PERMIT APPLICATION  
ADMINISTRATIVE REPORT 1.0**

For any questions about this form, please contact the Applications Review and Processing Team at 512-239-4671.

**Section 1. Application Fees (Instructions Page 26)**

Indicate the amount submitted for the application fee (check only one).

Flow	New/Major Amendment	Renewal
<0.05 MGD	\$350.00 <input type="checkbox"/>	\$315.00 <input type="checkbox"/>
≥0.05 but <0.10 MGD	\$550.00 <input type="checkbox"/>	\$515.00 <input type="checkbox"/>
≥0.10 but <0.25 MGD	\$850.00 <input type="checkbox"/>	\$815.00 <input type="checkbox"/>
≥0.25 but <0.50 MGD	\$1,250.00 <input type="checkbox"/>	\$1,215.00 <input type="checkbox"/>
≥0.50 but <1.0 MGD	\$1,650.00 <input type="checkbox"/>	\$1,615.00 <input type="checkbox"/>
≥1.0 MGD	\$2,050.00 <input checked="" type="checkbox"/>	\$2,015.00 <input type="checkbox"/>

Minor Amendment (for any flow) \$150.00 ☐

**Payment Information:**

Mailed      Check/Money Order Number: [Click to enter text.](#)  
Check/Money Order Amount: [Click to enter text.](#)  
Name Printed on Check: [Click to enter text.](#)  
EPAY      Voucher Number: [Submitted in Steers application](#)  
Copy of Payment Voucher enclosed?      Yes ☒

**Section 2. Type of Application (Instructions Page 26)**

a. Check the box next to the appropriate authorization type.

- ☒ Publicly-Owned Domestic Wastewater  
☐ Privately-Owned Domestic Wastewater  
☐ Conventional Wastewater Treatment

b. Check the box next to the appropriate facility status.

- ☐ Active      ☒ Inactive

c. Check the box next to the appropriate permit type.

- ☒ TPDES Permit  
☐ TLAP  
☐ TPDES Permit with TLAP component  
☐ Subsurface Area Drip Dispersal System (SADDS)

d. Check the box next to the appropriate application type

- ☒ New  
☐ Major Amendment with Renewal  
☐ Major Amendment without Renewal  
☐ Renewal without changes  
☐ Minor Amendment with Renewal  
☐ Minor Amendment without Renewal  
☐ Minor Modification of permit

e. For amendments or modifications, describe the proposed changes: N/A

f. For existing permits:

Permit Number: WQ00 N/A

EPA I.D. (TPDES only): TX N/A

Expiration Date: N/A

### Section 3. Facility Owner (Applicant) and Co-Applciant Information (Instructions Page 26)

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

City of San Marcos

*(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at <http://www15.tceq.texas.gov/crpub/>

CN: 600521272

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix: Mr.

Last Name, First Name: Hjorth, Tyler

Title: Director of Utilities

Credential: P.E.

B. **Co-applicant information.** Complete this section only if another person or entity is required to apply as a co-permittee.

What is the Legal Name of the co-applicant applying for this permit?

N/A

*(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)*

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at: <http://www15.tceq.texas.gov/crpub/>

CN: N/A

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix: N/A

Last Name, First Name: N/A

Title: N/A

Credential: N/A

Provide a brief description of the need for a co-permittee: N/A

### C. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete **Attachment 1** of Administrative Report 1.0. Attachment AR-1: Core Data Form

## Section 4. Application Contact Information (Instructions Page 27)

This is the person(s) TCEQ will contact if additional information is needed about this application. Provide a contact for administrative questions and technical questions.

A. Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential:  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512.393.8003 E-mail Address: pkite@sanmarcostx.gov  
Check one or both: ☒ Administrative Contact ☒ Technical Contact

B. Prefix: Mr. Last Name, First Name: Naiser, Marcus  
Title: Assistant Director of CIP Credential: P.E.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512.393.8376 E-mail Address: MNaiser@sanmarcostx.gov  
Check one or both: ☒ Administrative Contact ☒ Technical Contact

## Section 5. Permit Contact Information (Instructions Page 27)

Provide the names and contact information for two individuals that can be contacted throughout the permit term.

A. Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential:  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512.393.8003 E-mail Address: pkite@sanmarcostx.gov



B. Prefix: Mr. Last Name, First Name: Naiser, Marcus  
Title: Assistant Director of CIP Credential: P.E.  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512.393.8376 E-mail Address: MNaiser@sanmarcostx.gov

## Section 6. Billing Contact Information (Instructions Page 27)

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits ***in effect on September 1 of each year***. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (using form TCEQ-20029).

Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential:  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666  
Phone No.: 512.393.8003 E-mail Address: pkite@sanmarcostx.gov

## Section 7. DMR/MER Contact Information (Instructions Page 27)

Provide the name and complete mailing address of the person delegated to receive and submit Discharge Monitoring Reports (DMR) (EPA 3320-1) or maintain Monthly Effluent Reports (MER).

Prefix: Mr. Last Name, First Name: Kite, Paul  
Title: Assistant Director of Utilities Credential: Operator B  
Organization Name: City of San Marcos  
Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, Tx 78666  
Phone No.: 512.393.8003 E-mail Address: pkite@sanmarcostx.gov

## Section 8. Public Notice Information (Instructions Page 27)

### A. Individual Publishing the Notices

Prefix: Ms. Last Name, First Name: Alexander Andreana  
Title: Project Manager Credential: Click to enter text.  
Organization Name: Jacobs  
Mailing Address: 720 River Rd. City, State, Zip Code: San Marcos, Tx 78666  
Phone No.: 512-0393-8345 E-mail Address: andreana.alexander@jacobs.com

**B. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package**

Indicate by a check mark the preferred method for receiving the first notice and instructions:

☒ E-mail Address

☐ Fax

☐ Regular Mail

**C. Contact permit to be listed in the Notices**

Prefix: Mr. Last Name, First Name: Kite, Paul

Title: Assistant Director of Utilities Credential:

Organization Name: City of San Marcos

Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666

Phone No.: 512-393-8003 E-mail Address: pkite@sanamrcostx.gov

**D. Public Viewing Information**

*If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.*

Public building name: 313 W. Nolte St.

Location within the building: Front Desk

Physical Address of Building: 303 W. Nolte St

City: Seguin County: Guadalupe

Contact (Last Name, First Name): Silvia, Christy

Phone No.: 830-401-2422 Ext.: N/A

**E. Bilingual Notice Requirements**

This information **is required** for **new, major amendment, minor amendment or minor modification, and renewal** applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

☒ Yes ☐ No

If **no**, publication of an alternative language notice is not required; **skip to** Section 9 below.

2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

☒ Yes ☐ No

3. Do the students at these schools attend a bilingual education program at another location?

☐ Yes ☒ No

4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?

☐ Yes ☒ No

5. If the answer is **yes** to **question 1, 2, 3, or 4**, public notices in an alternative language are required. Which language is required by the bilingual program? Spanish

#### F. Plain Language Summary Template

Complete the Plain Language Summary (TCEQ Form 20972) and include as an attachment.

**Attachment: (Attachment AR-2: Plain Language Summary)**

#### G. Public Involvement Plan Form

Complete the Public Involvement Plan Form (TCEQ Form 20960) for each application for a **new permit or major amendment to a permit** and include as an attachment.

**Attachment: Attachment AR-3: Public Involvement Plan**

## Section 9. Regulated Entity and Permitted Site Information (Instructions Page 29)

A. If the site is currently regulated by TCEQ, provide the Regulated Entity Number (RN) issued to this site. RN N/A

Search the TCEQ's Central Registry at <http://www15.tceq.texas.gov/crpub/> to determine if the site is currently regulated by TCEQ.

B. Name of project or site (the name known by the community where located):

FM 1978 Water Reclamation Facility 2

C. Owner of treatment facility: City of San Marcos

Ownership of Facility: ☒ Public ☐ Private ☐ Both ☐ Federal

D. Owner of land where treatment facility is or will be:

Prefix: Click to enter text. Last Name, First Name: Kite, Paul

Title: Assistant Director W/WW Utility Credential:

Organization Name: City of San Marcos

Mailing Address: 630 East Hopkins Street City, State, Zip Code: San Marcos, TX 78666

Phone No.: 512.393.8003 E-mail Address: PKite@sanmarcostx.gov

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

**Attachment: N/A**

E. Owner of effluent disposal site:

Prefix: N/A

Last Name, First Name: N/A

Title: N/A

Credential: N/A

Organization Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

**Attachment:** N/A as this project will be discharging to a waterway; not effluent disposal site.

F. Owner sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

Prefix: N/A

Last Name, First Name: N/A

Title: N/A

Credential: N/A

Organization Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

**Attachment:** N/A as this project will dispose of sludge to a certified landfill.

## Section 10. TPDES Discharge Information (Instructions Page 31)

A. Is the wastewater treatment facility location in the existing permit accurate?

☐ Yes ☒ No

If **no**, or a new permit application, please give an accurate description:

The Facility will be located on Fleming Pass Road near the address point of 538 Fleming Pass Road. Fleming Pass Road intersects FM 1978 approximately 1.75 miles northeast of SH 123, near San Marcos, TX.

B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

☐ Yes ☒ No

If **no**, or a new or amendment permit application, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

The outfall discharges to Cottonwood Creek, thence to York Creek, thence to the San Marcos River (Segment 1808).

City nearest the outfall(s): San Marcos

County in which the outfalls(s) is/are located: Guadalupe County

C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

☐ Yes ☒ No

If **yes**, indicate by a check mark if:

- ☐ Authorization granted      ☐ Authorization pending

For **new and amendment** applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

**Attachment:** N/A

- D. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge: Guadalupe, Cadwell and Gonzales

## Section 11. TLAP Disposal Information (Instructions Page 32)

- A. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

☐ Yes      ☐ No

If **no**, or a **new or amendment permit application**, provide an accurate description of the disposal site location:

N/A

- B. City nearest the disposal site: N/A

- C. County in which the disposal site is located: N/A

- D. For **TLAPs**, describe the routing of effluent from the treatment facility to the disposal site:

N/A

- E. For **TLAPs**, please identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained: N/A

## Section 12. Miscellaneous Information (Instructions Page 32)

- A. Is the facility located on or does the treated effluent cross American Indian Land?

☐ Yes      ☒ No

- B. If the existing permit contains an onsite sludge disposal authorization, is the location of the sewage sludge disposal site in the existing permit accurate?

☐ Yes      ☐ No      ☒ Not Applicable

If No, or if a new onsite sludge disposal authorization is being requested in this permit application, provide an accurate location description of the sewage sludge disposal site.

N/A

C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

☒ Yes ☐ No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application: Faroj Vahora

D. Do you owe any fees to the TCEQ?

☐ Yes ☒ No

If yes, provide the following information:

Account number: N/A

Amount past due: N/A

E. Do you owe any penalties to the TCEQ?

☐ Yes ☒ No

If yes, please provide the following information:

Enforcement order number: N/A

Amount past due: N/A

## Section 13. Attachments (Instructions Page 33)

Indicate which attachments are included with the Administrative Report. Check all that apply:

☐ Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.

☒ Original full-size USGS Topographic Map with the following information:

- Applicant's property boundary
- Treatment facility boundary
- Labeled point of discharge for each discharge point (TPDES only)
- Highlighted discharge route for each discharge point (TPDES only)
- Onsite sewage sludge disposal site (if applicable)
- Effluent disposal site boundaries (TLAP only)
- New and future construction (if applicable)
- 1 mile radius information
- 3 miles downstream information (TPDES only)
- All ponds.

☐ Attachment 1 for Individuals as co-applicants

☒ Other Attachments. Please specify: Attachment AR-1: Core Data Form, Attachment AR-2: Plain Language Summary, Attachment AR-3: Public Involvement Plan Form, Attachment AR-4: Supplemental Permit Information Form, Attachment AR-5: USGS Topo Map, Attachment AR-6: Affected Landowners Map and Labels, AR-7: Original Photographs, Attachment AR-8: Buffer Zone Map, Attachment AR-9: Regional Wastewater Services and Facilities Cost Sharing Agreement, AR-10: Easement Agreement.

## Section 14. Signature Page (Instructions Page 34)

*If co-applicants are necessary, each entity must submit an original, separate signature page.*

Permit Number: N/A

Applicant: City of San Marcos

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Tyler Hjorth, PE

Signatory title: Director of Utilities

Signature: \_\_\_\_\_

(Use blue ink)

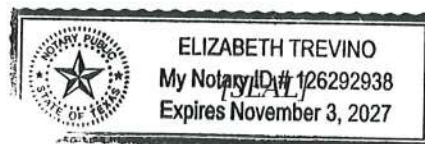
Date: 5-2-25

Subscribed and Sworn to before me by the said Tyler J. Hjorth

on this 2nd day of May, 20 25.

My commission expires on the 3rd day of November, 20 27.

Elizabeth Trevino  
Notary Public



Harp  
County, Texas

# DOMESTIC WASTEWATER PERMIT APPLICATION

## ADMINISTRATIVE REPORT 1.1

The following information is required for new and amendment applications.

### Section 1. Affected Landowner Information (Instructions Page 36)

A. Indicate by a check mark that the landowners map or drawing, with scale, includes the following information, as applicable:

- ☒ The applicant's property boundaries
- ☒ The facility site boundaries within the applicant's property boundaries
- ☒ The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone
- ☒ The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
- ☒ The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
- ☒ The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
- ☐ The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
- ☐ The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
- ☐ The property boundaries of all landowners surrounding the effluent disposal site
- ☐ The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
- ☐ The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located

B. ☒ Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.

C. Indicate by a check mark in which format the landowners list is submitted:

- ☐ USB Drive      ☒ Four sets of labels

D. Provide the source of the landowners' names and mailing addresses: Guadalupe county appraisal district

E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?

- ☐ Yes      ☒ No



If **yes**, provide the location and foreseeable impacts and effects this application has on the land(s):

N/A

## Section 2. Original Photographs (Instructions Page 38)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- ☒ At least one original photograph of the new or expanded treatment unit location
- ☒ At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- ☐ At least one photograph of the existing/proposed effluent disposal site
- ☒ A plot plan or map showing the location and direction of each photograph

## Section 3. Buffer Zone Map (Instructions Page 38)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- ☒ Ownership
- ☐ Restrictive easement
- ☐ Nuisance odor control
- ☐ Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- ☒ Yes      ☐ No

# **DOMESTIC WASTEWATER PERMIT APPLICATION**

## **SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)**

This form applies to TPDES permit applications only. Complete and attach the Supplemental Permit information Form (SPIF) (TCEQ Form 20971).

**Attachment: Attachment AR-4: Supplemental Permit Information Form (SPIF)**

# ATTACHMENT 1

## INDIVIDUAL INFORMATION

### Section 1. Individual Information (Instructions Page 41)

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., Miss): N/A

Full legal name (Last Name, First Name, Middle Initial): N/A

Driver's License or State Identification Number: N/A

Date of Birth: N/A

Mailing Address: N/A

City, State, and Zip Code: N/A

Phone Number: N/A Fax Number: N/A

E-mail Address: N/A

CN: N/A

#### For Commission Use Only:

Customer Number:

Regulated Entity Number:

Permit Number:

# DOMESTIC WASTEWATER PERMIT APPLICATION CHECKLIST OF COMMON DEFICIENCIES

Below is a list of common deficiencies found during the administrative review of domestic wastewater permit applications. To ensure the timely processing of this application, please review the items below and indicate by checking Yes that each item is complete and in accordance applicable rules at 30 TAC Chapters 21, 281, and 305. If an item is not required this application, indicate by checking N/A where appropriate. Please do not submit the application until the items below have been addressed.

Core Data Form (TCEQ Form No. 10400) ☒ Yes  
*(Required for all application types. Must be completed in its entirety and signed.*  
*Note: Form may be signed by applicant representative.)*

Correct and Current Industrial Wastewater Permit Application Forms ☒ Yes  
*(TCEQ Form Nos. 10053 and 10054. Version dated 6/25/2018 or later.)*

Water Quality Permit Payment Submittal Form (Page 19) ☐ Yes  
*(Original payment sent to TCEQ Revenue Section. See instructions for mailing address.)*

7.5 Minute USGS Quadrangle Topographic Map Attached ☒ Yes  
*(Full-size map if seeking "New" permit.*  
*8 ½ x 11 acceptable for Renewals and Amendments)*

Current/Non-Expired, Executed Lease Agreement or Easement ☐ N/A ☒ Yes

Landowners Map ☐ N/A ☒ Yes  
*(See instructions for landowner requirements)*

## **Things to Know:**

- All the items shown on the map must be labeled.
- The applicant's complete property boundaries must be delineated which includes boundaries of contiguous property owned by the applicant.
- The applicant cannot be its own adjacent landowner. You must identify the landowners immediately adjacent to their property, regardless of how far they are from the actual facility.
- If the applicant's property is adjacent to a road, creek, or stream, the landowners on the opposite side must be identified. Although the properties are not adjacent to applicant's property boundary, they are considered potentially affected landowners. If the adjacent road is a divided highway as identified on the USGS topographic map, the applicant does not have to identify the landowners on the opposite side of the highway.

Landowners Cross Reference List ☐ N/A ☒ Yes  
*(See instructions for landowner requirements)*

Landowners Labels or USB Drive attached ☐ N/A ☒ Yes  
*(See instructions for landowner requirements)*

Original signature per 30 TAC § 305.44 - Blue Ink Preferred ☒ Yes  
*(If signature page is not signed by an elected official or principle executive officer, a copy of signature authority/delegation letter must be attached)*

Plain Language Summary ☒ Yes



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## DOMESTIC WASTEWATER PERMIT APPLICATION TECHNICAL REPORT 1.0

---

For any questions about this form, please contact the Domestic Wastewater Permitting Team at 512-239-4671.

The following information is required for all renewal, new, and amendment applications.

### Section 1. Permitted or Proposed Flows (Instructions Page 43)

#### A. Existing/Interim I Phase

Design Flow (MGD): 2.0

2-Hr Peak Flow (MGD): 7.2

Estimated construction start date: May 2026

Estimated waste disposal start date: N/A

#### B. Interim II Phase

Design Flow (MGD): 4.0

2-Hr Peak Flow (MGD): 14.4

Estimated construction start date: May 2028

Estimated waste disposal start date: N/A

#### C. Final Phase

Design Flow (MGD): 8.0

2-Hr Peak Flow (MGD): 28.8

Estimated construction start date: May 2031

Estimated waste disposal start date: N/A

#### D. Current Operating Phase

Provide the startup date of the facility: Q4 2028

### Section 2. Treatment Process (Instructions Page 43)

#### A. Current Operating Phase

Provide a detailed description of the treatment process. **Include the type of treatment plant, mode of operation, and all treatment units.** Start with the plant's head works and

finish with the point of discharge. Include all sludge processing and drying units. **If more than one phase exists or is proposed, a description of *each phase* must be provided.**

This is a progressive design build project, with 3 phases; an initial phase of 2 MGD, an interim phase of 4 MGD and a final phase of 8 MGD. The design of the plant will be finalized after the award of the contract. The major components and design alternatives to be considered includes Influent Lift Station, Primary Treatment, Secondary Treatment, Tertiary Treatment, Biosolids Treatment and Handling, Odor control and Disinfection.

## B. Treatment Units

In Table 1.0(1), provide the treatment unit type, the number of units, and dimensions (length, width, depth) of each treatment unit, accounting for ***all*** phases of operation.

**Table 1.0(1) - Treatment Units**

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
Influent Lift Station	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Bar Screen	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Grit Removal	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Primary Clarifier	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Aeration	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Secondary Clarifier	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Cloth Media Filters or alternatives	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Disinfection	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Belt Press or alternatives	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
UV Disinfection or alternatives	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
Odor Control	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Instrumentation and SCADA systems	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project
Administration, Operations & Support Buildings	TBD as this is a Progressive Design Build (PDB) project	TBD as this is a Progressive Design Build (PDB) project

### C. Process Flow Diagram

Provide flow diagrams for the existing facilities and **each** proposed phase of construction.

Attachment: **TR-1: Process Flow Diagram**

## Section 3. Site Information and Drawing (Instructions Page 44)

Provide the TPDES discharge outfall latitude and longitude. Enter N/A if not applicable.

- Latitude: 29.813031
- Longitude: -97.914

Provide the TLAP disposal site latitude and longitude. Enter N/A if not applicable.

- Latitude: NA
- Longitude: NA

Provide a site drawing for the facility that shows the following:

- The boundaries of the treatment facility;
- The boundaries of the area served by the treatment facility;
- If land disposal of effluent, the boundaries of the disposal site and all storage/holding ponds; and
- If sludge disposal is authorized in the permit, the boundaries of the land application or disposal site.

Attachment: **Attachment TR-2: Site Drawing, with the last 2 bullet points being N/A.**

Provide the name **and** a description of the area served by the treatment facility.

The City of San Marcos will serve new residential developments namely, Sedona South, Rattler Ridge, Fleming Farms, Highlander, Mulberry, Qualico and Cottonwood Phase 4, Sections 2 to 4. These single-family home developments are estimated to be built out to approximately 7150 Living Equivalent Units by 2037.

Collection System Information **for wastewater TPDES permits only**: Provide information for each **uniquely owned** collection system, existing and new, served by this facility, including satellite collection systems. **Please see the instructions for a detailed explanation and examples.**

**Collection System Information**

Collection System Name	Owner Name	Owner Type	Population Served
FM 1978 Water Reclamation Facility	City of San Marcos	Publicly Owned	21,000 with current development
		Choose an item.	
		Choose an item.	
		Choose an item.	

**Section 4. Unbuilt Phases (Instructions Page 45)**

Is the application for a renewal of a permit that contains an unbuilt phase or phases?

☐ Yes ☒ No

If yes, does the existing permit contain a phase that has not been constructed **within five years** of being authorized by the TCEQ?

☐ Yes ☒ No

If yes, provide a detailed discussion regarding the continued need for the unbuilt phase. **Failure to provide sufficient justification may result in the Executive Director recommending denial of the unbuilt phase or phases.**

N/A

**Section 5. Closure Plans (Instructions Page 45)**

Have any treatment units been taken out of service permanently, or will any units be taken out of service in the next five years?

☐ Yes ☒ No

If yes, was a closure plan submitted to the TCEQ?

☐ Yes ☐ No

If yes, provide a brief description of the closure and the date of plan approval.



N/A

## Section 6. Permit Specific Requirements (Instructions Page 45)

For applicants with an existing permit, check the Other Requirements or Special Provisions of the permit.

### A. Summary transmittal

Have plans and specifications been approved for the existing facilities and each proposed phase?

☐ Yes ☒ No

If yes, provide the date(s) of approval for each phase: N/A

Provide information, including dates, on any actions taken to meet a *requirement or provision* pertaining to the submission of a summary transmittal letter. **Provide a copy of an approval letter from the TCEQ, if applicable.**

N/A

### B. Buffer zones

Have the buffer zone requirements been met?

☒ Yes ☐ No

Provide information below, including dates, on any actions taken to meet the conditions of the buffer zone. If available, provide any new documentation relevant to maintaining the buffer zones.

The City acquired the property on October 30, 2024. The required 150 feet of buffer around treatment facility will be included in the plant layout and is included within the proposed project site boundaries. The City of San Marcos will maintain these buffer zones for the construction of the facility.

### C. Other actions required by the current permit

Does the *Other Requirements* or *Special Provisions* section in the existing permit require submission of any other information or other required actions? Examples include Notification of Completion, progress reports, soil monitoring data, etc.

☐ Yes ☒ No

If **yes**, provide information below on the status of any actions taken to meet the conditions of an *Other Requirement* or *Special Provision*.

N/A

#### D. Grit and grease treatment

##### 1. *Acceptance of grit and grease waste*

Does the facility have a grit and/or grease processing facility onsite that treats and decants or accepts transported loads of grit and grease waste that are discharged directly to the wastewater treatment plant prior to any treatment?

☐ Yes ☒ No

If **No**, stop here and continue with Subsection E. Stormwater Management.

##### 2. *Grit and grease processing*

Describe below how the grit and grease waste is treated at the facility. In your description, include how and where the grit and grease is introduced to the treatment works and how it is separated or processed. Provide a flow diagram showing how grit and grease is processed at the facility.

N/A

##### 3. *Grit disposal*

Does the facility have a Municipal Solid Waste (MSW) registration or permit for grit disposal?

☐ Yes ☐ No

If **No**, contact the TCEQ Municipal Solid Waste team at 512-239-2335. Note: A registration or permit is required for grit disposal. Grit shall not be combined with treatment plant sludge. See the instruction booklet for additional information on grit disposal requirements and restrictions.

Describe the method of grit disposal.

N/A

#### 4. Grease and decanted liquid disposal

Note: A registration or permit is required for grease disposal. Grease shall not be combined with treatment plant sludge. For more information, contact the TCEQ Municipal Solid Waste team at 512-239-2335.

Describe how the decant and grease are treated and disposed of after grit separation.

N/A

### E. Stormwater management

#### 1. Applicability

Does the facility have a design flow of 1.0 MGD or greater in any phase?

☒ Yes ☐ No

Does the facility have an approved pretreatment program, under 40 CFR Part 403?

☐ Yes ☒ No

If no to both of the above, then skip to Subsection F, Other Wastes Received.

#### 2. MSGP coverage

Is the stormwater runoff from the WWTP and dedicated lands for sewage disposal currently permitted under the TPDES Multi-Sector General Permit (MSGP), TXR050000?

☐ Yes ☒ No

If yes, please provide MSGP Authorization Number and skip to Subsection F, Other Wastes Received:

TXR05 N/A or TXRNE N/A

If no, do you intend to seek coverage under TXR050000?

☒ Yes ☐ No

#### 3. Conditional exclusion

Alternatively, do you intend to apply for a conditional exclusion from permitting based TXR050000 (Multi Sector General Permit) Part II B.2 or TXR050000 (Multi Sector General Permit) Part V, Sector T 3(b)?

☐ Yes ☒ No

If yes, please explain below then proceed to Subsection F, Other Wastes Received:

N/A

**4. Existing coverage in individual permit**

Is your stormwater discharge currently permitted through this individual TPDES or TLAP permit?

☐ Yes ☒ No

**If yes**, provide a description of stormwater runoff management practices at the site that are authorized in the wastewater permit then skip to Subsection F, Other Wastes Received.

N/A

**5. Zero stormwater discharge**

Do you intend to have no discharge of stormwater via use of evaporation or other means?

☐ Yes ☒ No

**If yes**, explain below then skip to Subsection F. Other Wastes Received.

N/A

Note: If there is a potential to discharge any stormwater to surface water in the state as the result of any storm event, then permit coverage is required under the MSGP or an individual discharge permit. This requirement applies to all areas of facilities with treatment plants or systems that treat, store, recycle, or reclaim domestic sewage, wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries) that meet the applicability criteria of above. You have the option of obtaining coverage under the MSGP for direct discharges, (recommended), or obtaining coverage under this individual permit.

**6. Request for coverage in individual permit**

Are you requesting coverage of stormwater discharges associated with your treatment plant under this individual permit?

☐ Yes ☒ No

**If yes**, provide a description of stormwater runoff management practices at the site for which you are requesting authorization in this individual wastewater permit and describe whether you intend to comingle this discharge with your treated effluent or discharge it via a separate dedicated stormwater outfall. Please also indicate if you

intend to divert stormwater to the treatment plant headworks and indirectly discharge it to water in the state.

N/A

Note: Direct stormwater discharges to waters in the state authorized through this individual permit will require the development and implementation of a stormwater pollution prevention plan (SWPPP) and will be subject to additional monitoring and reporting requirements. Indirect discharges of stormwater via headworks recycling will require compliance with all individual permit requirements including 2-hour peak flow limitations. All stormwater discharge authorization requests will require additional information during the technical review of your application.

#### F. Discharges to the Lake Houston Watershed

Does the facility discharge in the Lake Houston watershed?

☐ Yes ☒ No

If yes, attach a Sewage Sludge Solids Management Plan. See Example 5 in the instructions.  
N/A

#### G. Other wastes received including sludge from other WWTPs and septic waste

##### 1. Acceptance of sludge from other WWTPs

Does or will the facility accept sludge from other treatment plants at the facility site?

☐ Yes ☒ No

**If yes, attach sewage sludge solids management plan. See Example 5 of instructions.**

In addition, provide the date the plant started or is anticipated to start accepting sludge, an estimate of monthly sludge acceptance (gallons or millions of gallons), an estimate of the BOD<sub>5</sub> concentration of the sludge, and the design BOD<sub>5</sub> concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

N/A

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

##### 2. Acceptance of septic waste

Is the facility accepting or will it accept septic waste?

☐ Yes ☒ No

**If yes, does the facility have a Type V processing unit?**

☐ Yes ☐ No

**If yes, does the unit have a Municipal Solid Waste permit?**

☐ Yes ☐ No

If **yes to any of the above**, provide the date the plant started or is anticipated to start accepting septic waste, an estimate of monthly septic waste acceptance (gallons or millions of gallons), an estimate of the BOD<sub>5</sub> concentration of the septic waste, and the design BOD<sub>5</sub> concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

N/A

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

**3. Acceptance of other wastes (not including septic, grease, grit, or RCRA, CERCLA or as discharged by IUs listed in Worksheet 6)**

Is or will the facility accept wastes that are not domestic in nature excluding the categories listed above?

☐ Yes ☒ No

If **yes**, provide the date that the plant started accepting the waste, an estimate how much waste is accepted on a monthly basis (gallons or millions of gallons), a description of the entities generating the waste, and any distinguishing chemical or other physical characteristic of the waste. Also note if this information has or has not changed since the last permit action.

N/A

## Section 7. Pollutant Analysis of Treated Effluent (Instructions Page 50)

Is the facility in operation?

☐ Yes ☒ No

If **no**, this section is not applicable. Proceed to Section 8.

If **yes**, provide effluent analysis data for the listed pollutants. **Wastewater treatment facilities** complete Table 1.0(2). **Water treatment facilities** discharging filter backwash water, complete Table 1.0(3). Provide copies of the laboratory results sheets. **These tables are not applicable for a minor amendment without renewal.** See the instructions for guidance.

Note: The sample date must be within 1 year of application submission.

**Table1.0(2) – Pollutant Analysis for Wastewater Treatment Facilities**

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
CBOD <sub>5</sub> , mg/l					
Total Suspended Solids, mg/l					
Ammonia Nitrogen, mg/l					
Nitrate Nitrogen, mg/l					
Total Kjeldahl Nitrogen, mg/l					
Sulfate, mg/l					
Chloride, mg/l					
Total Phosphorus, mg/l					
pH, standard units					
Dissolved Oxygen*, mg/l					
Chlorine Residual, mg/l					
<i>E.coli</i> (CFU/100ml) freshwater					
Enterococci (CFU/100ml) saltwater					
Total Dissolved Solids, mg/l					
Electrical Conductivity, $\mu$ mohs/cm, †					
Oil & Grease, mg/l					
Alkalinity (CaCO <sub>3</sub> )*, mg/l					

\*TPDES permits only

†TLAP permits only

**Table1.0(3) – Pollutant Analysis for Water Treatment Facilities**

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Total Dissolved Solids, mg/l					
pH, standard units					
Fluoride, mg/l					
Aluminum, mg/l					
Alkalinity (CaCO <sub>3</sub> ), mg/l					

## Section 8. Facility Operator (Instructions Page 50)

Facility Operator Name: Andreana AlexanderFacility Operator's License Classification and Level: Operator BFacility Operator's License Number: WW0067995

## Section 9. Sludge and Biosolids Management and Disposal (Instructions Page 51)

### A. WWTP's Biosolids Management Facility Type

Check all that apply. See instructions for guidance

- ☒ Design flow  $\geq$  1 MGD
- ☒ Serves  $\geq$  10,000 people
- ☐ Class I Sludge Management Facility (per 40 CFR § 503.9)
- ☐ Biosolids generator
- ☐ Biosolids end user - land application (onsite)
- ☐ Biosolids end user - surface disposal (onsite)
- ☐ Biosolids end user - incinerator (onsite)

### B. WWTP's Biosolids Treatment Process

Check all that apply. See instructions for guidance.

- ☐ Aerobic Digestion
- ☐ Air Drying (or sludge drying beds)
- ☐ Lower Temperature Composting
- ☐ Lime Stabilization
- ☐ Higher Temperature Composting
- ☐ Heat Drying
- ☐ Thermophilic Aerobic Digestion
- ☐ Beta Ray Irradiation
- ☐ Gamma Ray Irradiation
- ☐ Pasteurization
- ☐ Preliminary Operation (e.g. grinding, de-gritting, blending)
- ☒ Thickening (e.g. gravity thickening, centrifugation, filter press, vacuum filter)
- ☐ Sludge Lagoon
- ☐ Temporary Storage ( $< 2$  years)
- ☐ Long Term Storage ( $\geq 2$  years)
- ☐ Methane or Biogas Recovery
- ☒ Other Treatment Process: This project is a Progressive Design Project. The final treatment processes and units will be determined after the Design Builder comes on board.



### C. Biosolids Management

Provide information on the *intended* biosolids management practice. Do not enter every management practice that you want authorized in the permit, as the permit will authorize all biosolids management practices listed in the instructions. Rather indicate the management practice the facility plans to use.

#### Biosolids Management

Management Practice	Handler or Preparer Type	Bulk or Bag Container	Amount (dry metric tons)	Pathogen Reduction Options	Vector Attraction Reduction Option
Disposal in Landfill	Off-site Third-Party Handler or Preparer	Not Applicable	5007 lbs/day	N/A	N/A

If "Other" is selected for Management Practice, please explain (e.g. monofill or transport to another WWTP): N/A

### D. Disposal site

Disposal site name: Waste Management Mesquite Creek Landfill

TCEQ permit or registration number: 66B

County where disposal site is located: Comal

### E. Transportation method

Method of transportation (truck, train, pipe, other): Truck

Name of the hauler: Residuals Transport Corporation

Hauler registration number: 24346

Sludge is transported as a:

Liquid ☐ semi-liquid ☐ semi-solid ☒ solid ☐

## Section 10. Permit Authorization for Sewage Sludge Disposal (Instructions Page 53)

### A. Beneficial use authorization

Does the existing permit include authorization for land application of sewage sludge for beneficial use?

☐ Yes ☒ No

If **yes**, are you requesting to continue this authorization to land apply sewage sludge for beneficial use?

☐ Yes ☐ No

If **yes**, is the completed **Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)** attached to this permit application (see the instructions for details)?

☐ Yes ☐ No

## B. Sludge processing authorization

Does the existing permit include authorization for any of the following sludge processing, storage or disposal options?

Sludge Composting	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Marketing and Distribution of sludge	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Sludge Surface Disposal or Sludge Monofill	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Temporary storage in sludge lagoons	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If **yes** to any of the above sludge options and the applicant is requesting to continue this authorization, is the completed **Domestic Wastewater Permit Application: Sewage Sludge Technical Report (TCEQ Form No. 10056)** attached to this permit application?

☐ Yes ☐ No

## Section 11. Sewage Sludge Lagoons (Instructions Page 53)

Does this facility include sewage sludge lagoons?

☐ Yes ☒ No

If yes, complete the remainder of this section. If no, proceed to Section 12.

### A. Location information

The following maps are required to be submitted as part of the application. For each map, provide the Attachment Number.

- Original General Highway (County) Map:  
**Attachment:** N/A
- USDA Natural Resources Conservation Service Soil Map:  
**Attachment:** N/A
- Federal Emergency Management Map:  
**Attachment:** N/A
- Site map:  
**Attachment:** N/A

Discuss in a description if any of the following exist within the lagoon area. Check all that apply.

- ☐ Overlap a designated 100-year frequency flood plain
- ☐ Soils with flooding classification
- ☐ Overlap an unstable area
- ☐ Wetlands
- ☐ Located less than 60 meters from a fault
- ☐ None of the above

**Attachment:** N/A

If a portion of the lagoon(s) is located within the 100-year frequency flood plain, provide the protective measures to be utilized including type and size of protective structures:

N/A

**B. Temporary storage information**

Provide the results for the pollutant screening of sludge lagoons. These results are in addition to pollutant results in *Section 7 of Technical Report 1.0*.

Nitrate Nitrogen, mg/kg: N/A

Total Kjeldahl Nitrogen, mg/kg: N/A

Total Nitrogen (=nitrate nitrogen + TKN), mg/kg: N/A

Phosphorus, mg/kg: N/A

Potassium, mg/kg: N/A

pH, standard units: N/A

Ammonia Nitrogen mg/kg: N/A

Arsenic: N/A

Cadmium: N/A

Chromium: N/A

Copper: N/A

Lead: N/A

Mercury: N/A

Molybdenum: N/A

Nickel: N/A

Selenium: N/A

Zinc: N/A

Total PCBs: N/A

Provide the following information:

Volume and frequency of sludge to the lagoon(s): N/A

Total dry tons stored in the lagoons(s) per 365-day period: N/A

Total dry tons stored in the lagoons(s) over the life of the unit: N/A

**C. Liner information**

Does the active/proposed sludge lagoon(s) have a liner with a maximum hydraulic conductivity of  $1 \times 10^{-7}$  cm/sec?

☐ Yes ☐ No

If yes, describe the liner below. Please note that a liner is required.

N/A

#### D. Site development plan

Provide a detailed description of the methods used to deposit sludge in the lagoon(s):

N/A

Attach the following documents to the application.

- Plan view and cross-section of the sludge lagoon(s)  
**Attachment:** N/A
- Copy of the closure plan  
**Attachment:** N/A
- Copy of deed recordation for the site  
**Attachment:** N/A
- Size of the sludge lagoon(s) in surface acres and capacity in cubic feet and gallons  
**Attachment:** N/A
- Description of the method of controlling infiltration of groundwater and surface water from entering the site  
**Attachment:** N/A
- Procedures to prevent the occurrence of nuisance conditions  
**Attachment:** N/A

#### E. Groundwater monitoring

Is groundwater monitoring currently conducted at this site, or are any wells available for groundwater monitoring, or are groundwater monitoring data otherwise available for the sludge lagoon(s)?

☐ Yes ☒ No

If groundwater monitoring data are available, provide a copy. Provide a profile of soil types encountered down to the groundwater table and the depth to the shallowest groundwater as a separate attachment.

**Attachment:** N/A

## Section 12. Authorizations/Compliance/Enforcement (Instructions Page 55)

### A. Additional authorizations

Does the permittee have additional authorizations for this facility, such as reuse authorization, sludge permit, etc?

☐ Yes ☒ No

If yes, provide the TCEQ authorization number and description of the authorization:

N/A

### B. Permittee enforcement status

Is the permittee currently under enforcement for this facility?

☐ Yes ☒ No

Is the permittee required to meet an implementation schedule for compliance or enforcement?

☐ Yes ☒ No

If yes to either question, provide a brief summary of the enforcement, the implementation schedule, and the current status:

N/A

## Section 13. RCRA/CERCLA Wastes (Instructions Page 55)

### A. RCRA hazardous wastes

Has the facility received in the past three years, does it currently receive, or will it receive RCRA hazardous waste?

☐ Yes ☒ No

**B. Remediation activity wastewater**

Has the facility received in the past three years, does it currently receive, or will it receive CERCLA wastewater, RCRA remediation/corrective action wastewater or other remediation activity wastewater?

☐ Yes ☒ No

**C. Details about wastes received**

If **yes** to either Subsection A or B above, provide detailed information concerning these wastes with the application.

**Attachment:** N/A

## Section 14. Laboratory Accreditation (Instructions Page 56)

All laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*, which includes the following general exemptions from National Environmental Laboratory Accreditation Program (NELAP) certification requirements:

- The laboratory is an in-house laboratory and is:
  - periodically inspected by the TCEQ; or
  - located in another state and is accredited or inspected by that state; or
  - performing work for another company with a unit located in the same site; or
  - performing pro bono work for a governmental agency or charitable organization.
- The laboratory is accredited under federal law.
- The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- The laboratory supplies data for which the TCEQ does not offer accreditation.

The applicant should review 30 TAC Chapter 25 for specific requirements.

The following certification statement shall be signed and submitted with every application. See the Signature Page section in the Instructions, for a list of designated representatives who may sign the certification.

### CERTIFICATION:

I certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*.

Printed Name: N/A

Title: N/A

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# DOMESTIC WASTEWATER PERMIT APPLICATION

## TECHNICAL REPORT 1.1

The following information is required for new and amendment major applications.

### Section 1. Justification for Permit (Instructions Page 57)

#### A. Justification of permit need

Provide a detailed discussion regarding the need for any phase(s) not currently permitted. Failure to provide sufficient justification may result in the Executive Director recommending denial of the proposed phase(s) or permit.

The City's existing wastewater treatment plant is approaching 75% of its permitted capacity, and the City has entered into an agreement to provide regional wastewater treatment services for areas currently under development on the southeast side of the City. These developments were planning multiple separate smaller packaged plants and the City took on the leadership role to regionalize and provide a single plant to serve the rapidly growing area on the southeast side of the City. It has been determined to be more feasible to build a new **regional** wastewater treatment facility in this area rather than build new infrastructure and expand to move proposed flows to existing WWTP on River Rd. Following the completion of the procurement process, along with the issuance of environmental findings and the TPDES permit, construction of the WRF is scheduled to begin in May 2026. The project is expected to be completed by the fourth quarter of 2028.

#### B. Regionalization of facilities

For additional guidance, please review [TCEQ's Regionalization Policy for Wastewater Treatment](#)<sup>1</sup>.

Provide the following information concerning the potential for regionalization of domestic wastewater treatment facilities:

##### 1. *Municipally incorporated areas*

If the applicant is a city, then Item 1 is not applicable. Proceed to Item 2 Utility CCN areas.

Is any portion of the proposed service area located in an incorporated city?

☐ Yes ☐ No ☒ Not Applicable

If yes, within the city limits of: [Click to enter text.](#)

If yes, attach correspondence from the city.

**Attachment:** N/A

If consent to provide service is available from the city, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the city versus the cost of the proposed facility or expansion attached.

**Attachment:** N/A

---

<sup>1</sup> <https://www.tceq.texas.gov/permitting/wastewater/tceq-regionalization-for-wastewater>



## 2. Utility CCN areas

Is any portion of the proposed service area located inside another utility's CCN area?

☐ Yes ☒ No

If **yes**, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the CCN facilities versus the cost of the proposed facility or expansion.

Attachment: N/A

## 3. Nearby WWTPs or collection systems

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

☒ Yes ☐ No

If **yes**, attach a list of these facilities and collection systems that includes each permittee's name and permit number, and an area map showing the location of these facilities and collection systems.

Attachment: Attachment TR-3: Nearby WWTP

If **yes**, attach proof of mailing a request for service to each facility and collection system, the letters requesting service, and correspondence from each facility and collection system.

Attachment: N/A as these facilities have yet to be constructed.

If the facility or collection system agrees to provide service, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the facility or collection system versus the cost of the proposed facility or expansion.

Attachment: N/A

## Section 2. Proposed Organic Loading (Instructions Page 59)

Is this facility in operation?

☐ Yes ☒ No

If **no**, proceed to Item B, Proposed Organic Loading.

If **yes**, provide organic loading information in Item A, Current Organic Loading

### A. Current organic loading

Facility Design Flow (flow being requested in application): N/A

Average Influent Organic Strength or BOD<sub>5</sub> Concentration in mg/l: N/A

Average Influent Loading (lbs/day = total average flow X average BOD<sub>5</sub> conc. X 8.34): N/A

Provide the source of the average organic strength or BOD<sub>5</sub> concentration.

N/A

## B. Proposed organic loading

This table must be completed if this application is for a facility that is not in operation or if this application is to request an increased flow that will impact organic loading.

**Table 1.1(1) – Design Organic Loading**

Source	Total Average Flow (MGD)	Influent BOD5 Concentration (mg/l)
Municipality		
Subdivision	Initial :98% * 2MGD =1.96 Interim: 98% * 4 MGD = 3.92 Final: 98% * 8 MGD = 7.84	300
Trailer park – transient		
Mobile home park		
School with cafeteria and showers	Initial :2% * 2MGD = .02 Interim: 2% * 4 MGD = .04 Final: 2% * 8 MGD = .08	300
School with cafeteria, no showers		
Recreational park, overnight use		
Recreational park, day use		
Office building or factory		
Motel		
Restaurant		
Hospital		
Nursing home		
Other		
TOTAL FLOW from all sources		300 mg/L
AVERAGE BOD <sub>5</sub> from all sources		300 mg/L

### Section 3. Proposed Effluent Quality and Disinfection (Instructions Page 59)

#### A. Existing/Interim I Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 5

Ammonia Nitrogen, mg/l: 2

Total Phosphorus, mg/l: 0.5

Dissolved Oxygen, mg/l: 4

Other: N/A

#### B. Interim II Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 5

Ammonia Nitrogen, mg/l: 2

Total Phosphorus, mg/l: 0.5

Dissolved Oxygen, mg/l: 4

Other: N/A

#### C. Final Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: 10

Total Suspended Solids, mg/l: 5

Ammonia Nitrogen, mg/l: 2

Total Phosphorus, mg/l: 0.5

Dissolved Oxygen, mg/l: 4

Other: N/A

#### D. Disinfection Method

Identify the proposed method of disinfection.

☐ Chlorine: 15 mg/l after Click to enter text. minutes detention time at peak flow

Dechlorination process: Click to enter text.

☒ Ultraviolet Light: Click to enter text. seconds contact time at peak flow

☐ Other: Click to enter text.

### Section 4. Design Calculations (Instructions Page 59)

Attach design calculations and plant features for each proposed phase. Example 4 of the instructions includes sample design calculations and plant features.

**Attachment:** TR-4: Design Calculations

## Section 5. Facility Site (Instructions Page 60)

### A. 100-year floodplain

Will the proposed facilities be located above the 100-year frequency flood level?

☒ Yes ☐ No

If **no**, describe measures used to protect the facility during a flood event. Include a site map showing the location of the treatment plant within the 100-year frequency flood level. If applicable, provide the size and types of protective structures.

N/A

Provide the source(s) used to determine 100-year frequency flood plain.

FEMA Firm Panel 393 of 525 was used.

For a new or expansion of a facility, will a wetland or part of a wetland be filled?

☐ Yes ☒ No

If **yes**, has the applicant applied for a US Corps of Engineers 404 Dredge and Fill Permit?

☐ Yes ☐ No

If **yes**, provide the permit number: N/A

If **no**, provide the approximate date you anticipate submitting your application to the Corps:

### B. Wind rose

Attach a wind rose: **Attachment TR-5: Wind Rose**

## Section 6. Permit Authorization for Sewage Sludge Disposal (Instructions Page 60)

### A. Beneficial use authorization

Are you requesting to include authorization to land apply sewage sludge for beneficial use on property located adjacent to the wastewater treatment facility under the wastewater permit?

☐ Yes ☒ No

If **yes**, attach the completed **Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)**: N/A

### B. Sludge processing authorization

Identify the sludge processing, storage or disposal options that will be conducted at the wastewater treatment facility:

☐ Sludge Composting

- ☐ Marketing and Distribution of sludge
- ☐ Sludge Surface Disposal or Sludge Monofill

If any of the above, sludge options are selected, attach the completed **Domestic Wastewater Permit Application: Sewage Sludge Technical Report (TCEQ Form No. 10056)**: [Click to enter text.](#)

## Section 7. Sewage Sludge Solids Management Plan (Instructions Page 61)

Attach a solids management plan to the application.

**Attachment: Attachment TR-6: Sludge Management Plan**

The sewage sludge solids management plan must contain the following information:

- Treatment units and processes dimensions and capacities
- Solids generated at 100, 75, 50, and 25 percent of design flow
- Mixed liquor suspended solids operating range at design and projected actual flow
- Quantity of solids to be removed and a schedule for solids removal
- Identification and ownership of the ultimate sludge disposal site
- For facultative lagoons, design life calculations, monitoring well locations and depths, and the ultimate disposal method for the sludge from the facultative lagoon

An example of a sewage sludge solids management plan has been included as Example 5 of the instructions.

# DOMESTIC WASTEWATER PERMIT APPLICATION

## WORKSHEET 2.0: RECEIVING WATERS

The following information is required for all TPDES permit applications.

### Section 1. Domestic Drinking Water Supply (Instructions Page 64)

Is there a surface water intake for domestic drinking water supply located within 5 miles downstream from the point or proposed point of discharge?

☐ Yes ☒ No

If **no**, proceed to Section 2. If **yes**, provide the following:

Owner of the drinking water supply: N/A

Distance and direction to the intake: N/A

Attach a USGS map that identifies the location of the intake.

Attachment: N/A

### Section 2. Discharge into Tidally Affected Waters (Instructions Page 64)

Does the facility discharge into tidally affected waters?

☐ Yes ☒ No

If **no**, proceed to Section 3. If **yes**, complete the remainder of this section. If no, proceed to Section 3.

#### A. Receiving water outfall

Width of the receiving water at the outfall, in feet: N/A

#### B. Oyster waters

Are there oyster waters in the vicinity of the discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from outfall(s).

N/A

#### C. Sea grasses

Are there any sea grasses within the vicinity of the point of discharge?

☐ Yes ☐ No

If **yes**, provide the distance and direction from the outfall(s).

N/A

### Section 3. Classified Segments (Instructions Page 64)

Is the discharge directly into (or within 300 feet of) a classified segment?

☐ Yes ☒ No

If **yes**, this Worksheet is complete.

If **no**, complete Sections 4 and 5 of this Worksheet.

### Section 4. Description of Immediate Receiving Waters (Instructions Page 65)

Name of the immediate receiving waters: Cottonwood Creek

#### A. Receiving water type

Identify the appropriate description of the receiving waters.

- ☒ Stream
- ☐ Freshwater Swamp or Marsh
- ☐ Lake or Pond

Surface area, in acres: Click to enter text.

Average depth of the entire water body, in feet: Click to enter text.

Average depth of water body within a 500-foot radius of discharge point, in feet:  
Click to enter text.

- ☐ Man-made Channel or Ditch
- ☐ Open Bay
- ☐ Tidal Stream, Bayou, or Marsh
- ☐ Other, specify: Click to enter text.

#### B. Flow characteristics

If a stream, man-made channel or ditch was checked above, provide the following. For existing discharges, check one of the following that best characterizes the area *upstream* of the discharge. For new discharges, characterize the area *downstream* of the discharge (check one).

- ☐ Intermittent - dry for at least one week during most years
- ☒ Intermittent with Perennial Pools - enduring pools with sufficient habitat to maintain significant aquatic life uses
- ☐ Perennial - normally flowing

Check the method used to characterize the area upstream (or downstream for new dischargers).

- ☒ USGS flow records
- ☐ Historical observation by adjacent landowners
- ☒ Personal observation
- ☐ Other, specify: Click to enter text.

### C. Downstream perennial confluences

List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point.

= NA – None within 3 miles

### D. Downstream characteristics

Do the receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.)?

☐ Yes ☒ No

If yes, discuss how.

N/A

### E. Normal dry weather characteristics

Provide general observations of the water body during normal dry weather conditions.

Info from other permits/ site visit. The water was clear, and the creek bottom could be seen. Water depth was about 2-3 feet of depth and flowing.

Date and time of observation: 7/3/24 9:30 AM

Was the water body influenced by stormwater runoff during observations?

☐ Yes ☒ No

## Section 5. General Characteristics of the Waterbody (Instructions Page 66)

### A. Upstream influences

Is the immediate receiving water upstream of the discharge or proposed discharge site influenced by any of the following? Check all that apply.

- |   |   |
|---|---|
| <input type="checkbox"/> Oil field activities | <input checked="" type="checkbox"/> Urban runoff                        |
| <input type="checkbox"/> Upstream discharges  | <input checked="" type="checkbox"/> Agricultural runoff                 |
| <input type="checkbox"/> Septic tanks         | <input type="checkbox"/> Other(s), specify: <u>Click to enter text.</u> |



## B. Waterbody uses

Observed or evidences of the following uses. Check all that apply.

- |  |  |
|--|--|
| <input type="checkbox"/> Livestock watering    | <input type="checkbox"/> Contact recreation                                      |
| <input type="checkbox"/> Irrigation withdrawal | <input type="checkbox"/> Non-contact recreation                                  |
| <input type="checkbox"/> Fishing               | <input type="checkbox"/> Navigation  |
| <input type="checkbox"/> Domestic water supply | <input type="checkbox"/> Industrial water supply                                 |
| <input type="checkbox"/> Park activities       | <input type="checkbox"/> Other(s), specify: <a href="#">Click to enter text.</a> |

## C. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the receiving water and the surrounding area.

- ☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- ☐ Natural Area: trees and/or native vegetation; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☒ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- ☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored



# TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

<b>1. Reason for Submission</b> (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other
<b>2. Customer Reference Number</b> (if issued)	<a href="#">Follow this link to search for CN or RN numbers in Central Registry**</a>	<b>3. Regulated Entity Reference Number</b> (if issued)
CN 600521272		RN

## SECTION II: Customer Information

<b>4. General Customer Information</b>		<b>5. Effective Date for Customer Information Updates</b> (mm/dd/yyyy)		TBD
<input type="checkbox"/> New Customer <input checked="" type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership				
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)				
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>				
<b>6. Customer Legal Name</b> (If an individual, print last name first: eg: Doe, John)			<i>If new Customer, enter previous Customer below:</i>	
City of San Marcos				
<b>7. TX SOS/CPA Filing Number</b>	<b>8. TX State Tax ID</b> (11 digits)	<b>9. Federal Tax ID</b> (9 digits) 746002238	<b>10. DUNS Number</b> (if applicable) 27620574	
<b>11. Type of Customer:</b>		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited		
<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual		
Government: <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other:		
<b>12. Number of Employees</b>		<b>13. Independently Owned and Operated?</b>		
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>14. Customer Role</b> (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following				
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner & Operator <input type="checkbox"/> Other: Owner's Advisor				
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant				
<b>15. Mailing Address:</b>	603 East Hopkins Street			
<b>City</b>	San Marcos	<b>State</b>	TX	<b>ZIP</b> 78666 <b>ZIP + 4</b>
<b>16. Country Mailing Information</b> (if outside USA)		<b>17. E-Mail Address</b> (if applicable)		
		PKite@sanmarcostx.gov		

<b>18. Telephone Number</b>	<b>19. Extension or Code</b>	<b>20. Fax Number (if applicable)</b>
( 512 ) 393-8376		(   ) -

## SECTION III: Regulated Entity Information

<b>21. General Regulated Entity Information</b> (If 'New Regulated Entity' is selected, a new permit application is also required.)								
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information								
<i>The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).</i>								
<b>22. Regulated Entity Name</b> (Enter name of the site where the regulated action is taking place.)								
City of San Marcos								
<b>23. Street Address of the Regulated Entity:</b>  (No PO Boxes)	630 East Hopkins Street							
	<b>City</b>	San Marcos	<b>State</b>	TX	<b>ZIP</b>	78666	<b>ZIP + 4</b>	
<b>24. County</b>	Hays							

If no Street Address is provided, fields 25-28 are required.

<b>25. Description to Physical Location:</b>								
<b>26. Nearest City</b>					<b>State</b>	<b>Nearest ZIP Code</b>		
<i>Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).</i>								
<b>27. Latitude (N) In Decimal:</b>		29.810975			<b>28. Longitude (W) In Decimal:</b>		-97.919444	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds			
-97.919429	48	39.5	97	55	10.0			
<b>29. Primary SIC Code</b> (4 digits)		<b>30. Secondary SIC Code</b> (4 digits)		<b>31. Primary NAICS Code</b> (5 or 6 digits)		<b>32. Secondary NAICS Code</b> (5 or 6 digits)		
4952		N/A		221320		N/A		
<b>33. What is the Primary Business of this entity?</b> (Do not repeat the SIC or NAICS description.)								
Local Government								
<b>34. Mailing Address:</b>	630 East Hopkins Street							
	<b>City</b>	San Marcos	<b>State</b>	TX	<b>ZIP</b>	78666	<b>ZIP + 4</b>	
<b>35. E-Mail Address:</b>		MNaiser@sanmarcostx.gov						
<b>36. Telephone Number</b>			<b>37. Extension or Code</b>			<b>38. Fax Number (if applicable)</b>		
( 512 ) 393-8003						(   ) -		

**39. TCEQ Programs and ID Numbers** Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.


<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

### **SECTION IV: Preparer Information**

<b>40. Name:</b>	James Bronikowski	<b>41. Title:</b>	Group Leader, Austin
<b>42. Telephone Number</b>	<b>43. Ext./Code</b>	<b>44. Fax Number</b>	<b>45. E-Mail Address</b>
( 512 ) 381-8333		( ) -	jbronikowski@ardurra.com

### **SECTION V: Authorized Signature**

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

<b>Company:</b>	Ardurra Group	<b>Job Title:</b>	Group Leader (Austin)
<b>Name (In Print):</b>	James Bronikowski	<b>Phone:</b>	( 512 ) 381- 8333
<b>Signature:</b>		<b>Date:</b>	4/30/25



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

### PLAIN LANGUAGE SUMMARY FOR TPDES OR TLAP PERMIT APPLICATIONS

#### Plain Language Summary Template and Instructions for Texas Pollutant Discharge Elimination System (TPDES) and Texas Land Application (TLAP) Permit Applications

Applicants should use this template to develop a plain language summary as required by [Title 30, Texas Administrative Code \(30 TAC\), Chapter 39, Subchapter H](#). Applicants may modify the template as necessary to accurately describe their facility as long as the summary includes the following information: (1) the function of the proposed plant or facility; (2) the expected output of the proposed plant or facility; (3) the expected pollutants that may be emitted or discharged by the proposed plant or facility; and (4) how the applicant will control those pollutants, so that the proposed plant will not have an adverse impact on human health or the environment.

Fill in the highlighted areas below to describe your facility and application in plain language. Instructions and examples are provided below. Make any other edits necessary to improve readability or grammar and to comply with the rule requirements.

If you are subject to the alternative language notice requirements in [30 TAC Section 39.426](#), **you must provide a translated copy of the completed plain language summary in the appropriate alternative language as part of your application package**. For your convenience, a Spanish template has been provided below.

#### ENGLISH TEMPLATE FOR TPDES or TLAP NEW/RENEWAL/AMENDMENT APPLICATIONS Enter 'INDUSTRIAL' or 'DOMESTIC' here WASTEWATER/STORMWATER

*The following summary is provided for this pending water quality permit application being reviewed by the Texas Commission on Environmental Quality as required by 30 TAC Chapter 39. The information provided in this summary may change during the technical review of the application and is not a federal enforceable representation of the permit application.*

City of San Marcos (CN600521272) proposes to operate the FM 1978 Water Reclamation Facility (RN101416337), a Wastewater Treatment Facility. The facility will be located at on Fleming Pass approximately 1.75 miles east of the intersection of Farm-to-Market Road 1978 and State Highway 123, in the City of San Marcos, Guadalupe County, Texas 78666. Applying for a new WWTP permit, this permit will not authorize discharge of pollutants into water in the state.

Discharges from the facility are expected to contain five-day carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), ammonia nitrogen (NH3-N), dissolved oxygen (DO) and total phosphorus (TP). Wastewater discharge will be mainly residential and will be treated by the proposed FM 1978 Water Reclamation Facility. The Facility is anticipated to include major components associated with conventional activated sludge wastewater treatment processes; however, as this is a Progressive Design Build project,

considerations will be made for other proposed solutions that can reliably and efficiently meet the project objectives. The major components and design alternatives to be considered include the following: Influent Lift Station, Primary Treatment, Secondary Treatment, Tertiary Treatment, Disinfection, Plant Water System, Biosolids Treatment & Handling, Plant Electrical, Instrumentation & SCADA Systems, Administration, Operations & Support Buildings, Odor Control, Site Improvements, Plant Outfall.

## PLANTILLA EN ESPAÑOL PARA SOLICITUDES NUEVAS/RENOVACIONES/ENMIENDAS DE TPDES o TLAP

**AGUAS RESIDUALES** Introduzca 'INDUSTRIALES' o 'DOMÉSTICAS' aquí /AGUAS PLUVIALES

*El siguiente resumen se proporciona para esta solicitud de permiso de calidad del agua pendiente que está siendo revisada por la Comisión de Calidad Ambiental de Texas según lo requerido por el Capítulo 39 del Código Administrativo de Texas 30. La información proporcionada en este resumen puede cambiar durante la revisión técnica de la solicitud y no es una representación ejecutiva fedérale de la solicitud de permiso.*

La Ciudad de San Marcos (CN600521272) propone operar la Planta de Recuperación de Agua FM 1978 (RN101416337), una Planta de Tratamiento de Aguas Residuales. La planta se ubicará en Fleming Pass, aproximadamente a 2,8 km al este de la intersección de la Carretera Farm-to-Market 1978 y la Carretera Estatal 123, en la Ciudad de San Marcos, Condado de Guadalupe, Texas 78666. Al solicitar un nuevo permiso para la Planta de Tratamiento de Aguas Residuales (PTAR), este permiso no autoriza la descarga de contaminantes al agua del estado.

Se espera que las descargas de la planta contengan la demanda bioquímica de oxígeno carbonoso (DBO5) de cinco días, sólidos suspendidos totales (SST), nitrógeno amoniacal ( $\text{NH}_3\text{-N}$ ), oxígeno disuelto (OD) y fósforo total (PF). Las descargas de aguas residuales serán principalmente residenciales y serán tratadas por la Planta de Recuperación de Agua FM 1978 propuesta. Se prevé que la instalación incluya componentes principales asociados con los procesos convencionales de tratamiento de aguas residuales mediante lodos activados. Sin embargo, dado que se trata de un proyecto de Diseño y Construcción Progresivos, se considerarán otras soluciones propuestas que puedan cumplir los objetivos del proyecto de forma fiable y eficiente. Los principales componentes y alternativas de diseño que se considerarán incluyen: Estación de Elevación de Influentes, Tratamiento Primario, Tratamiento Secundario, Tratamiento Terciario, Desinfección, Sistema de Agua de la Planta, Tratamiento y Manejo de Biosólidos, Sistema Eléctrico de la Planta, Instrumentación y Sistemas SCADA, Edificios de Administración, Operaciones y Soporte, Control de Olores, Mejoras del Sitio y Emisario de la Planta.



Texas Commission on Environmental Quality

## Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

### Section 1. Preliminary Screening

New Permit or Registration Application

New Activity - modification, registration, amendment, facility, etc. (see instructions)

**If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.**

### Section 2. Secondary Screening

Requires public notice,

Considered to have significant public interest, and

Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

**If all the above boxes are not checked, a Public Involvement Plan is not necessary.  
Stop after Section 2 and submit the form.**

Public Involvement Plan not applicable to this application. Provide **brief** explanation.



### Section 3. Application Information

**Type of Application (check all that apply):**

Air	Initial	Federal	Amendment	Standard Permit	Title V
Waste	Municipal Solid Waste	Industrial and Hazardous Waste			Scrap Tire
	Radioactive Material Licensing			Underground Injection Control	

## Water Quality

Texas Pollutant Discharge Elimination System (TPDES)
Texas Land Application Permit (TLAP)
State Only Concentrated Animal Feeding Operation (CAFO)
Water Treatment Plant Residuals Disposal Permit
Class B Biosolids Land Application Permit
Domestic Septage Land Application Registration

## Water Rights New Permit

New Appropriation of Water	
New or existing reservoir	

## Amendment to an Existing Water Right

Add a New Appropriation of Water
Add a New or Existing Reservoir
Major Amendment that could affect other water rights or the environment

## Section 4. Plain Language Summary

Provide a brief description of planned activities.

## Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

**Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.**

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

City

County

Census Tract

- (a) Percent of people over 25 years of age who at least graduated from high school
- (b) Per capita income for population near the specified location
- (c) Percent of minority population and percent of population by race within the specified location
- (d) Percent of Linguistically Isolated Households by language within the specified location
- (e) Languages commonly spoken in area by percentage
- (f) Community and/or Stakeholder Groups
- (g) Historic public interest or involvement

## Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

Yes      No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

Yes      No

If Yes, please describe.

**If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.**

(c) Will you provide notice of this application in alternative languages?

Yes      No

**Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.**

If yes, how will you provide notice in alternative languages?

Publish in alternative language newspaper

Posted on Commissioner's Integrated Database Website

Mailed by TCEQ's Office of the Chief Clerk

Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

Yes      No

(e) If a public meeting is held, will a translator be provided if requested?

Yes      No

(f) Hard copies of the application will be available at the following (check all that apply):

TCEQ Regional Office

TCEQ Central Office

Public Place (specify)

## Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

Yes      No

What types of notice will be provided?

Publish in alternative language newspaper

Posted on Commissioner's Integrated Database Website

Mailed by TCEQ's Office of the Chief Clerk

Other (specify)

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

### FOR AGENCIES REVIEWING DOMESTIC OR INDUSTRIAL TPDES WASTEWATER PERMIT APPLICATIONS

**TCEQ USE ONLY:**

Application type: \_\_\_\_Renewal \_\_\_\_Major Amendment \_\_\_\_Minor Amendment \_\_\_\_New

County: \_\_\_\_\_ Segment Number: \_\_\_\_\_

Admin Complete Date: \_\_\_\_\_

Agency Receiving SPIF:

\_\_\_\_ Texas Historical Commission

\_\_\_\_ U.S. Fish and Wildlife

\_\_\_\_ Texas Parks and Wildlife Department

\_\_\_\_ U.S. Army Corps of Engineers

**This form applies to TPDES permit applications only.** (Instructions, Page 53)

Complete this form as a separate document. TCEQ will mail a copy to each agency as required by our agreement with EPA. If any of the items are not completely addressed or further information is needed, we will contact you to provide the information before issuing the permit. Address each item completely.

**Do not refer to your response to any item in the permit application form.** Provide each attachment for this form separately from the Administrative Report of the application. The application will not be declared administratively complete without this SPIF form being completed in its entirety including all attachments. Questions or comments concerning this form may be directed to the Water Quality Division's Application Review and Processing Team by email at [WQ-ARPTeam@tceq.texas.gov](mailto:WQ-ARPTeam@tceq.texas.gov) or by phone at (512) 239-4671.

The following applies to all applications:

1. Permittee: City of San Marcos

Permit No. WQ00 \_\_\_\_\_

EPA ID No. TX \_\_\_\_\_

Address of the project (or a location description that includes street/highway, city/vicinity, and county):

The Facility is located on Fleming Pass Road near the address point of 538 Fleming Pass Road. Fleming Pass Road intersects FM 1978 approximately 1.75 miles northeast of SH 123, near San Marcos, TX.

Provide the name, address, phone and fax number of an individual that can be contacted to answer specific questions about the property.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Marcus Naiser

Credential (P.E, P.G., Ph.D., etc.): PE

Title: Assistant Director of CIP

Mailing Address: 630 East Hopkins St.

City, State, Zip Code: 78666

Phone No.: (512) 393-8376 Ext.:

Fax No.:

E-mail Address: MNaiser@sanmarcostx.gov

2. List the county in which the facility is located: Guadalupe
3. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property.

Owned by the City of San Marcos.

4. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the classified segment number.

The outfall discharges to Cottonwood Creek, thence to York Creek, thence to the San Marcos River (Segment 1808).

5. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report).

Provide original photographs of any structures 50 years or older on the property.

Does your project involve any of the following? Check all that apply.

- ☒ Proposed access roads, utility lines, construction easements
- ☐ Visual effects that could damage or detract from a historic property's integrity
- ☒ Vibration effects during construction or as a result of project design
- ☒ Additional phases of development that are planned for the future
- ☐ Sealing caves, fractures, sinkholes, other karst features

☐ Disturbance of vegetation or wetlands

1. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features):

The project will impact the surface area and have the potential for excavation. A geotechnical survey did not indicate karst features in the property.

2. Describe existing disturbances, vegetation, and land use:

Currently, the property is a pasture. The vegetation contains mostly grass and shrubs. This site is a part of a larger development area of 29.6 acres for the Facility site which will include clearing of vegetation and a change of land use. Additionally, there will be 0.98 acres for a permanent and temporary construction easement in connection with the Facility site.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

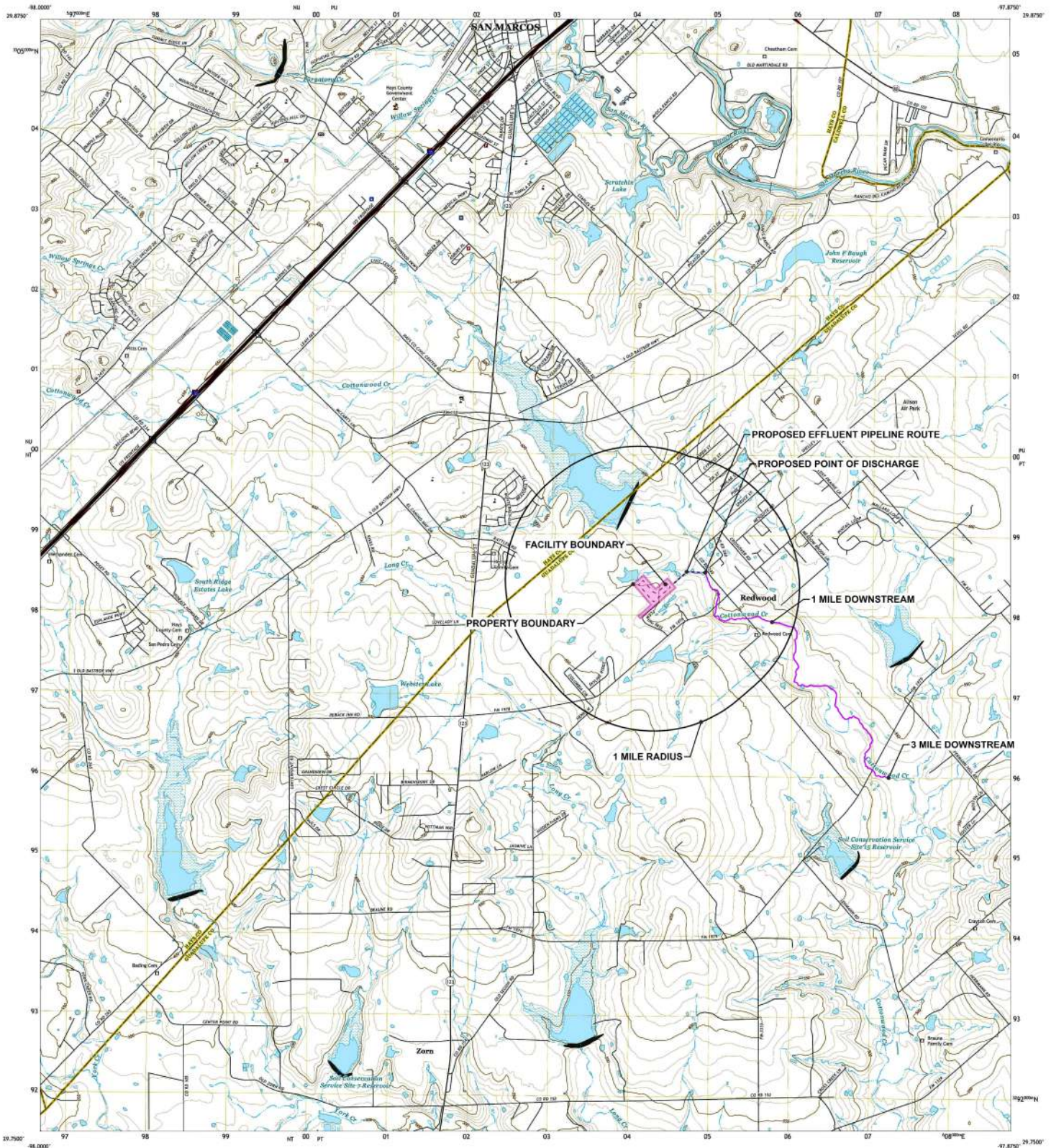
3. List construction dates of all buildings and structures on the property:

The WWTP is scheduled to be constructed May 2026 through Q4 2028.

4. Provide a brief history of the property, and name of the architect/builder, if known.

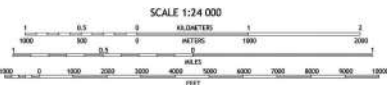
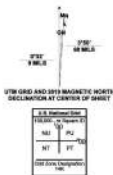
The property has been used for agriculture as a grazing pasture. The property is currently undeveloped.





Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84). Projection and  
1:250,000 scale and Universal Transverse Mercator. Zone 16E.  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

Imagery: NIP, October 2016 - November 2016  
Base: U.S. Census Bureau, 2011  
Hydrography: National Hydrography Dataset, 2011  
Contour: National Elevation Dataset, 2011  
Boundaries: Multiple sources; see metadata file 2011  
Wetlands: FWS National Wetlands Inventory; Not Available



CONTOUR INTERVAL 10 FEET  
NORTH ARROW VERTICAL DATUM OF 1983  
This map was produced to conform with the  
National Geospatial Program US Topo Product Standards.

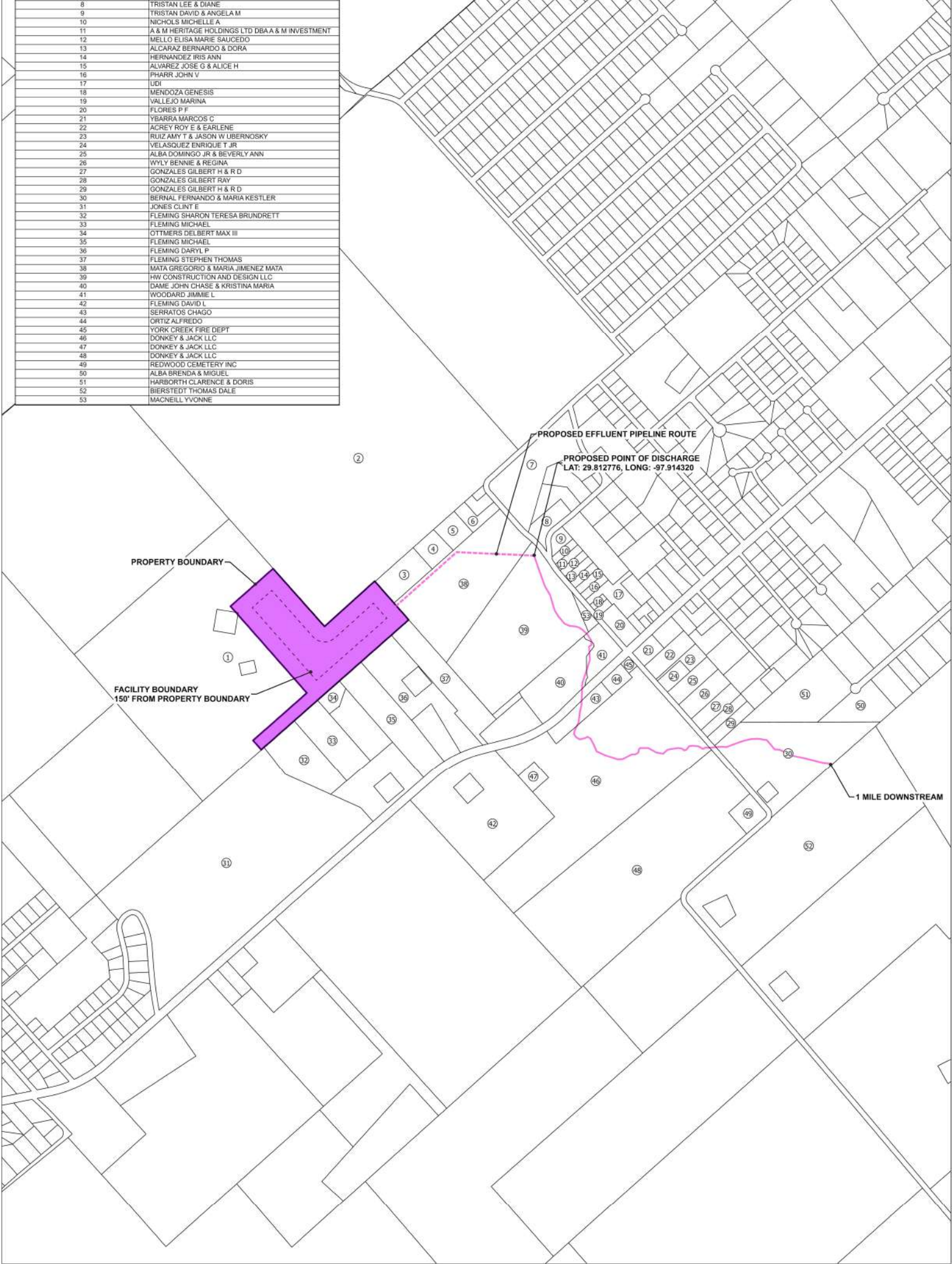


1	2	3
4		5
6	7	8

- 1 Winbury
- 2 San Marcos North
- 3 Llandudno
- 4 Hunter
- 5 Martinsdale
- 6 New Braunfels East
- 7 Conroe
- 8 Kingsbury



8	TRISTAN LEE & DIANE
9	TRISTAN DAVID & ANGELA M
10	NICHOLS MICHELLE A
11	A & M HERITAGE HOLDINGS LTD DBA A & M INVESTMENT
12	MELLO ELISA MARIE SAUCEDO
13	ALCARAZ BERNARDO & DORA
14	HERNANDEZ IRIS ANN
15	ALVAREZ JOSE G & ALICE H
16	PHARR JOHN V
17	UDI
18	MENDOZA GENESIS
19	VALLEJO MARINA
20	FLORES P F
21	YBARRA MARCOS C
22	ACREY ROY E & EARLENE
23	RUIZ AMY T & JASON W LUBERNOSKY
24	VELASQUEZ ENRIQUE T JR
25	ALBA DOMINGO JR & BEVERLY ANN
26	WYLY BENNIE & REGINA
27	GONZALES GILBERT H & R D
28	GONZALES GILBERT RAY
29	GONZALES GILBERT H & R D
30	BERNAL FERNANDO & MARIA KESTLER
31	JONES CLINT E
32	FLEMING SHARON TERESA BRUNDRETT
33	FLEMING MICHAEL
34	OTTMERS DELBERT MAX III
35	FLEMING MICHAEL
36	FLEMING DARYL P
37	FLEMING STEPHEN THOMAS
38	MATA GREGORIO & MARIA JIMENEZ MATA
39	HW CONSTRUCTION AND DESIGN LLC
40	DAME JOHN CHASE & KRISTINA MARIA
41	WOODARD JIMMIE L
42	FLEMING DAVID L
43	SERRATOS CHAGO
44	ORTIZ ALFREDO
45	YORK CREEK FIRE DEPT
46	DONKEY & JACK LLC
47	DONKEY & JACK LLC
48	DONKEY & JACK LLC
49	REDWOOD CEMETERY INC
50	ALBA BRENDA & MIGUEL
51	HARBORTH CLARENCE & DORIS
52	BIERSTEDT THOMAS DALE
53	MACNEILL YVONNE





AFFECTED LAND OWNERS - Corresponding numbers to Map	OWNER_NAME	MAIL_ADDR	MAIL_LINE1	MAIL_LINE2	MAIL_CITY	MAIL_STAT	MAIL_ZIP
1	JLBC 710 INVESTMENTS LLC	3701 LONG CHAMP DR AUSTIN TX 78746		3701 LONG CHAMP DR	AUSTIN	TX	78746
2	MOELLER FAMILY LIMITED PARTNERSHIP	5401 HWY 621 SAN MARCOS TX 78666		5401 HWY 621	SAN MARCOS	TX	78666
3	GARZA GLORIA DE LA ROSA	P O BOX 928 SAN MARCOS TX 78667		P O BOX 928	SAN MARCOS	TX	78667
4	MORALES ROXANNE & JUAN DELAROSA & GLORIA DE LA ROSA GARZA	C/O ROXANNE MORALES 1207 GIRARD AVE SAN MARCOS TX 78666	C/O ROXANNE MORALES	1207 GIRARD AVE	SAN MARCOS	TX	78666
5	MORALES ROXANE D	1207 GIRARD AVENUE SAN MARCOS TX 78666		1207 GIRARD AVENUE	SAN MARCOS	TX	78666
6	HERNANDEZ ROBERT & MARY H	P O BOX 379 SAN MARCOS TX 78667		P O BOX 379	SAN MARCOS	TX	78667
7	RIZZ DORA	419 RIVERSIDE DR SAN MARCOS TX 78666		419 RIVERSIDE DR	SAN MARCOS	TX	78666
8	TRISTAN LEE & DIANE	1256 OLD GIN ROAD SAN MARCOS TX 78666		1256 OLD GIN ROAD	SAN MARCOS	TX	78666
9	TRISTAN DAVID & ANGELA M	1261 OLD GIN RD SAN MARCOS TX 78666		1261 OLD GIN RD	SAN MARCOS	TX	78666
10	NICHOLS MICHELLE A	4913 REDWOOD RD SAN MARCOS TX 78666		4913 REDWOOD RD	SAN MARCOS	TX	78666
11	A & M HERITAGE HOLDINGS LTD DBA A & M INVESTMENT	1250 NE LOOP 410 #400 SAN ANTONIO TX 78209		1250 NE LOOP 410 #400	SAN ANTONIO	TX	78209
12	MELLO ELISA MARIE SAUCEDO	1507 MARLTON ST SAN MARCOS TX 78666		1507 MARLTON ST	SAN MARCOS	TX	78666
13	ALCARAZ BERNARDO & DORA	4949 REDWOOD ROAD SAN MARCOS TX 78666		4949 REDWOOD ROAD	SAN MARCOS	TX	78666
14	HERNANDEZ IRIS ANN	RAYMOND C HERNANDEZ LIFE ESTATE 4961 REDWOOD RD SAN MARCOS TX 78666	RAYMOND C HERNANDEZ LIFE ESTATE	4961 REDWOOD RD	SAN MARCOS	TX	78666
15	ALVAREZ JOSE G & ALICE H	4973 REDWOOD RD SAN MARCOS TX 78666		4973 REDWOOD RD	SAN MARCOS	TX	78666
16	PHARR JOHN V	P O BOX 1214 KYLE TX 78640		P O BOX 1214	KYLE	TX	78640
17	UDI	UDI UDI UDI UDI	UDI	UDI	UDI	UDI	UDI
18	MENDOZA GENESIS	5025 REDWOOD ROAD SAN MARCOS TX 78666		5025 REDWOOD ROAD	SAN MARCOS	TX	78666
19	VALLEJO MARINA	5037 REDWOOD RD SAN MARCOS TX 78666		5037 REDWOOD RD	SAN MARCOS	TX	78666
20	FLORES P F	%ARCHDIOCESE OF SAN ANTONIO 2718 W WOODLAWN AVE SAN ANTONIO TX 78228	%ARCHDIOCESE OF SAN ANTONIO	2718 W WOODLAWN AVE	SAN ANTONIO	TX	78228
21	YBARRA MARCOS C	5117 REDWOOD RD SAN MARCOS TX 78666		5117 REDWOOD RD	SAN MARCOS	TX	78666
22	ACREY ROY E & EARLENE	5149 REDWOOD RD SAN MARCOS TX 78666		5149 REDWOOD RD	SAN MARCOS	TX	78666
23	RUIZ AMY T & JASON W UBERNSKY	5177 REDWOOD RD SAN MARCOS TX 78666		5177 REDWOOD RD	SAN MARCOS	TX	78666
24	VELASQUEZ ENRIQUE T JR	ENRIQUE R VELASQUEZ-LIFE ESTATE 5173 REDWOOD ROAD SAN MARCOS TX 78666	ENRIQUE R VELASQUEZ-LIFE ESTATE	5173 REDWOOD ROAD	SAN MARCOS	TX	78666
25	ALBA DOMINGO JR & BEVERLY ANN	5225 REDWOOD RD SAN MARCOS TX 78666		5225 REDWOOD RD	SAN MARCOS	TX	78666
26	WYLY BENNIE & REGINA	14674 FM 3353 KINGSBURY TX 78638		14674 FM 3353	KINGSBURY	TX	78638
27	GONZALES GILBERT H & R D	5265 REDWOOD RD SAN MARCOS TX 78666		5265 REDWOOD RD	SAN MARCOS	TX	78666
28	GONZALES GILBERT RAY	5275 REDWOOD CIR SAN MARCOS TX 78666		5275 REDWOOD CIR	SAN MARCOS	TX	78666
29	GONZALES GILBERT H & R D	5265 REDWOOD RD SAN MARCOS TX 78666		5265 REDWOOD RD	SAN MARCOS	TX	78666
30	BERNAL FERNANDO & MARIA KESTLER	5441 REDWOOD RD SAN MARCOS TX 78666		5441 REDWOOD RD	SAN MARCOS	TX	78666
31	JONES CLINT E	1848 PEBBLE BROOK DR NEW BRAUNFELS TX 78130		1848 PEBBLE BROOK DR	NEW BRAUNFELS	TX	78130
32	FLEMING SHARON TERESA BRUNDRETT	P O BOX 1038 DRIPPING SPRINGS TX 78620		P O BOX 1038	DRIPPING SPRINGS	TX	78620
33	FLEMING MICHAEL	453 FLEMING PASS SAN MARCOS TX 78666		453 FLEMING PASS	SAN MARCOS	TX	78666
34	OTTOMERS DELBERT MAX III	1716 PIEDMONT AVE AUSTIN TX 78757		1716 PIEDMONT AVE	AUSTIN	TX	78757
35	FLEMING MICHAEL	453 FLEMING PASS SAN MARCOS TX 78666		453 FLEMING PASS	SAN MARCOS	TX	78666
36	FLEMING DARYL P	3278 FM 1978 SAN MARCOS TX 78666		3278 FM 1978	SAN MARCOS	TX	78666
37	FLEMING STEPHEN THOMAS	3270 FM 1978 SAN MARCOS TX 78666		3270 FM 1978	SAN MARCOS	TX	78666
38	MATA GREGORIO & MARIA JIMENEZ MATA	1825 FIR ST SAN MARCOS TX 78666		1825 FIR ST	SAN MARCOS	TX	78666
39	HW CONSTRUCTION AND DESIGN LLC	4908 REDWOOD RD SAN MARCOS TX 78666		4908 REDWOOD RD	SAN MARCOS	TX	78666
40	DAME JOHN CHASE & KRISTINA MARIA	4908 REDWOOD RD SAN MARCOS TX 78666		4908 REDWOOD RD	SAN MARCOS	TX	78666
41	WOODARD JIMMIE L	5082 REDWOOD RD SAN MARCOS TX 78666		5082 REDWOOD RD	SAN MARCOS	TX	78666
42	FLEMING DAVID L	3301 FM 1978 SAN MARCOS TX 78666		3301 FM 1978	SAN MARCOS	TX	78666
43	SERRATOS CHAGO	223 LAKESIDE PASS NEW BRAUNFELS TX 78130		223 LAKESIDE PASS	NEW BRAUNFELS	TX	78130
44	ORTIZ ALFREDO	2951 FM 1978 SAN MARCOS TX 78666		2951 FM 1978	SAN MARCOS	TX	78666
45	YORK CREEK FIRE DEPT	P O BOX 73 STAPLES TX 78670		P O BOX 73	STAPLES	TX	78670
46	DONKEY & JACK LLC	7312 VALBURN DR AUSTIN TX 78731		7312 VALBURN DR	AUSTIN	TX	78731
47	DONKEY & JACK LLC	7312 VALBURN DR AUSTIN TX 78731		7312 VALBURN DR	AUSTIN	TX	78731
48	DONKEY & JACK LLC	7312 VALBURN DR AUSTIN TX 78731		7312 VALBURN DR	AUSTIN	TX	78731
49	REDWOOD CEMETERY INC	C/O GAIL FLEMING 3301 FM 1978 SAN MARCOS TX 78666	C/O GAIL FLEMING	3301 FM 1978	SAN MARCOS	TX	78666
50	ALBA BRENDA & MIGUEL	1465 WOODLANDS DR KYLE TX 78640		1465 WOODLANDS DR	KYLE	TX	78640
51	HARBORTH CLARENCE & DORIS	5736 MEADOW BROOK LN SAN MARCOS TX 78666		5736 MEADOW BROOK LN	SAN MARCOS	TX	78666
52	BIERSTEDT THOMAS DALE	C/O KEVIN BIERSTEDT P O BOX 160 MARTINDALE TX 78655	C/O KEVIN BIERSTEDT	P O BOX 160	MARTINDALE	TX	78655
53	MACNEILL YVONNE	5048 REDWOOD RD SAN MARCOS TX 78666		5048 REDWOOD RD	SAN MARCOS	TX	78666



Photo 1: Looking North



Photo 2: Looking North-east





Photo 3: WRF property and pipeline, looking west



Photo 4: Proposed effluent pipeline discharge, looking south-west. Arrow shows downstream flow





Photo 5: Proposed outfall location, facing downstream

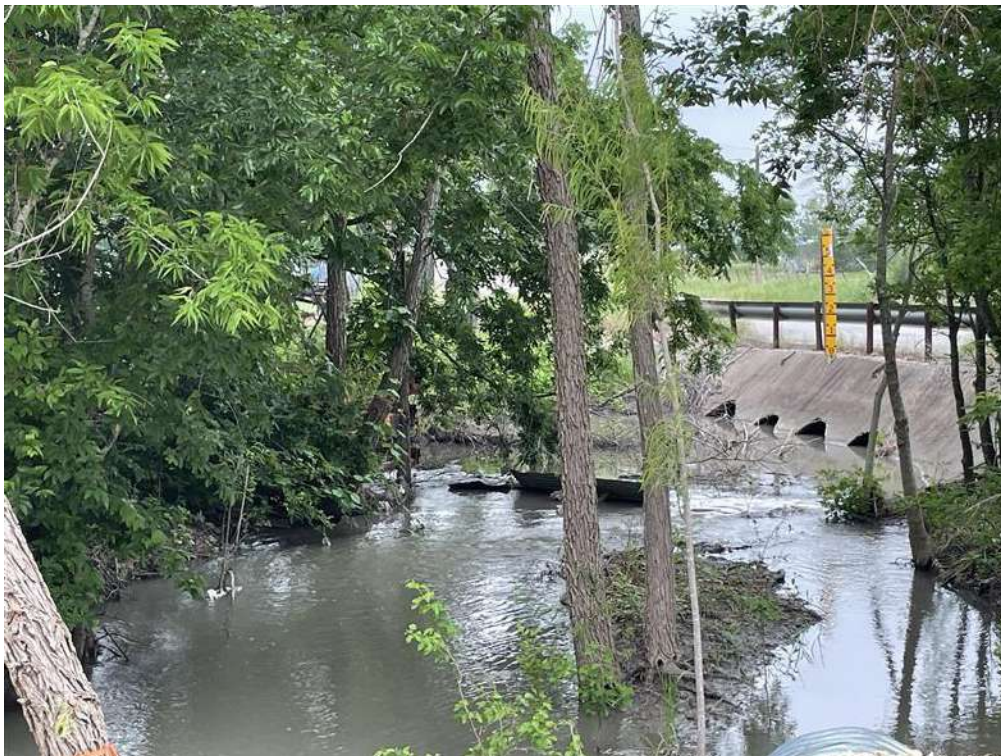


Photo 6: Proposed outfall location, facing upstream





Photo 7: FM 1978 crossing, looking north



Photo 8: Redwood Road crossing, looking west



Photo 9: One mile downstream, looking west





SHEET:	<p align="center"><b>SITE PHOTOS</b></p> <p align="center">TPDES New Permit City of San Marcos</p>	 <p>1800 Texas Dr., Suite 400 San Antonio, Texas 78217 Phone: (214) 823-2242 www.ardurra.com</p> <p>Engineering License: 26-00003 Arduro Garza, Inc. Surveying Firm 0004868</p>	 <p>0 500 1,000 Feet</p>
--------	--	--	---





**REGIONAL**  
**WASTEWATER SERVICES AND FACILITIES**  
**COST SHARING AGREEMENT**

This **REGIONAL WASTEWATER SERVICES AND FACILITIES COST SHARING AGREEMENT** (this "Agreement") is effective as of May 14<sup>th</sup>, 2024 (the "Effective Date"), by and among the City of San Marcos, Texas, a home rule municipality (the "City"); Clint Jones, in his individual capacity as landowner of the Fleming Farms Tract (as hereinafter defined) ("Jones"); Rattler Ridge, LP, a Texas limited partnership ("Rattler"); JLBC 710 Investments, LLC, a Texas limited liability company ("JLBC"); and Highlander SM Two, LLC, a Texas limited liability company ("Highlander").

Following confirmation of the creation of Guadalupe County Municipal Utility District No. 9 (as hereinafter defined), Sedona South Municipal Utility District (as hereinafter defined), and Hays-Guadalupe County Municipal Utility District No. 1 (as hereinafter defined) by the voters within each of the respective Districts, each District will join in and agree to be bound by certain provisions of this Agreement by executing a joinder to this Agreement in substantially the same form as set forth on Exhibit A attached hereto.

Jones, Rattler, JLBC, and Highlander are referred to individually by name or as the "Developer" or collectively as the "Developers."

Guadalupe County Municipal Utility District No. 9, Sedona South Municipal Utility District, and Hays-Guadalupe County Municipal Utility District No. 1 are referred to individually by name or as a "District" or "Districts."

The Developers, the City, and the Districts are referred to individually as a "Party" and collectively as the "Parties."

**RECITALS**

WHEREAS, the Parties desire to enter into this Agreement to provide for regionalization of Wastewater Services (as hereinafter defined), including the construction of a regional Wastewater Treatment Plant (as hereinafter defined), which, upon completion, is intended to serve Customers (as hereinafter defined) within the

Tracts (as hereinafter defined) and the Districts as generally shown in Exhibit B, and additional lands within or outside the City's existing service area; and,

WHEREAS, the City is willing to be the coordinating entity to provide Wastewater Services by owning, operating, and maintaining the Wastewater Collection System (as hereinafter defined) and the Wastewater Treatment Plant, together with whatever additional facilities may be reasonably necessary to serve Customers within the Districts and the Tracts; and,

WHEREAS, the Developers and the City have agreed to share in the costs of construction of the Facilities (as hereinafter defined), which includes the Wastewater Collection System, the Wastewater Treatment Plant, and any other necessary facilities, and which cost-sharing the Developers may fund on behalf of the Districts; and,

WHEREAS, the Parties desire to set forth their respective obligations to share in the costs of the Main Lift Station, the Wastewater Treatment Plant, and any other necessary Facilities (excluding the Improvements, as hereinafter defined); to set forth the City's obligations for financing, permitting, and constructing the Wastewater Treatment Plant; to provide for the terms of the City's provision of interim and permanent Wastewater Services to Customers within the Tracts and the Districts; to set forth the Developers' obligations for conveying certain property and easements, making payments to the City, permitting, designing, and constructing the Improvements, and amending and assigning certain TPDES Discharge Permits; to set forth the self-help remedies if the City elects not to permit, design, or construct the Main Lift Station, the Wastewater Treatment Plant, and any other necessary Facilities (excluding the Improvements, as hereinafter defined) to provide permanent Wastewater Services in a timely fashion; and to set forth the remedies if one or more of the Parties defaults.

## **AGREEMENT**

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, obligations, and benefits in this Agreement, including the above recitals, the Parties agree as follows:

### **I. DEFINITIONS**

1. "Agreement" shall mean this Agreement, including any amendments hereto, between the Parties.
2. "Absorption Schedule" shall mean the LUEs reserved for and allocated to each Tract and District on an annual basis, which is attached hereto as Exhibit D.

3. "Bonds" shall mean any or all bonds, notes, certificates of obligation, or other obligations issued by the District or District(s) to finance the Facilities, or any portions thereof.
4. "CCN" shall mean Certificate of Convenience and Necessity, granted by the Public Utility Commission of Texas, which grants CCN holders the exclusive right to provide retail sewer utility service to a bounded certificated service area.
5. "City Standards" shall mean those design standards applicable to public wastewater facilities published and in effect as of the Effective Date, except as otherwise required by state or federal law or regulation, and as may be amended from time to time subject to the terms in this Section. Unless a change to the City Standards is required by state or federal law or regulation more frequently, the City Standards in effect on the Effective Date and on each fifth (5<sup>th</sup>) anniversary of the Effective Date hereafter shall control the design standards applicable to the Improvements. Upon each fifth (5<sup>th</sup>) anniversary of the Effective Date, the City shall notify the Developers and/or Districts of any changes in the City Standards applicable to the Improvements prior to the fifth (5<sup>th</sup>) anniversary and such amended standards shall take effect on the fifth (5<sup>th</sup>) anniversary date. In the event any change to the City Standards included in the notice from the City will increase the costs of the Improvements for the Developers and/or Districts in an amount exceeding 10% of the costs of the immediately prior effective City Standards, the Developers and/or Districts shall notify the City within thirty (30) days of their receipt of the notice from the City of any intent to challenge the application of the change to the Tracts on this basis that it is not reasonable, providing the City with written documentation demonstrating the cost differential and the basis for claiming the change is unreasonable. If the Developers and the City cannot agree on the reasonableness and justification for such change(s), the Parties shall attempt in good faith to reach a mutually agreeable resolution.
6. "Commission" or "TCEQ" means the Texas Commission on Environmental Quality or any successor agency with jurisdiction over the subject matter of this Agreement.
7. "Customers" shall mean the City's retail Wastewater Services customers located within the Tracts and the Districts.
8. "Discharge Permit" shall mean a final unappealable Texas Pollutant Discharge Elimination System Permit issued by the Commission to the City for the Plant, which shall initially be sufficient to treat up to 2.0 MGD of wastewater delivered from the Tracts and Districts.

9. "Facilities" shall mean collectively all facilities, including without limitation the Wastewater Collection System, the Interim Plant (if constructed by the City, at the City's sole election), the Plant, the Main Lift Station, the Improvements, and any components or parts thereof and other appurtenances constructed by the Developers, the Districts and/or the City, all of which shall be owned by the City and utilized for the provision of Wastewater Services to Customers pursuant to this Agreement and additional lands within or outside the City's existing service area.
10. "Fleming Easements" shall mean: (i) if necessary, a non-exclusive 20-foot-wide wastewater line easement to be granted by JLBC to the City of a form and content and in a location in, to, under, and across a portion of the Sedona South Tract reasonably acceptable to JLBC and consistent with JLBC's plan for development of the Sedona South Tract and within which portions of the Wastewater Collection System connecting the Fleming Farms Tract (as hereinafter defined) to the Main Lift Station may be located and (ii) if necessary, a 40-foot-wide temporary construction easement to be granted by JLBC to Jones of a form and content reasonably acceptable to JLBC and adjacent to and overlapping the easement described in item (i) above to facilitate Jones's construction and installation of the portions of the Wastewater Collection System described in item (i) above.
11. "Fleming Farms Tract" shall mean that certain approximately 65 acres of land owned by Jones in his individual capacity, shown more particularly on Exhibit B, attached hereto.
12. "Fleming Farms Discharge Permit" shall mean Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015817001, the application for which was submitted by Regal, LLC and has been approved by the Commission. Any amendments to the Fleming Farms Discharge Permit as referenced in this Agreement include such minor or major amendments to plant location, sizing, discharge location, and volume of discharge capacity, as necessary, to enable the City to provide Wastewater Services to Customers temporarily to serve the Tracts and the Districts consistent with each Tract's and District's contemplated Wastewater Services requirements and the terms of this Agreement until the Plant is operational, or to allow the Developers and/or the Districts to use the Fleming Farms Discharge Permit in the event of a default as described in Article VI.
13. "Guadalupe County Municipal Utility District No. 9" or "GC MUD 9" shall mean a conservation and reclamation district and body politic and governmental agency of the State of Texas, and currently includes a portion of the Rattler Tract within its boundaries.

14. "Highlander Discharge Permit" shall mean Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016163001.
15. "Hays-Guadalupe County Municipal Utility District No. 1" or "HGC MUD 1" shall mean a proposed conservation and reclamation district and body politic and governmental agency of the State of Texas that is anticipated to include the Highlander Tract within its boundaries.
16. "Highlander Easements" shall mean: (i) two (2) non-exclusive 20-foot-wide wastewater line/force main/lift-station easements to be granted by JLBC to the City, each of a form and content and in a location in, to, under, and across a portion of the Sedona South Tract reasonably acceptable to JLBC and consistent with JLBC's plan for development of the Sedona South Tract and within which portions of the Wastewater Collection System connecting the Highlander Tract to the Main Lift Station may be located; and (ii) two (2) 40-foot-wide temporary construction easements to be granted by JLBC to Highlander and/or HGC MUD 1, each of a form and content reasonably acceptable to JLBC and adjacent to and overlapping the easements described in item (i) above to facilitate Highlander's construction and installation of the portions of the Wastewater Collection System described in item (i) above.
17. "Highlander Tract" shall mean that certain approximately 327 acres of land owned by Scott Mann, Loretta Mann, and Raquel Werner and in which Highlander holds an equitable interest pursuant to a written purchase agreement as of the Effective Date, shown more particularly on Exhibit B, attached hereto.
18. "Interim Plant" shall mean the temporary wastewater treatment plant constructed by the City and located on the Plant Site for the City to provide Wastewater Services to Customers temporarily until the Plant is constructed and operational.
19. "Improvements" shall mean the Internal Improvements (as hereinafter defined) and Offsite Improvements (as hereinafter defined).
20. "LUE" shall mean a living unit equivalent, which is an estimation of the typical wastewater flow produced by a single-family residence in a typical subdivision, being 200 gallons per day.
21. "LUE Fee" shall mean: (i) the \$8,300 per LUE that Jones, Rattler and Highlander agree to pay, or cause to be paid, to the City in accordance with the Payment Schedule (as hereinafter defined); and (ii) the \$7,550 per LUE that JLBC agrees to pay, or cause to be paid, to the City in accordance with the Payment Schedule. The LUE Fees shall be the only fees required by the City to be paid for a unit to be

connected to the Facilities, except for new account charges or deposits that are standard for retail Wastewater utility service customers of the City.

22. “MGD” shall mean 1,000,000 gallons per day average daily flow.
23. “Main Lift Station” shall mean the wastewater collection facility or lift station on the Plant Site identified on Exhibit C, attached hereto, capable of receiving all Wastewater generated by and received from the Customers in accordance with the Absorption Schedule, in addition to any other City connections from areas outside of the Tracts and the Districts.
24. “Payment Schedule” shall mean the payment schedule, attached hereto as Exhibit E, which provides the annual amounts of LUE Fees the Developers shall pay to the City, which payments may be made on behalf of the Districts, and upon the payment of which the City shall reserve and allocate corresponding capacity within the Facilities to serve the Customers within each Developer’s respective Tract.
25. “Proportionate Share” shall mean each Developer’s share, calculated as a fractional share based on the Developer’s anticipated reserved and allocated number of LUEs shown on the Absorption Schedule, divided by the total number of LUEs reserved and allocated to all of the Tracts and Districts in the Absorption Schedule, and shown below:

$$\frac{\text{Tract LUEs}}{\text{Total LUEs}} = \text{Proportionate Share}$$

26. “Rattler Discharge Permit” shall mean Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016049001, the application for which was submitted by Rattler Ridge, LLC and is still pending issuance by the Commission.
27. “Rattler Easements” shall mean: (i) if necessary, a non-exclusive 20-foot-wide wastewater line easement(s) to be granted by JLBC and Jones to the City of a form and content and in a location in, to, under, and across a portion of the Sedona South Tract and a portion of the Fleming Farms Tract reasonably acceptable to JLBC and Jones and consistent with JLBC’s and Jones’ respective plans for development of the Sedona South Tract and the Fleming Tract and within which portions of the Wastewater Collection System connecting the Rattler Tract to the Main Lift Station may be located and (ii) if necessary, a 40-foot-wide temporary construction easement(s) to be granted by JLBC and Jones to Rattler, and/or GC MUD 9 of a form and content reasonably acceptable to JLBC and Jones and adjacent to and overlapping the easement described in item (i) above to facilitate

Rattler's and/or GC MUD 9's construction and installation of the portions of the Wastewater Collection System described in item (i) above.

28. "Rattler Tract" shall mean that certain approximately 425 acres of land owned by Rattler, shown more particularly on Exhibit B, attached hereto.
29. "Regulatory Requirements" shall mean the requirements and provisions of any state or federal law, and any permits, rules, orders, or regulations issued or adopted from time to time by any regulatory authority, state, federal or other, having jurisdiction over the Tracts and the Districts and the provision of Wastewater Services to the Customers.
30. "Right of Entry Agreement" shall mean an agreement to be entered into by and between JLBC and the City that shall be entered into within thirty (30) days of the Effective Date for the purpose of allowing the City temporary non-exclusive access across the Sedona South Tract to the Plant Site at a location(s) to be mutually determined by JLBC and the City until (i) a permanent public right-of-way exists that permits the City access to the Plant Site and (ii) a public road has been constructed within such right-of-way, as well as temporary non-exclusive access to the Plant Site until either the "Temporary Plant Site Easement" (as defined herein) is granted or the Plant Site is conveyed to the City.
31. "Sedona South Municipal Utility District" or "Sedona South MUD" shall mean, whether one or two, at JLBC's sole election, proposed conservation and reclamation district(s) and body politic(s) and governmental agency(ies) of the State of Texas that is (are) anticipated to include the Sedona South Tract (or a portion thereof) within its (their) boundaries.
32. "Sedona South Tract" shall mean that certain approximately 645 acres of land owned by JLBC, shown more particularly on Exhibit B, attached hereto.
33. "Tract" or "Tracts" means singularly and collectively the Fleming Farms Tract, the Highlander Tract, the Rattler Tract and the Sedona South Tract, which land will be benefitted by the Facilities, as more particularly shown on Exhibit B, attached hereto.
34. "Wastewater" or "wastewater" shall mean liquid and water-carried sanitary sewage discharged from commercial or residential buildings connected to the Wastewater Collection System and all other sources while in the Wastewater Collection System, commonly known as inflow and infiltration.
35. "Wastewater Collection System" shall mean the Wastewater collection system owned or to be constructed or acquired by the City, including the Improvements

and any sanitary sewers (excluding privately-owned wastewater laterals), manholes, intercepting sewers, lift stations, pumping works and all other plants, works and equipment for the collection and transmission of Wastewater from the Customers, in addition to any other City connections from areas outside of the Tracts and the Districts, to the City's interim and permanent treatment facilities, which may include the Wastewater Treatment Plant, together with all extensions thereof and additions thereto.

36. "Wastewater Services" shall mean Wastewater collection, transmission, treatment, disposal and related services provided in compliance with all Regulatory Requirements utilizing the Facilities.
37. "Wastewater Treatment Plant" or "Plant" shall mean all or any component of the permanent treatment system(s) or facilities located on the Plant Site, whether or not physically interconnected, which are constructed or acquired or provided by the City for treatment and disposing of Wastewater collected from the Tracts and the Districts, and any real estate and any Discharge Permit rights acquired in connection with such treatment system or facilities; together with any such expansions, modifications, or regulatory upgrades as may be required in the future or as may be necessary to comply with any Regulatory Requirements; all or any part of any permanent treatment systems whether on the Plant Site or physically connected from which Wastewater treatment services are or will be furnished or made available to the Tracts and the Districts or physically connected from which Wastewater treatment services are or may be furnished to areas outside the Tracts and the Districts including appurtenances or facilities used in connection therewith, such as biological treatment and filter basins, effluent structures, reuse systems, temporary wastewater treatment facilities (not otherwise referenced herein), electrical and administrative building(s), blower building(s), alum feed building(s), lift stations (not otherwise referenced herein), clarifiers, splitter boxes, pump stations, solids handling stations, roads or access facilities on the Plant Site, all as more particularly shown on Exhibit C attached hereto and any other Plant Site improvements required to meet Regulatory Requirements.
38. "Wastewater Treatment Plant Site" or "Plant Site" shall mean the 24.4 acres, more or less, located on the Sedona South Tract, as more particularly shown on Exhibit C attached hereto.

## **II. WASTEWATER FACILITIES**

1. Construction, Design, and Financing of the Wastewater Facilities. The City, at its cost and expense, shall permit, design, and construct the Facilities (excluding the Improvements) necessary to provide Wastewater Services to the Customers. The



City's obligation to make Wastewater Services available to the Customers within each Tract and District shall be in the amounts reflected in the Absorption Schedule attached hereto and such obligation is explicitly not conditioned upon the construction and completion of the Interim Plant, Main Lift Station or the Plant. The City is obligated to make Wastewater Services available to the Customers within each Tract and District in accordance with the Absorption Schedule, commencing on September 1, 2025 and continuing thereafter, increasing the number of LUEs of available Wastewater Services annually until the total number of LUEs allocated to each Tract and District, per the Absorption Schedule, are provided. Notwithstanding the foregoing, the City shall not be obligated to provide Wastewater Services to the Customers within each Tract or District until such time as such Developer or District has constructed the Improvements, in accordance with the Regulatory Requirements, necessary to connect such Tract or District to the then-existing Wastewater Collection System or the Main Lift Station in accordance with City Standards.

2. City's Discharge Permit. The City shall file applications with the Commission for (i) the Discharge Permit within one (1) year and (ii) the Fleming Farms Discharge Permit amendment within six (6) months of the Effective Date and shall use all reasonable efforts to obtain the Discharge Permit and the amended Fleming Farms Discharge Permit within six (6) years of the Effective Date. The City shall bear all costs and expenses arising under this Section. The Parties agree not to protest, cause any protests, or otherwise act or cause any actions that may be construed to prevent, frustrate, delay, or obstruct the City's pursuit of the Discharge Permit or the amendment to the Fleming Farms Discharge Permit.
3. City's Main Lift Station or Collection Facility. The City shall construct the Main Lift Station or some other collection facility at the Plant Site on or before September 1, 2025, for the Developers and Districts to connect their respective Improvements to such facility.
4. Developer or District Improvements.
  - a. Each Developer or District will be responsible, at its sole cost and expense, for permitting, designing, and constructing all portions of the Wastewater Collection System located within the respective Developer's Tract or the respective District ("Internal Improvements") in accordance with the City Standards. Further, each Developer or District will be responsible, at its sole cost and expense, but subject to any cost-sharing by and among any of the Developers or the Districts, for the permitting, designing, and constructing all portions of the Wastewater Collection System that are not located within the respective Developer's Tract or respective District or the Plant Site to connect the Developer's Tract or the District to the Main Lift

Station, except as otherwise provided in Section 5 below (“Offsite Improvements”). The final locations of the Offsite Improvements shall be determined by the Developers, except for those portions of the Facilities to be located within the Plant Site which shall be determined by the City. Each Developer is responsible for the acquisition of all necessary offsite easements to connect that Developer’s Tract or District to the Main Lift Station. Provided, however, in the event a Developer demonstrates that it has been unable to acquire a necessary easement(s) after making reasonable offers, the City agrees to use its eminent domain powers to condemn and acquire the offsite easement(s) to allow for the Offsite Improvements to be installed. Each Developer shall reimburse the City for all related costs pertaining to acquiring such offsite easements necessary to serve such Developer’s Tract. The Improvements shall be designed to the City Standards. The City will be provided access and may inspect the Improvements during construction to determine whether such Improvements meet the City Standards, in the City’s sole discretion. Once the Improvements are completed, inspected, and determined to meet the City Standards, the Developers or Districts shall convey the Improvements to the City and the City shall accept the Improvements for ownership, maintenance, and operation in accordance with Regulatory Requirements.

- b. The Developers and Districts shall design and construct the Improvements necessary to connect to the then-existing Wastewater Collection System or the Main Lift Station in accordance with Regulatory Requirements and the City Standards. The City shall have no obligation to provide Wastewater Services to the Customers within a Developer’s Tract or District until such time as such Developer or District has constructed the Improvements, in accordance with the Regulatory Requirements, necessary to connect to the City’s system or the Main Lift Station in accordance with City Standards. If during its review of each Developer’s plans for its Improvements the City determines that the Improvements to be constructed by such Developer should be oversized to accommodate the City’s future needs to provide Wastewater Services to other customers within or outside the City’s existing service area, the City, at its own cost and expense, shall pay the Developer or District such additional costs and expenses associated with oversizing such Improvements prior to such Developer’s, or District’s, commencement of construction of such Improvements.
5. City Review of Plans. Upon making a complete initial or updated submittal, the City’s comments to Subdivision Construction Plans/Public Improvement Construction Plans (“PICPs”) will be issued within thirty (30) business days. If the City fails to provide comments to such PICPs within said thirty (30) business days, such PICPs shall be deemed approved. If the Tract is located outside the City

limits and ETJ, no additional permits beyond PICPs and any permits/inspections necessary for residential or commercial wastewater service connections shall be required.

6. Initial Wastewater Services to Sedona South. The City acknowledges and agrees that, as of the Effective Date, it has unreserved capacity for 750 LUEs in the City's existing Wastewater Collection System, including the City's existing wastewater treatment plant. As of the Effective Date, the City hereby allocates and reserves for the Customers within the Sedona South Tract and Sedona South MUD a total of 750 LUEs of Wastewater Services in the City's existing Wastewater Collection System or such other Wastewater treatment facilities as the City may elect, reflected as the initial 750 LUEs of Wastewater Services available to the Sedona South Tract in the Absorption Schedule attached hereto as Exhibit D (the "Sedona Initial Wastewater Services Commitment"). Such 750 LUEs shall remain allocated and reserved so long as the City has not terminated this Agreement as to JLBC for an uncured Major Default in accordance with Article VI. In exchange for JLBC's payment of the initial 750 LUE Fees for the Sedona South Tract in accordance with the Payment Schedule attached hereto as Exhibit E, the City agrees to make available Wastewater Services to the Customers within the Sedona South Tract (the "Sedona Initial Wastewater Services") as the LUE Fees are paid. The Sedona Initial Wastewater Services shall be the first Wastewater Services paid for and used for the Sedona South Customers. Notwithstanding any contrary provision of this Agreement, the Sedona Initial Wastewater Services Commitment shall survive any termination of this Agreement, in whole or in part, by any Party – other than the City's termination of this Agreement as to JLBC for an uncured Major Default in accordance with Article VI – until such time as JLBC is obligated to pay all of the initial 750 LUE Fees for the Sedona South Tract pursuant to the Payment Schedule. Furthermore, even if there is a termination of this Agreement, in whole or in part, by any Party, so long as the City has not terminated this Agreement as to JLBC for an uncured Major Default in accordance with Article IV, JLBC shall be provided the opportunity and the time allotted under the Payment Schedule within which to timely pay the LUE Fees for those 750 LUEs; and, upon payment of the applicable LUE Fees for the Sedona Initial Wastewater Services, JLBC shall have until the first business day in February 2033 to utilize those LUEs that have been acquired, and the City shall provide the Sedona Initial Wastewater Services at the Out-of-City Rates (defined below). The connection point to which JLBC will install the Improvements necessary to receive the Sedona Initial Wastewater Services is generally shown on Exhibit H, attached hereto.
7. Total Capacity Reserved. In exchange for the payment of LUE Fees and construction and conveyance of the Improvements, the City agrees to provide 6,248 LUEs of Wastewater Services to the Customers and allocate and reserve to the Tracts and the Districts a total of 6,248 LUEs of Wastewater treatment capacity

in the Plant, as reflected in the Absorption Schedule, and the number of LUEs to each respective Tract and District reflected in the Absorption Schedule. The Parties agree that the Absorption Schedule, attached hereto as Exhibit D, represents each Tract's and/or District's projected and maximum annual Wastewater Services requirements in LUEs, beginning no sooner than September 1, 2025. In exchange for the payment of LUE Fees, the City shall allocate and reserve the total annual amount of LUEs of Wastewater Services to the Customers within each Tract and District in accordance with the Absorption Schedule each year, regardless of the active or proposed connections that may exist on any Tract in any given calendar year.

8. City Wastewater Services Commitment. The City's obligation to provide, annually in accordance with the Absorption Schedule, the Customers within each Tract and District with continuous and adequate Wastewater Services is expressly not conditioned upon the completion of the Plant; the City is obligated to provide such Customers with continuous and adequate Wastewater Services in accordance with the annual allocations set forth in the Absorption Schedule through any alternative methods sufficient to provide the Wastewater Services at the same level as if the Plant had been constructed, completed, and placed in service, and such obligation shall only be limited by Article VI, Section 4.
9. Additional LUEs. Once the Plant is completed and operational, the Developers or the Districts may request the City to reserve and allocate additional LUEs of Wastewater Services to the Customers within such Tracts or Districts above and beyond the 6,248 LUEs required to be provided under the Absorption Schedule. The City may, at its sole discretion, provide or decline to provide the additional capacity to the requesting Developers or the Districts. The fee(s) for the additional capacity requested for a Tract or District will be the City's existing impact fee being assessed to other customers at the time of the request.
10. Out of City Wastewater Utilities. Out of City Wastewater Utility rates shall be applicable to the Districts and Tracts, as set forth in Article VII, Section 3, and will apply to any additional LUEs provided by the City. All Customers will be bound by applicable City ordinances, resolutions, and regulations governing rules and regulations for Wastewater Services, including construction standards, connections and disconnections, deposits and billing, and rates for Wastewater Services and related matters. Other than applicable City ordinances, resolutions, and regulations governing rules and regulations for Wastewater Services, there shall not be any other City ordinances, resolutions or regulations pertaining to the Tracts or Districts that are located outside the City's limits and ETJ. Furthermore, for the Developer(s) or District(s) that opt out of the City's ETJ, the City shall not pass or enforce an ordinance, resolution, or regulation that requires such Developer(s) or District (s) to consent to, or apply for, annexation into the City's

limits or ETJ as a condition to receive Wastewater Services for its respective Tract(s).

### **III. PAYMENT**

1. LUE Fees. The LUE Fees shall be paid to the City annually in two equal installments in accordance with the Payment Schedule attached hereto as Exhibit E. One-half of the annual LUE Fees is due on the first business day in February and the other one-half of the annual LUE Fees is due on the first business day in August in each calendar year ("Payment Dates"). Certain of the annual installments of LUE Fee payments commence on February 3, 2025.
2. District Payment. The Developers, on behalf of the Districts, will pay the LUE Fees to the City in accordance with the Payment Schedule unless the District makes the payment to the City. A District payment to the City of a designated Tract's LUE Fees in accordance with the Payment Schedule shall be considered a payment by that Tract's Developer for the purposes of this Agreement. If any Developer fails to pay its LUE Fees by one of the Payment Dates, such failure shall constitute a default under this Agreement and the default provisions and remedies set forth in Article VI, Section 5 shall apply.

### **IV. EASEMENTS AND CONVEYANCE OF PLANT SITE**

1. Right of Entry Agreement. Within thirty (30) days of the Effective Date, JLBC and the City shall enter into a Right of Entry Agreement for the purpose of allowing the City temporary non-exclusive access across the Sedona South Tract to the Plant Site at a location(s) to be mutually determined by JLBC and the City, and such access to continue until (i) a permanent public right-of-way exists that permits the City access to the Plant Site and (ii) a public road has been constructed within such right-of-way. The City shall pay nothing for this Right of Entry Agreement.
2. Temporary Plant Site Easement. Within the same Right of Entry Agreement referenced in Section 1, JLBC shall also provide temporary non-exclusive access to the City over the Plant Site while a survey (with associated metes and bounds description) of the Plant Site is obtained so that the City shall have rights to access the Plant Site to conduct surveys and obtain soil samples. The City shall procure and pay for the costs of the survey of the Plant Site; provided, however, that if the City fails to obtain and provide such survey to the other Parties within forty-five (45) days after the effective date of the Right of Entry Agreement, JLBC may, at its sole election and expense, obtain such survey. Once the survey of the Plant Site is obtained, JLBC shall grant the City a "Temporary Plant Site Easement" in a form and content reasonably acceptable to JLBC in, to, under and across the Plant Site

so that the City shall have rights to be on the Plant Site to conduct surveys and obtain soil samples until the Plant Site is conveyed to the City in fee simple in accordance with Article IV, Section 3 below. The City shall pay nothing for the aforementioned temporary right of entry or the Temporary Plant Site Easement.

3. Conveyance of Plant Site to City. Within ninety (90) days of the City obtaining a survey of the Plant Site, at its sole cost, and providing same to JLBC, JLBC shall grant and convey the Plant Site in fee simple to the City pursuant to one or more instruments containing a right of reversion exercisable by JLBC in the event the City is in Major Default (as herein defined) and fails to cure in accordance with Article VI of this Agreement. The instruments containing the right of reversion shall clearly reflect that the reversion is only triggered by a Major Default by the City under this Agreement and, prior to exercising its right of reversion in the event of a Major Default, JLBC agrees to provide the City with sixty (60) days prior written notice, during which period, if the City disputes a Major Default has occurred, the Parties shall negotiate in good faith a potential resolution of the disagreement regarding the occurrence of a Major Default. If the re-conveyance of the Plant Site conflicts with Article VI, Sections 1 - 4 in that the Plant Site should be re-conveyed to the District's Designee as opposed to JLBC, that Section shall control. Jones, Rattler, Highlander, and JLBC shall be responsible for their respective Proportionate Share for 20% of the Plant Site, valued at \$2,500,000. Within thirty (30) days of the City obtaining the Discharge Permit, Jones, Rattler, and Highlander shall pay JLBC their Proportionate Share of such Plant Site land costs in the amounts set forth in Exhibit F. Following the conveyance of the Plant Site, the City may annex the Plant Site any time, provided, however, the City agrees to de-annex the Plant Site within thirty (30) days of request by JLBC if the City is in Major Default under this Agreement.
4. Fleming Easements and Rattler Easements. Within thirty (30) days of a request by Jones and/or Rattler, JLBC agrees to grant the Fleming Easements and Rattler Easements. Jones and Rattler shall pay nothing for the Fleming Easements and Rattler Easements, but shall bear their respective costs of surveys of the Fleming Easements and Rattler Easements, which shall be provided to JLBC for review and approval, which shall not be unreasonably withheld or delayed.
5. Highlander Easements. Within thirty (30) days of a request by Highlander, JLBC agrees to grant the Highlander Easements. Highlander shall pay nothing for the Highlander Easements, but shall bear the cost of a survey(s) of the Highlander Easements, which shall be provided to JLBC for review and approval, which shall not be unreasonably withheld or delayed.

6. Public Utility Easements. Each Developer and/or District shall dedicate, by plat or by separate instrument, all necessary easements for the operation and maintenance of the Improvements to the City.

## **V. INTERIM WASTEWATER SERVICE**

### **1. Temporary WWTP & Fleming Farms Discharge Permit.**

- (a) Within thirty (30) days of the Effective Date, the City and Jones (acting for Regal, LLC) shall commence using all due diligence to pursue completion of the following tasks in the following order with respect to the Fleming Farms Discharge Permit. The City and Jones acknowledge that the timing of the (i) dismissal of the appeal, (ii) procuring a survey for the Fleming Farms Plant Easement (herein defined), and (iii) causing the Commission to approve the assignment of the Fleming Farms Discharge Permit to the City will be partially dependent on the actions of third-parties and agree not to hold each other in default so long as both the City and Jones are working diligently to accomplish these tasks.
  - (i) The City shall dismiss with prejudice, its protests, hearing requests, or appeals with the Commission, the State Office of Administrative Hearings (“SOAH”), or the Travis County District Courts concerning the Fleming Farms Discharge Permit;
  - (ii) Jones shall grant a temporary easement to the City on the Fleming Farms Tract in the location where the wastewater plant was planned to be constructed (the “Fleming Farms Plant Easement”) for the purposes of the City to pursue amendment(s) to the Fleming Farms Discharge Permit, such Fleming Farms Plant Easement to expire on its own terms at the earlier of (a) a City Major Default under this Agreement, or (b) the City being issued the amendment to the Fleming Farms Discharge Permit; and,
  - (iii) Jones shall cause Regal, LLC to assign to the City the Fleming Farms Discharge Permit and to provide whatever documentation is required by the Commission to effectuate such assignment.
- (b) The City agrees that the Fleming Farms Discharge Permit shall be amended, as set forth herein, and assumes the obligation at its sole cost to pursue the approval of such amendment until the earlier of (i) the Commission issues the amended Fleming Farms Discharge Permit or (ii) a Major Default by the City under this Agreement. Following approval of the amended Fleming Farms Discharge Permit, the City agrees to use the amended Fleming Farms Discharge Permit to provide Wastewater Services to the Customers until the

Discharge Permit is obtained and the Plant is constructed and in operation, in accordance with this Agreement. Once the City obtains the Discharge Permit, constructs the Plant, and places the Plant in operation, the City will ensure the Fleming Farms Discharge Permit, and all rights pertaining thereto, is terminated with the Commission.

- (c) The Parties further agree not to protest, cause any protests, or otherwise act or cause any actions that may be construed to prevent, frustrate, delay, or obstruct, the City's pursuit of an amendment to the Fleming Farms Discharge Permit to increase the wastewater treatment capacity under the Fleming Farms Discharge Permit to 0.82 MGD and changing the permitted discharge location to the anticipated Plant Site discharge point.

2. Highlander Discharge Permit and Rattler Discharge Permit.

- (a) Highlander Discharge Permit. Highlander shall retain the Highlander Discharge Permit until the permanent Plant is constructed and operational and providing continuous and adequate Wastewater Services to the Customers within the Highlander Tract and Hays-Guadalupe County Municipal Utility District No. 1. Highlander, however, agrees not to use the Highlander Discharge Permit unless (i) there is a Major Default (as herein defined) by the City and the City fails to cure in accordance with Article VI of this Agreement, or (ii) JLBC defaults in its obligation to Highlander to grant an easement or convey the Plant Site. Within thirty (30) days of the completion of construction of the permanent Plant and commencement of operation, Highlander agrees to submit necessary documentation to the TCEQ to terminate the Highlander Discharge Permit. Notwithstanding anything herein to the contrary, in the event JLBC and Highlander do not execute an easement agreement for the facilities and easements referenced herein within six months of the signing of this Agreement, Highlander shall have the right, in its sole discretion, to terminate its participation in this Agreement. Upon such termination, Highlander shall have no further obligations or liability under this Agreement or to any of the other parties of this Agreement. In the event Highlander elects to terminate this Agreement, (i) such termination shall not affect the rights, duties, or obligations of the remaining parties under the Agreement and the Agreement shall remain in full force and effect as to all other parties of the Agreement, (ii) all references, or provisions of the Agreement, pertaining to Highlander or Hays Guadalupe County Municipal Utility District No. 1 shall be deemed deleted from the Agreement, without the need for further amendment or consent from the remaining parties, and (iii) any provision of the Agreement purporting to survive termination of the Agreement shall not apply to Highlander or Hays Guadalupe County Municipal Utility District No. 1.



(b) Rattler Discharge Permit. Promptly following the Effective Date of this Agreement, Rattler and the City will jointly request the State Office of Administrative Hearings (“SOAH”) to abate the current proceedings involving the Rattler Discharge Permit indefinitely until the amended Fleming Farms Discharge Permit is issued. If SOAH refuses to grant an indefinite abatement, the Parties will request in the alternative a twelve (12) month abatement. If SOAH grants either abatement and the amended Fleming Farms Discharge Permit is issued during such abatement, the City and Rattler will jointly request the dismissal of the SOAH case and Rattler will withdraw its permit application for the Rattler Discharge Permit with the Commission. If the amended Fleming Farms Discharge Permit is not obtained within the abatement period, the Parties will seek another abatement and will continue to do so until the amended Fleming Farms Discharge Permit is issued.

If SOAH refuses to grant any abatement, the Parties agree that the City will withdraw its protest of the Rattler Discharge Permit application so that the SOAH case can be dismissed and the Rattler Discharge Permit may be issued, in exchange for Rattler agreeing to in writing to withhold any use of the Rattler Discharge Permit until the earlier of (i) a Major Default by the City under the Agreement, or (ii) the issuance of the amended Fleming Farms Discharge Permit. Upon the issuance of the amended Fleming Farms Discharge Permit, Rattler will file the appropriate documents with the Commission to have the Rattler Discharge Permit terminated.

## VI. DEFAULT

1. City’s Failure to Commence and Continue Provision of Wastewater Services. If the City fails to abide by the Absorption Schedule either through (i) a failure to commence making the Wastewater Services available to the Tracts and the Districts, or any of them or portion of them as set forth in the Absorption Schedule, on September 1, 2025, or (ii) a failure to provide continuous Wastewater Services to the Tracts and the Districts, or any of them or portion of them, in accordance with the Absorption Schedule (whether under the City’s existing permit, the amended Fleming Farms Discharge Permit, or the Discharge Permit), and fails to: (i) cure such default within sixty (60) days after receipt of written notice of default from the Developers, the City shall be in default. If such a default occurs and the City has not obtained the amended Fleming Farms Discharge Permit, the City shall promptly commence the process of (and diligently pursue to completion) reassigning the Fleming Farms Discharge Permit to Jones. In the event the Developers terminate this Agreement, in whole, under this Section 1, the City shall have no further obligation under this Agreement, except for (i) the City’s

obligation to continue to provide the Sedona South Initial Wastewater Services for which the LUEs have been paid for to the Customers in Sedona South, and (ii) the City's obligations set forth in Article VI, Section 7, and the Developers will not pursue any other additional recourse. In accordance with Article II, Section 3, the City shall timely construct the Main Lift Station; provided, however, if the City has met that obligation, the City shall not be obligated to provide Wastewater Services to a Developer's Tract or District until such time as such Developer or District has constructed the Improvements, in accordance with the Regulatory Requirements, necessary to connect such Developer's Tract or District to the City's system or the Main Lift Station in accordance with City Standards.

2. City's Failure to Obtain Discharge Permit. If the City obtains the amended Fleming Farms Discharge Permit, but fails to obtain the Discharge Permit in accordance with this Agreement, the City shall continue to provide Wastewater Services to the Customers until the earlier to occur of (i) the date that is three (3) years after the date on which the City is obligated to obtain the Discharge Permit hereunder, or (ii) the date on which a new treatment plant is constructed and operational on the Plant Site. During the aforementioned period in which the City will continue to provide Wastewater Services to the Customers, the City agrees (i) to be a co-applicant on an application to the Commission with a District designated by the Developers under a separate agreement (the "District Designee") to further amend the amended Fleming Farms Discharge Permit to increase its overall capacity to a capacity sufficient to serve all of the Tracts and Districts in accordance with the Absorption Schedule and to execute such applications or other documents necessary to be a co-applicant within thirty (30) days of a written request by the District Designee; (ii) to cooperate with the District Designee in its filing of construction plans with the Commission for the new treatment plant to be built by the Developers or Districts on the Plant Site; and, (iii) if necessary, lease a portion of the Plant Site to the Developers or Districts on which they will construct the new treatment plant. The City shall not protest, cause any protests, or otherwise act or cause any actions that may be construed to prevent, frustrate, delay, or obstruct the District Designee's efforts to further amend the amended Fleming Farms Discharge Permit. After the new amendment to the amended Fleming Farms Discharge Permit is issued by the Commission, and within sixty (60) days of a written request from the District Designee, the City agrees to withdraw in writing as a co-permittee under the newly amended Fleming Farms Discharge Permit and to file such paperwork that is required with the Commission to withdraw as a co-permittee. Further, within sixty (60) days of a written request from the District Designee, the City agrees to convey the Plant Site to the District Designee. In such event, the District Designee agrees to use or cause the use of wastewater treatment capacity approved under the newly amended Fleming Farms Discharge Permit to provide wholesale wastewater treatment service to the Tracts and Districts pursuant to the terms of the separate agreement(s) among the

Developers and/or the Districts that shall fairly allocate the wastewater capacity under the newly amended Fleming Farms Discharge Permit to each Tract and District in accordance with the Absorption Schedule and the costs associated with the provision of such wholesale wastewater treatment in accordance with their respective Proportionate Share. Once the new plant is operational, the City agrees to convey all Facilities then-owned by the City as part of the Wastewater Collection System to each of the respective Districts within thirty (30) days after receipt of written notice from the Developers or the Districts, at no additional cost to the Developers and/or Districts

3. City's Failure to Construct the Plant. If the City obtains the Discharge Permit, but fails to commence construction of the Main Lift Station and Plant in accordance with this Agreement, the City agrees to assign the Discharge Permit to the District Designee for the District Designee to be the wholesale wastewater service provider to the Tracts' and the Districts in the total capacity for each such Tract and District provided in the Absorption Schedule. In such event, the District Designee agrees to use or cause the use of wastewater treatment capacity approved under the Discharge Permit to provide wholesale wastewater treatment service to the Tracts and the Districts pursuant to the terms of a separate agreement(s) among the Developers and/or the Districts. In the event of a City default under this Section, the City agrees to convey all Facilities constructed by the Developers and/or the Districts and/or the City to the respective Developers or Districts on or before the earlier of (i) the date on which the Developers or Districts have constructed a wastewater treatment plant on the Plant Site, or (ii) the third (3<sup>rd</sup>) anniversary of the City's failure to commence construction of the Main Lift Station and Plant. The City will use reasonable diligence to effect these conveyances within sixty (60) days after receipt of written notice from the Developers or the Districts, at no additional cost to the Developers and/or Districts.
4. Deadline for Permit and Construction Commencement. Notwithstanding any provision of this Agreement to the contrary (other than Article II, Section 6 and subject to the provisions providing for the City to take or execute corrective or curative measures in this Article VI, Sections 1, 2 and 3 above), if the City fails to obtain the Discharge Permit and commence construction of the Plant within six (6) years of the Effective Date, the City shall refund all LUE Fees paid by the Developers or the Districts, with the exception of, with respect to JLBC, any LUE Fees used to secure Sedona Initial Wastewater Services less any and all costs incurred by the City to provide Wastewater Services to Customers prior to the City's default, within sixty (60) calendar days after the sixth (6<sup>th</sup>) anniversary of this Agreement. Provided, however, in such event, the City shall continue to provide Wastewater Services to the Customers within each of the Districts and the Tracts, until such time one or more of the Developers and/or the Districts construct wastewater treatment plant(s) sufficient to permanently serve the Tracts'

and Districts' ultimate wastewater treatment capacity requirements set forth in the Absorption Schedule. During this time, the City may continue its normal billing processes and revenue collection from all Customers in Districts and Tracts receiving Wastewater Services by the City. In such an event, the Developers and/or the Districts agree to use reasonable diligence to construct a wastewater treatment plant(s) and, if such plant(s) is not constructed and operational within three (3) years of the date of the City's Major Default under this Section 4, due to no fault of, or interference or delay caused by, the City, the Developers and/or the Districts shall procure a licensed operator to operate whatever temporary plant the City has placed on the Plant Site and the City shall have no further obligation to provide Wastewater Services to the Customers under this Agreement, except for the City's obligations to the Sedona South Customers under Article II, Section 6.

5. Developer's Failure to Pay LUE Fees. If a Developer fails to pay its LUE Fees by the Payment Dates, and fails to cure such default within thirty (30) days after receipt of written notice of default from the City, the Developer shall be in default and the City's sole remedy for such default shall be to partially terminate this Agreement as to any remaining areas of such defaulting Developer's Tract or applicable District for which no LUE Fees have been paid. In the event of such a default by a Developer, the City will be released from its obligation to reserve Wastewater treatment capacity in the Plant and provide Wastewater Services to the Customers within that Developer's Tract and District beyond any such LUEs for which that Developer has previously paid LUE Fees and reserved for the benefit of the Developer's Tract and District. Notwithstanding the foregoing, a Developer's failure to pay its LUE Fees in accordance with the Payment Schedule shall not affect the City's obligations to reserve Wastewater treatment capacity in the Plant and provide Wastewater Services to Customers within any non-defaulting Developers' Tract and District. If a defaulting Developer subsequently requests to pay its outstanding LUE Fees plus reasonable interest, the City may, but shall not be obligated to, provide Wastewater Services to Customers within that Developer's Tract and District for the unpaid LUEs.
6. Developer's Failure to Provide Easements and Land Conveyances. If a Developer fails to provide an easement and/or a land conveyance as required in this Agreement and fails to cure such default within thirty (30) days after receipt of written notice of default from a non-defaulting Party, the Developer shall be in default and any of the non-defaulting Parties shall first seek to enforce specific performance against the defaulting Developer. If none of the non-defaulting Parties are able to secure specific performance against the defaulting Developer, then: (i) if such default only prevents the City from providing continuous and adequate Wastewater Services to Customers within the defaulting Developer's Tract and District in accordance with the terms of this Agreement, then the City

shall have the option to partially terminate this Agreement as to any remaining areas of such defaulting Developer's Tract and District to which the City is not then providing Wastewater Services and the City shall have no further obligations hereunder to the defaulting Developer's Tract and District, except as set forth herein; or (ii) if such default prevents the City from providing continuous and adequate Wastewater Services to Customers within any non-defaulting Developer's Tract and District in accordance with the terms of this Agreement, then the City and/or the non-defaulting Districts may pursue and acquire the easement and/or land conveyance at issue by eminent domain, the reasonable costs of which shall be funded by the non-defaulting Developers, and the City and such non-defaulting Developers shall have the right to recover from the defaulting Developer their actual damages resulting from the Developer's default hereunder.

7. "Major Defaults". Defaults by a Party under Sections 1-6 above shall constitute "Major Defaults" by such defaulting Party and shall afford the non-defaulting Party (ies) the applicable rights and remedies set forth above. In the event of a Major Default by the City, the Developers may, in addition to the other remedies set forth in Sections 1-4 for such default, terminate, or partially terminate, this Agreement and the Developers shall be refunded the LUE Fees for all LUEs paid for, for which Wastewater Services have not been provided, less any and all costs incurred by the City to provide Wastewater Services to the Customers within the applicable Tracts and the Districts prior to default. Moreover, if the City has a Major Default, it shall not in any way protest or challenge, or cause same to occur, the Developers using the Fleming Farms Discharge Permit, the amended Fleming Farms Discharge Permit, the Discharge Permit, the Highlander Discharge Permit, the Rattler Discharge Permit, or Sedona South's pursuit of its own discharge permit, as may be applicable, to construct wastewater treatment facilities, or other improvements necessary to provide wholesale wastewater treatment service to the Tracts and the Districts pursuant to the terms of a separate agreement(s) among the Developers and/or the Districts. Other defaults that are minor in nature are to be addressed as set forth in Section 8 below.
8. Other Defaults and Remedies. The terms of this Section 8 shall apply to any Party's failure to perform any obligation under this Agreement that is not expressly and specifically addressed above and for which a remedy is not otherwise specified in this Agreement.
  - a. Notice of Default; Opportunity to Cure. If a Party defaults in the performance of any obligation under this Agreement, a non-defaulting Party may give written notice to the other Parties to this Agreement specifying the alleged event of default and extending to the defaulting Party thirty (30) days from the date of the notice in order to cure the default complained of or, if the curative action cannot reasonably be completed

within thirty (30) days, thirty (30) days to commence the curative action and a reasonable additional period to diligently pursue the curative action to completion.

- b. Dispute Resolution. If any default is not cured within the curative period specified above, the Parties agree to use good faith, reasonable efforts to resolve any dispute among them by agreement, including engaging in mediation or other non-binding alternative dispute resolution methods, before initiating any lawsuit to enforce their respective rights under this Agreement. The Parties will share the costs of any mediation equally.
- c. Other Legal or Equitable Remedies. If the Parties are unable to resolve their dispute through mediation, a non-defaulting Party shall have the right to enforce the terms and provisions of this Agreement by a suit seeking specific performance or any other legal or equitable relief to which the non-defaulting Party may be entitled. Any remedy or relief described in this Agreement shall be cumulative of, and in addition to, any other remedies and relief available to such Party.
- d. Default Related to Regulatory Requirements. No Party shall be deemed to be in non-compliance with a Regulatory Requirement until the Party: (i) it has received written notice of non-compliance from either a Party or any federal, state or local agency or government; (ii) has failed to commence corrective measures within thirty (30) days of receipt of such notice from a Party or within the time frame specified in such notice from a federal, state or local agency or government; and (iii) fails to pursue completion of the corrective measures with commercially reasonable diligence.
- e. Default Related to Temporary Interruptions in Service. For the avoidance of doubt, the City shall not be in default as to any obligation to provide continuous and adequate service to the Developers arising from any temporary interruptions in service: (i) due to repair, maintenance or replacement of Facilities or parts of Facilities; (ii) due to system failures that are caused by design or construction defects, age, unexpected damage to the Facilities, weather events or natural phenomena, provided the City promptly pursues remedial measures to fix such system failures; or (iii) necessary to come into compliance with a Regulatory Requirement.

## **VII. MISCELLANEOUS**

- 1. Invalidity of LUE Fees. If the payment obligations for LUE Fees to be paid to the City pursuant to the Payment Schedule are determined to be void, illegal, or

unenforceable by final unappealable order or judgment by a court or tribunal of competent jurisdiction for any reason, then the City may terminate this Agreement and shall have no further obligations under this Agreement for provision of service to that portion of any Developer's Tract or District for which the LUE fees have not been paid, or for which the City is required to refund any portion of the fees paid. In such an event, the City shall not be considered at default; however, the Developers shall be entitled to the remedies under this Agreement that are available to the Developers in the event of a Major Default. Neither the Developers, jointly or singularly, or the Districts, jointly or singularly, may take any action to directly or indirectly challenge or seek to invalidate the LUE Fees in any court or tribunal of competent jurisdiction.

2. Annual Wastewater Projections. Unless the City says otherwise, each Developer shall provide the City with a projected Wastewater Services LUE demand for such Developer's Tract for such calendar year on or before each February 1<sup>st</sup> until the Wastewater Treatment Plant has been constructed and is operational.
3. City's CCN Application. The Developers agree not to protest, cause any protests, or otherwise act or cause any actions that may be construed to prevent, frustrate, delay, or obstruct the City's CCN expansion application to provide Wastewater Services to the Customers pursuant to this Agreement and additional lands to which the City elects to provide Wastewater Services. Notwithstanding the foregoing, in the event a Tract is included in the City's CCN and the City defaults as set forth in this Agreement, the applicable remedy for which is the termination or partial termination of this Agreement as to such Tract, or a portion thereof, the City will decertify such Tract, or applicable portion thereof, from its CCN to enable the Districts to provide Wastewater utility service to their respective Tracts. In such event, the City shall submit an application to the Public Utilities Commission ("PUC") for decertification no later than thirty (30) days following such default and diligently pursue approval thereof.
4. Retail Wastewater Rates. Because the Tracts and Districts are not within the City's corporate limits, the Developers and Districts agree to pay or cause to be paid to the City the wastewater rates paid by residents or businesses receiving City utilities in similarly situated out-of-city developments ("Out-of-City Rates"), which does not include any special Out-of-City Rates that are agreed to by the City for another development due to some special benefit given by that development to the City. Notwithstanding anything to the contrary, the Developers and Districts agree they will not protest the Out-of-City Rates if such rates do not exceed one-hundred and twenty-five (125%) percent of the City's in-city utility rates.

5. City Consent to Districts. If any Developer elects not to opt out of the City's ETJ and is required by State law to obtain the City's consent to create a municipal utility district ("MUD") within which such Developer's Tract is to be located, in whole or in part, or to annex adjacent property into an existing District (or in the case of Fleming to be annexed into any existing District that is not adjacent), and the Developer's petition for such consent submitted to the City meets the requirements of Section 54.016(a) of the Texas Water Code, the City agrees to provide such consent, by ordinance or resolution, and without conditions or contingencies, within sixty (60) days after receipt of such petition for such consent from the Developer. The City's consent ordinance or resolution furnished to a Developer under this Section 5 shall: (i) be duly approved by the City's City Council; (ii) meet all requirements of Section 54.016(a) of the Texas Water Code and Section 42.042 of the Local Government Code; and (iii) consent to the District's issuance of bonds for any and all purposes authorized by law, including water, sewer, drainage and road facilities and improvements.
6. Contractual Capacity Right. In accordance with Title 30, Section 293.44(b)(3) and (b)(7) of the Texas Administrative Code, (i) the Parties acknowledge and agree that the LUE Fees paid under the terms of this Agreement constitute payment for the proportionate share of the costs of developing a regional wastewater collection and treatment system to serve the Districts and the Tracts, and obtaining or reserving a contractual capacity right in the Facilities. The City agrees the payment of the LUE Fees entitles the Developers, on behalf of the Districts, to hold and maintain the contractual capacity rights in the Facilities to provide service to the Districts and the Tracts. As such, each of the Developers shall have the right to seek reimbursement from the respective Districts for the costs of all such contractual capacity right financed by Tracts or Districts consistent with the Absorption Schedule. It is specifically acknowledged and agreed that the foregoing contractual capacity right shall in no manner give the Developers or the Districts any right to own or operate the Facilities, or to impair or limit in any manner whatsoever the City's right to own and operate the Facilities in its sole and absolute discretion. The City does not object to the Developers seeking reimbursement from the Districts for any eligible costs incurred by the Developers under this Agreement, including, but not limited to, LUE Fees, costs associated with the design and construction of the Improvements, and all land and easement acquisition costs, including the Developers' Proportionate Share of the cost of the Plant Site, all as paid by Developers for and on behalf of the Districts pursuant to this Agreement. This Section 6 shall survive the termination of this Agreement; provided however, that this Section 6 shall terminate on the date the bonds issued by the Districts to pay for or finance the construction of the Facilities, LUE Fees, and other eligible costs, or to reimburse Developers for eligible costs, or both, are retired in full by the District.



7. Reservation. The City agrees to reserve for and allocate the number of LUEs of wastewater treatment capacity for each Tract and District in accordance with the Absorption Schedule until the later of (i) December 31, 2040, or (ii) the bonds issued by the Districts to pay for or finance the Facilities or LUE Fees are retired in full by the Districts. All unused LUEs (and corresponding wastewater treatment capacity) reverts back to the City after the later of (i) or (ii) above. Except as otherwise provided in this Agreement, the City's obligation to provide continuous and adequate Wastewater Services to Customers shall survive this Agreement.
8. Assignability. The Developers shall have the right to assign their respective rights and obligations under this Agreement, in whole or in part, to any third-party provided they give written notice to the City of such assignment.
9. Successors-In-Interest. This Agreement shall be binding upon and inure to the benefit of Developers' successors-in-interest to the Tracts. Each Developer and their successors-in-interests shall be obligated to provide actual, prior written notice of the Agreement, together with a true and complete copy of the Agreement, to their respective immediate successor-in-interest to the Tract, or any portion thereof, such that its successor-in-interest shall take title to the Tract, or portion thereof, subject to this Agreement and shall be bound by the terms of this Agreement.
10. Certain Developer Obligations Survive. The Developers' obligations to the other Developers or Districts referenced herein, including without limitation those referenced in Articles V and VI, shall survive the City's removal as a Party and shall remain binding on such Developer or Developers (or Districts).
11. Law and Venue. This Agreement shall be governed under the laws of the State of Texas and any legal challenge that is filed under this Agreement shall be filed in the courts of Guadalupe County, Texas.
12. Amendments. No amendment of this Agreement shall be valid unless executed by all Parties to this Agreement. This Agreement represents the entire agreement amongst all of the Parties pertaining to the City's provision of Wastewater Services to the Customers. If the City is removed as a Party because of a default or failure to perform, then this Agreement may be amended by the Developers without execution by the City. If a Developer defaults and the remaining Parties desire to amend this Agreement, the remaining non-defaulting Parties may execute any such amendment to be bound thereby. Notwithstanding the foregoing, any amendment by the remaining non-defaulting Parties shall not remove the rights held by the defaulting Developer for the LUEs the defaulting Developer has already acquired under this Agreement.

13. Severability. The provisions of this Agreement are severable and, if any provision or part of this Agreement or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such provision or part of this Agreement to other persons or circumstances shall not be affected thereby except as otherwise stated in this Agreement.
14. Developers'/Districts' Cooperation. The Developers and Districts agree to fully cooperate with each other and to grant all necessary easements to the other Developers/Districts (of a form and content reasonably acceptable to the grantor, Developer, or District and consistent with the Developer's plan for development of the applicable Tract), share proportionately in shared facilities and costs, and to collectively and jointly take whatever actions are necessary in order for each Developer's Tract or District to obtain the requisite Wastewater Services for the Customers within the respective Tracts and Districts.
15. Cooperation; Approvals. Each Party agrees to execute such further documents or instruments as may be necessary to evidence its agreements hereunder. In the event of any third-party lawsuit or other claim relating to the validity of this Agreement or any actions taken hereunder, the Parties agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution in their respective rights and obligations under this Agreement. Whenever the term "approve" or "approval" is used in this Agreement, the Party whose approval is required will not unreasonably withhold, deny, or delay it. Where approval is necessary, the Party seeking approval may request approval in writing. If the Party whose approval is requested fails to either approve the submittal or provide written comments specifically identifying the required changes within thirty (30) days, the submittal, as submitted by the requesting Party, will be deemed to have been approved by the Party whose approval is requested.
16. No Third-Party Beneficiaries. This Agreement shall be for the sole and exclusive benefit of the Parties signatory hereto and the Districts and does not confer any benefit to any third party. No third-party beneficiary shall have standing to sue to enforce this Agreement.
17. Non-Appropriation of Funds. Until bonds or certificates of obligation are issued for purposes of paying for any of City's obligations under this Agreement, any obligations of the City requiring the expenditure of funds beyond the fiscal year of the City in which this Agreement was entered shall be subject to the City's appropriation of lawfully available funds as part of its budget process during the fiscal year in which the financial obligation arises.

18. Waiver. Failure to enforce or the waiver of any provision of this Agreement or any breach or nonperformance by either Party shall not be deemed a waiver by the other Party of the right in the future to demand strict compliance and performance of any provision of this Agreement. No officer or agent of the City is authorized to waive or modify any provision of this Agreement. No modifications to or recession of this Agreement may be made except by a written document signed by the Parties' authorized representatives.
19. Exhibits, Headings, Construction, and Counterparts. All schedules and exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The various article, section, and paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice versa. As used in this Agreement, the term "including" means "including without limitation" and the term "days" means calendar days, not business days. The Parties acknowledge that each of them has been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting party will not be employed in interpreting this Agreement or any exhibits hereto. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument.
20. Time. Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturdays, Sundays, and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday, or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday, or legal holiday.
21. Authority for Execution. The City certifies, represents, and warrants that the execution of this Agreement has been duly authorized and adopted in conformity with applicable law and City ordinances. The Developers each hereby certify, represent, and warrant that the execution of this Agreement has been duly authorized and adopted in conformity with the constituent documents of each person or entity executing on its behalf.
22. Force Majeure. If, by reason of force majeure, any Party is rendered unable, in whole or in part, to carry out its obligations under this Agreement, the Party whose performance is so affected must give notice and the full particulars of such force majeure to the other Parties within a reasonable time after the occurrence of the event or cause relied upon, and the obligation of the Party giving such notice, will,

to the extent it is affected by such force majeure, be suspended during the continuance of the inability but for no longer period. The Party claiming force majeure must endeavor to remove or overcome such inability with all reasonable dispatch. The term "force majeure" means Acts of God, pandemics, strikes, lockouts, or other industrial disturbances, acts of the public enemy, orders of any kind of the government of the United States or the State of Texas, or of any court or agency of competent jurisdiction or any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, vandalism, explosions, breakage or accidents to machinery, pipelines or canals, or inability on the part of a Party to perform due to any other causes not reasonably within the control of the Party claiming such inability.

23. Notice. Any notice required or permitted hereunder shall be in writing. All notices shall be deemed to be delivered (a) on the date received if delivered by hand (with written confirmation of receipt); (b) when received by the addressee if sent via a nationally recognized overnight courier (receipt requested); (c) on the date sent by e-mail of a PDF document (with confirmation of transmission) if sent during normal business hours of the recipient, and on the next business day if sent after normal business hours of the recipient; or (d) if deposited in the mail, whether actually received or not, on the third business day after having been deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed to the Parties, as appropriate, at the addresses shown hereinafter:

For the City:	Director of Utilities 630 E. Hopkins San Marcos, TX 78666 E-mail: <a href="mailto:waterwastewaterinfo@sanmarcostx.gov">waterwastewaterinfo@sanmarcostx.gov</a>
For Jones:	Clint E. Jones Regal Land Development 6 Gruene Wald New Braunfels, TX 78130 E-mail: <a href="mailto:clint@regallanddevelopment.com">clint@regallanddevelopment.com</a>
For Rattler:	Rattler Ridge, LP Attn: Clint E. Jones 6 Gruene Wald New Braunfels, TX 78130 E-mail: <a href="mailto:clint@regallanddevelopment.com">clint@regallanddevelopment.com</a>
For JLBC:	JLBC 710 Investments, LLC Attn: John S. Lloyd & Bruce Cash 6504 W. Courtyard Drive Austin, TX 78730 E-mail: <a href="mailto:jslloyd@me.com">jslloyd@me.com</a> and <a href="mailto:bruce.cash@cashconstruction.com">bruce.cash@cashconstruction.com</a>
with copy to:	Armbrust & Brown, PLLC Attn: Kevin M. Flahive 100 Congress Avenue, Suite 1300 Austin, Texas 78701 E-mail: <a href="mailto:kflahive@abaustin.com">kflahive@abaustin.com</a>
For Highlander:	Highlander Real Estate Partners, LLC Attn: John Maberry, Manager PO Box 470249 Fort Worth, TX 76147 Email: <a href="mailto:jmaberry@highlanderrep.com">jmaberry@highlanderrep.com</a>
For GC MUD 9:	Guadalupe County Municipal Utility District No. 9 c/o Allen Boone Humphries Robinson LLP Attn: D. Ryan Harper 919 Congress Avenue, Suite 1500 Austin, TX 78701 Email: <a href="mailto:rharper@abhr.com">rharper@abhr.com</a>

For Sedona South MUD:

Sedona South Municipal Utility District  
c/o Armbrust & Brown, PLLC  
Attn: Kevin M. Flahive  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
E-mail: kflahive@abaustin.com

For HGC MUD 1:

Hays Guadalupe County Municipal Utility District No. 1  
c/o Allen Boone Humphries Robinson LLP  
Attn: D. Ryan Harper, Partner  
919 Congress Avenue, Suite 1500  
Austin, TX 78701  
Email: rharper@abhr.com

24. Payments. All LUE Fee payments required by and made pursuant to this Agreement shall be sent to the below address, unless directed otherwise by the City's Finance Department:

Accounts Receivable  
City of San Marcos, TX  
630 E. Hopkins  
San Marcos, TX 78666

25. Required Statutory Provisions Addendum. The Required Statutory Provisions Addendum attached as Exhibit "G" is hereby incorporated into this Agreement by reference.

26. Exhibits. The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

<u>Exhibit "A"</u>	- Form of District Joinder
<u>Exhibit "B"</u>	- Developers' Tracts
<u>Exhibit "C"</u>	- Plant Site and Access Road
<u>Exhibit "D"</u>	- Absorption Schedule
<u>Exhibit "E"</u>	- Payment Schedule
<u>Exhibit "F"</u>	- Developer Proportional Sharing
<u>Exhibit "G"</u>	- Required Statutory Provisions Addendum
<u>Exhibit "H"</u>	- Cottonwood 4 Connection

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on the dates indicated below to be effective as of the Effective Date.

**[COUNTERPART SIGNATURE PAGES FOLLOW]**

COUNTERPART SIGNATURE PAGE TO  
REGIONAL WASTEWATER SERVICES AND FACILITIES AGREEMENT

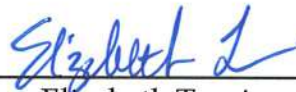
THE CITY:

THE CITY OF SAN MARCOS, TEXAS,  
a Texas home rule municipality

By:   
Stephanie Reyes, City Manager

Date: May 8, 2024

ATTEST:

By:   
Elizabeth Trevino,  
City Clerk

Date: May 8, 2024



COUNTERPART SIGNATURE PAGE TO  
REGIONAL WASTEWATER SERVICES AND FACILITIES AGREEMENT

JONES:



---

CLINT JONES


Date: MAY 7, 2024

COUNTERPART SIGNATURE PAGE TO  
REGIONAL WASTEWATER SERVICES AND FACILITIES AGREEMENT

RATTLER:

RATTLER RIDGE, LP,  
a Texas limited partnership

By: REGAL, LLC  
a Texas limited liability company  
Its general partner

By:   
Clint Jones, President

Date: May 7, 2024

COUNTERPART SIGNATURE PAGE TO  
REGIONAL WASTEWATER SERVICES AND FACILITIES AGREEMENT

ILBC:

JLBC 710 INVESTMENTS, LLC,  
a Texas limited liability company

By: 


John S. Lloyd, Manager

Date: MAY 9, 2024

COUNTERPART SIGNATURE PAGE TO  
REGIONAL WASTEWATER SERVICES AND FACILITIES AGREEMENT

HIGHLANDER:

HIGHLANDER SM TWO, LLC,  
a Texas limited liability company

By:   
John Maberry, Manager

Date: May 14, 2024

EXHIBIT "A"

FORM OF DISTRICT JOINDER

**JOINDER AGREEMENT**

THIS JOINDER AGREEMENT (this "Joinder Agreement"), dated as of \_\_\_\_\_, 20\_\_, is executed by \_\_\_\_\_, a conservation and reclamation district and body politic and governmental agency of the State of Texas (the "District"), in connection with that certain Regional Wastewater Services and Facilities Agreement (the "Agreement") entered into by and among the City of San Marcos, Texas, a home rule municipality; Clint Jones; Rattler Ridge, LP, a Texas limited partnership; JLBC 710 Investments, LLC, a Texas limited liability company; and Highlander SM Two, LLC, a Texas limited liability company; and \_\_\_\_\_, dated effective \_\_\_\_\_, 2024. Capitalized terms used herein but not otherwise defined herein shall have the definitions provided in the Development Agreement.

In accordance with the introductory paragraphs of the Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes, the District executes this Joinder Agreement in order to become a Party to the Agreement. Accordingly, the District hereby agrees as follows with the other Parties to the Agreement:

1. The District acknowledges and confirms that it has received a copy of the Agreement and the schedules and exhibits thereto.

2. The District hereby acknowledges, agrees, and confirms that, by its execution of this Joinder Agreement, the District shall automatically be deemed to be a Party to the Agreement, and shall have all of the rights and obligations of \_\_\_\_\_, specifically (excluding payment obligations set forth in the Agreement, which shall remain the obligation of \_\_\_\_\_), and of a District with regard to property within the District, generally, thereunder as if it had originally executed the Agreement. The District hereby ratifies, as of the date hereof, and agrees to be bound by all of the terms, provisions and conditions contained in the Agreement applicable to it to the same effect as if it were an original Party thereto.

3. This Joinder Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, the District has caused this Joinder Agreement to be duly executed by its authorized officer as of the day and year first above written.

THE DISTRICT:

\_\_\_\_\_  
a conservation and reclamation district and  
body politic and governmental agency of the  
State of Texas

By: \_\_\_\_\_  
\_\_\_\_\_, President  
Board of Directors

Date: \_\_\_\_\_, 202\_\_

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, Secretary  
Board of Directors

Date: \_\_\_\_\_, 202\_\_



## EXHIBIT "B"

### DEVELOPERS' TRACTS

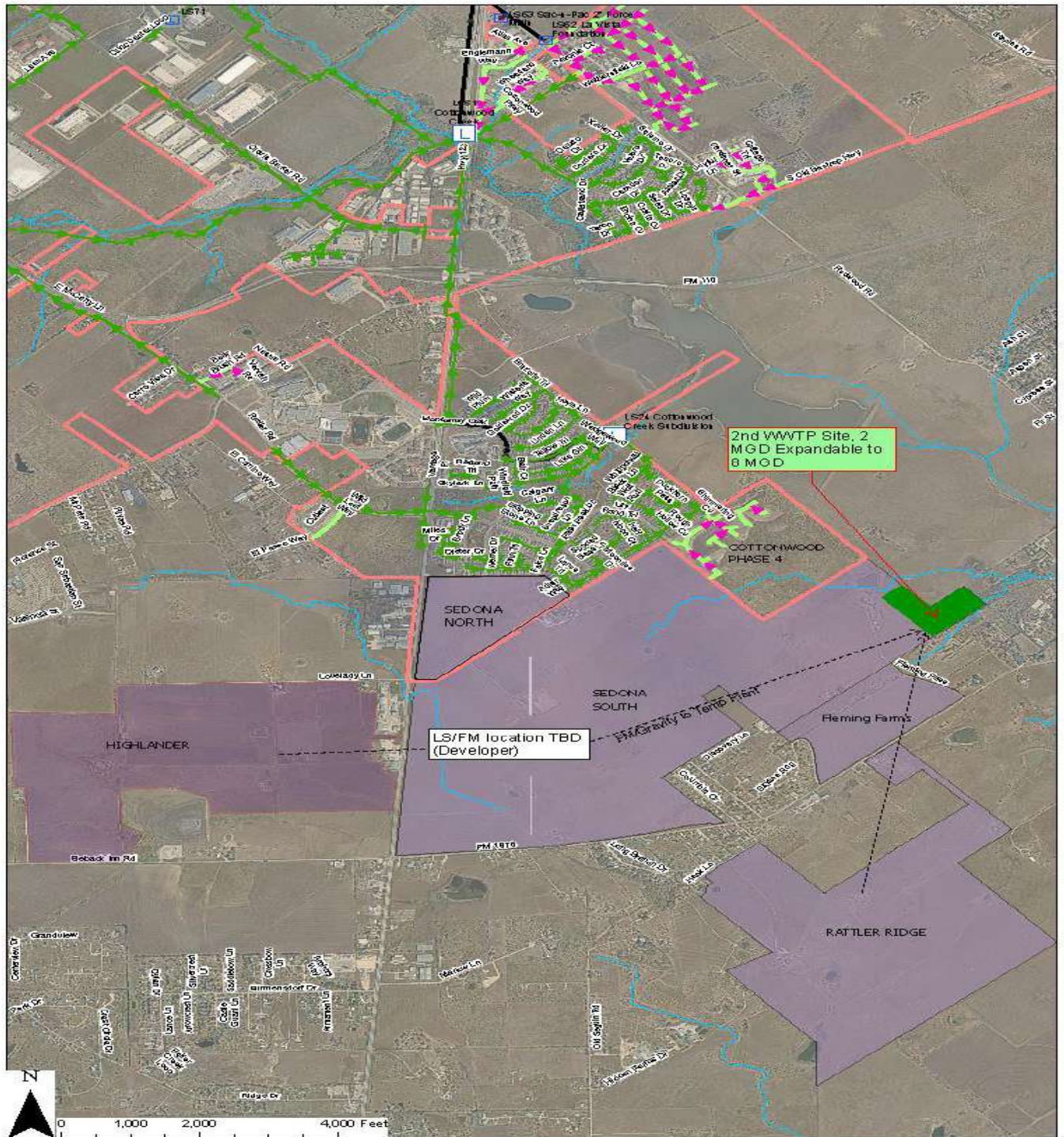








EXHIBIT "D"

ABSORPTION SCHEDULE

TOTAL NUMBER OF LUEs					
DEVELOPMENT / YEAR	Sedona South	Highlander	Fleming Farms	Rattler Ridge	TOTAL LUEs
2024	0	0	0	0	0
2025	200	0	160	120	480
2026	440	150	320	360	1270
2027	690	330	334	600	1954
2028	990	530	334	840	2694
2029	1340	755	334	1080	3509
2030	1690	980	334	1320	4324
2031	2040	1205	334	1560	5139
2032	2390	1400	334	1800	5924
2033	2645	1400	334	1869	6248
TOTAL	2645	1400	334	1869	6248

TOTAL NEW LUEs					
DEVELOPMENT / YEAR	Sedona South	Highlander	Fleming Farms	Rattler Ridge	TOTAL LUEs
2024	0	0	0	0	0
2025	200	0	160	120	480
2026	240	150	160	240	790
2027	250	180	14	240	684
2028	300	200	0	240	740
2029	350	225	0	240	815
2030	350	225	0	240	815
2031	350	225	0	240	815
2032	350	195	0	240	785
2033	255	0	0	69	324
TOTAL	2645	1400	334	1869	6248

EXHIBIT “E”

PAYMENT SCHEDULE

DEVELOPMENT / YEAR	Sedona South	Highlander	Fleming Farms	Rattler Ridge	TOTAL LUE's
2024	\$ -	\$ -	\$ -	\$ -	\$ -
2025	\$ 1,510,000	\$ -	\$ 1,328,000	\$ 996,000	\$ 3,834,000
2026	\$ 1,812,000	\$ 1,245,000	\$ 1,328,000	\$ 1,992,000	\$ 6,377,000
2027	\$ 1,887,500	\$ 1,494,000	\$ 116,200	\$ 1,992,000	\$ 5,489,700
2028	\$ 2,265,000	\$ 1,660,000	\$ -	\$ 1,992,000	\$ 5,917,000
2029	\$ 2,642,500	\$ 1,867,500	\$ -	\$ 1,992,000	\$ 6,502,000
2030	\$ 2,642,500	\$ 1,867,500	\$ -	\$ 1,992,000	\$ 6,502,000
2031	\$ 2,642,500	\$ 1,867,500	\$ -	\$ 1,992,000	\$ 6,502,000
2032	\$ 2,642,500	\$ 1,618,500	\$ -	\$ 1,992,000	\$ 6,253,000
2033	\$ 1,925,250	\$ -	\$ -	\$ 572,700	\$ 2,497,950
TOTAL	\$ 19,969,750	\$ 11,620,000	\$ 2,772,200	\$ 15,512,700	\$ 49,874,650

EXHIBIT "F"

DEVELOPER PROPORTIONAL SHARING

Special Consideration @ 20% of \$2,500,000		
Fleming Farms	\$	26,729
Highlander	\$	112,036
Rattler Ridge	\$	149,568
Sedona South	\$	211,668

## EXHIBIT "G"

### REQUIRED STATUTORY PROVISIONS ADDENDUM

This Required Statutory Provisions Addendum (this "Addendum") is attached to and incorporated into that certain Regional Wastewater Services and Facilities Agreement (the "Agreement") entered into by and among the City of San Marcos, Texas, a home rule municipality (the "City"); Clint Jones ("Jones"); Rattler Ridge, LP, a Texas limited partnership ("Rattler"); JLBC 710 Investments, LLC, a Texas limited liability company ("JLBC"); Highlander SM Two, LLC, a Texas limited liability company ("Highlander"); upon its joinder, Guadalupe County Municipal Utility District No. 9, a conservation and reclamation district and body politic and governmental agency of the State of Texas ("GC MUD 9"); upon its joinder, Sedona South Municipal Utility District(s), each a conservation and reclamation district and body politic and governmental agency of the State of Texas ("Sedona South MUD"); and, upon its joinder, Hays-Guadalupe County Municipal Utility District No. 1, a conservation and reclamation district and body politic and governmental agency of the State of Texas ("HGC MUD 1"); dated effective \_\_\_\_\_, 2024. For purposes of this Addendum, Jones, Rattler, JLBC and Highlander are collectively referred to herein as "Contractor" and the City, GC MUD 9, Sedona South MUD and HGC MUD 1 are collectively referred to as the "Governmental Entities". If there is any conflict between the terms of the attached Agreement and this Addendum, the terms of this Addendum will control.

1. Interested Parties. Contractor acknowledges that Texas Government Code Section 2252.908 (as amended, "Section 2252.908") requires disclosure of certain matters by contractors entering into a contract with a local government entity such as the Governmental Entities. Contractor confirms that it has reviewed Section 2252.908 and, if required to do so, will (1) complete a Form 1295, using the unique identification number specified on page 1 of the Contract, and electronically file it with the Texas Ethics Commission ("TEC"); and (2) submit the signed Form 1295, including the certification of filing number of the Form 1295 with the TEC, to the Governmental Entities at the same time Contractor executes and submits the Agreement to the Governmental Entities. Form 1295s are available on the TEC's website at <https://www.ethics.state.tx.us/filinginfo/1295/>. The Agreement is not effective until the requirements listed above are satisfied and any approval or award of the Agreement by the Governmental Entities is expressly made contingent upon Contractor's compliance with these requirements. The signed Form 1295 may be submitted to the Governmental Entities in an electronic format.

2. Conflicts of Interest. Contractor acknowledges that Texas Local Government Code Chapter 176 (as amended, "Chapter 176") requires the disclosure of certain matters by contractors doing business with or proposing to do business with local government entities such as the Governmental Entities. Contractor confirms that it has

reviewed Chapter 176 and, if required to do so, will complete and return Form CIQ promulgated by the TEC, which is available on the TEC's website at <https://www.ethics.state.tx.us/forms/conflict/>, within seven days of the date of submitting the Agreement to the Governmental Entities or within seven days of becoming aware of a matter that requires disclosure under Chapter 176, whichever is applicable.

3. Verification Under Chapter 2271, Texas Government Code. If required under Chapter 2271 of the Texas Government Code (as amended, "Chapter 2271"), Contractor represents and warrants that, at the time of execution and delivery of the Agreement, neither Contractor, nor any wholly- or majority-owned subsidiary, parent company, or affiliate of Contractor that exists to make a profit, boycotts Israel or will boycott Israel during the term of the Agreement. The foregoing verification is made solely to comply with Chapter 2271, to the extent such Chapter does not contravene applicable Federal law. As used in the foregoing verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. Contractor understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with Contractor.

4. Verification Under Subchapter F, Chapter 2252, Texas Government Code. For purposes of Subchapter F of Chapter 2252 of the Texas Government Code (as amended, "Subchapter F"), Contractor represents and warrants that, neither Contractor, nor any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of Contractor that exists to make a profit, are companies identified on a list prepared and maintained by the Texas Comptroller of Public Accounts (the "Comptroller") described within Subchapter F and posted on the Comptroller's internet website at:

<https://comptroller.texas.gov/purchasing/publications/divestment.php>.

The foregoing representation is made solely to comply with Subchapter F, to the extent such subchapter does not contravene applicable Federal law, and excludes companies that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan, Iran, or a foreign terrorist organization. Contractor understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with Contractor.

5. Verification Under Chapter 2274, Texas Government Code, Relating to Contracts with Companies that Discriminate Against the Firearm and Ammunition Industries. If required under Chapter 2274 of the Texas Government Code (as amended, "Chapter 2274"), Contractor represents and warrants that, at the time of execution and

delivery of the Agreement, neither Contractor, nor any wholly- or majority-owned subsidiary, parent company, or affiliate of Contractor that exists to make a profit, has a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association or will discriminate during the term of the Agreement against a firearm entity or firearm trade association. The foregoing verification is made solely to comply with Chapter 2274. As used in the foregoing verification, the terms “discriminate against a firearm entity,” “firearm entity,” and “firearm trade association” have the meanings ascribed to them in Section 2274.001 of the Texas Government Code.

6. Verification Under Chapter 2276, Texas Government Code, Relating to Contracts With Companies Boycotting Certain Energy Companies. If required under Chapter 2276 of the Texas Government Code (as amended, “Chapter 2276”), Contractor represents and warrants that, at the time of execution and delivery of the Agreement, neither Contractor, nor any wholly- or majority-owned subsidiary, parent company, or affiliate of Contractor that exists to make a profit, boycotts energy companies or will boycott energy companies during the term of the Agreement. The foregoing verification is made solely to comply with Chapter 2276. As used in the foregoing verification, “boycott energy companies” means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (1) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law or (2) does business with a company described in the preceding section (1).

**REGIONAL**  
**WASTEWATER SERVICES AND FACILITIES**  
**COST SHARING AGREEMENT**

This **REGIONAL WASTEWATER SERVICES AND FACILITIES COST SHARING AGREEMENT** (this "Agreement") is effective as of May 14<sup>th</sup>, 2024 (the "Effective Date"), by and among the City of San Marcos, Texas, a home rule municipality (the "City"); Clint Jones, in his individual capacity as landowner of the Fleming Farms Tract (as hereinafter defined) ("Jones"); Rattler Ridge, LP, a Texas limited partnership ("Rattler"); JLBC 710 Investments, LLC, a Texas limited liability company ("JLBC"); and Highlander SM Two, LLC, a Texas limited liability company ("Highlander").

Following confirmation of the creation of Guadalupe County Municipal Utility District No. 9 (as hereinafter defined), Sedona South Municipal Utility District (as hereinafter defined), and Hays-Guadalupe County Municipal Utility District No. 1 (as hereinafter defined) by the voters within each of the respective Districts, each District will join in and agree to be bound by certain provisions of this Agreement by executing a joinder to this Agreement in substantially the same form as set forth on Exhibit A attached hereto.

Jones, Rattler, JLBC, and Highlander are referred to individually by name or as the "Developer" or collectively as the "Developers."

Guadalupe County Municipal Utility District No. 9, Sedona South Municipal Utility District, and Hays-Guadalupe County Municipal Utility District No. 1 are referred to individually by name or as a "District" or "Districts."

The Developers, the City, and the Districts are referred to individually as a "Party" and collectively as the "Parties."

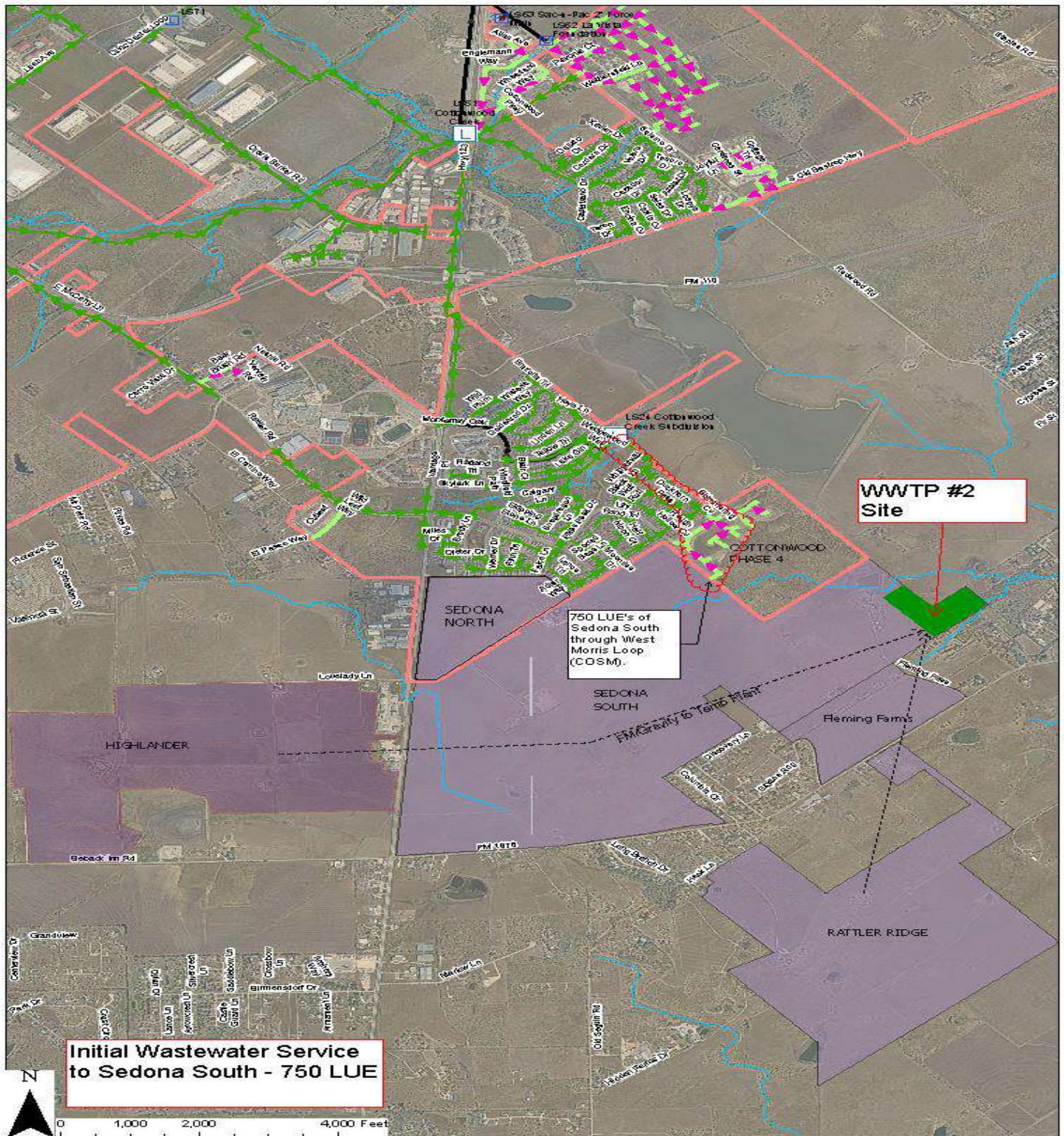
**RECITALS**

WHEREAS, the Parties desire to enter into this Agreement to provide for regionalization of Wastewater Services (as hereinafter defined), including the construction of a regional Wastewater Treatment Plant (as hereinafter defined), which, upon completion, is intended to serve Customers (as hereinafter defined) within the



## EXHIBIT "H"

### COTTONWOOD 4 CONNECTION





## LETTER AGREEMENT

MM

This Letter Agreement (the "Agreement") is made by and between Gregorio Mata and Maria ~~Jimenez~~ Mata ("Grantor"), 1825 Fir Street, San Marcos, Texas 78666, and the City of San Marcos, Texas ("City"), 630 East Hopkins Street, San Marcos, Texas 78666 to be effective as of the date executed by both parties below (the "Effective Date").

### I. Recitals

1. The City requires a 0.742-acre area for a permanent wastewater easement and a 0.237-acre temporary construction easement on property owned by Grantor in connection with the Wastewater Treatment Plant – 2<sup>nd</sup> Site (571) Project.
2. Grantor has agreed to Grant a permanent wastewater easement and temporary construction easement to the City, subject to the terms of this Agreement.

### II. Agreement

1. Together with this Agreement, Grantor has executed a Wastewater Easement and Temporary Construction Easement in favor of the City, which is attached hereto and made a part hereof for all purposes (the "Easement"). The Easement grants certain rights to the City across a portion of real property owned by Grantor, described in the Easement as the "Easement Area." In addition, the City has agreed to the following conditions:

- The City will replace and or repair any section of fence taken down to construct or maintain the Easement.
- If the City's contractor is unable to complete the work, the City will complete the project with City Employees and City Equipment.

2. As compensation to the Grantor for the Easement, the City agrees to pay Grantor the sum of **\$25,000.00** for the Easement, within 90 days after the receipt of this Agreement and the Recorded Easement. The City will deliver this Agreement, the Easement and payment under this paragraph to the Grantor.

3. The City will pay for all expenses associated with the recording of the Deed.

4. The City's obligation to accept the Easement and pay Grantor is subject to the City's review and acceptance, in its sole discretion, of the state of title of the Easement Area, including evidence of Grantor's authority to grant the Easement and subject to the completion of any environmental investigations. If the City determines that the state of title or condition of the Easement Area is

unacceptable, it may extend the time for payment of compensation to Grantor by the amount of time reasonably necessary to cure any objections the City may have or terminate this Agreement, in which event the Easement will not be accepted or recorded by the City.

5. **Subject to Approval:** The effectiveness of this agreement is subject to its approval by the San Marcos City Council, in its sole discretion.

EXECUTED to be effective as of the date of the last signature below.

**GRANTOR:**

Gregorio Mata  
Gregorio Mata

Date: 4/17/25

Maria del Socorro Mata  
Maria ~~Jimenez~~ Mata

Date: 4-17-25

**CITY:**

\_\_\_\_\_  
Stephanie Reyes, City Manager

Date: \_\_\_\_\_

**0.742 of an Acre**  
**WASTEWATER EASEMENT**

**State of Texas**  
**County of Guadalupe**

Field notes of a 0.742 of an acre Wastewater Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas (O.P.R.G.C.T.), said 0.742 of an acre being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap (MDS Surveying) found (N: 13,844,805.77 E: 2,312,764.46 GRID) in the southwest line of Redwood Road (County Road 245) at the east corner of said 16.743 acre tract and this easement, said point being the north corner of a 12.42 acre tract described in Document No. 201899005079 (O.P.R.G.C.T.).

Thence S 35° 39' 24" W. 37.98 feet along the southeast line of said 16.743 acre tract, being the northwest line of said 12.42 acre tract, to a ½" iron rod set at an angle point in this easement.

Thence leaving the southwest line of said 16.743 acre tract and across said 16.743 acre tract, as follows:

S 72° 38' 48" W. 433.62 feet to a ½" iron rod set at an angle point.

S 76° 41' 37" W. 508.23 feet to a ½" iron rod set at an angle point.

S 47° 42' 23" W. 100.13 feet to a ½" iron rod set in a southwest line of said 16.743 acre tract, being a northeast line of a remaining portion of a called 127.198 acre tract according to Volume 447, Page 633, Deed Records of Guadalupe County, Texas (D.R.G.C.T.), being the south corner of this easement.

Thence N 41° 22' 29" W. 30.00 feet along the northeast line of said remaining portion of a called 127.198 acre tract, being a southwest line of said 16.743 acre tract, to a ½" iron rod found at a west corner of said 16.743 acre tract and this easement, being a north corner of said remaining portion of a called 127.198 acre tract, and the east corner of a 1.4970 acre tract described in Volume 2633, Page 551 (O.P.R.G.C.T.).

Thence N 47° 42' 23" E. 107.40 feet along the northwest line of said 16.743 acre tract, being the southeast line of said 1.4970 acre tract and a called 2.0000 acre tract according to Document No. 201899013098 (O.P.R.G.C.T. - no field notes), to a ½" iron rod set at an angle point in this easement.

**0.742 of an acre Wastewater Easement...**

Thence leaving the northwest line of said 16.743 acre tract and across said 16.743 acre tract, as follows:

N 76° 41' 37" E. 514.92 feet to a ½" iron rod set at an angle point.

N 72° 38' 48" E. 422.53 feet to a ½" iron rod set at an angle point.

N 35° 39' 24" E. 30.04 feet to a ½" iron rod set in the southwest line of Redwood Road, being the northeast line of said 16.743 acre tract, being the east corner of this easement.

Thence S 50° 20' 41" E. 30.07 feet along the southwest line of Redwood Road, being the northeast line of said 16.743 acre tract, to the Place of Beginning and covering 0.742 of an acre (32,331 square feet) of land according to a survey made on the ground.

All ½" iron rods set with plastic cap "BASELINE CORP"

Job No. 0000044163 – City of San Marcos

RE: Plat-Bearing Source: Texas Coordinate System NAD 83 (2011) – South Central Zone (4204)

Distances are GRID – to convert to surface multiply by 1.00013



Surveyed March 7, 2025

A handwritten signature in black ink, appearing to read "H. Kuehlem", written over a horizontal line.

**HENRY A. KUEHLEM**  
**REGISTERED PROFESSIONAL LAND SURVEYOR**  
**NO. 4020**

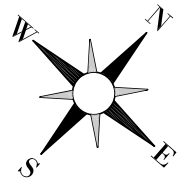
J:\COSanMarcos\0000044163.200\_COSM Lift Station 24 Design Survey\8.00\_Survey\8.02\_CADD\8.02.2\_dwg\CoSm Sedona WWP-44163.2000\_Mata-Esmt\_Sheet 1.dwg

NOTES

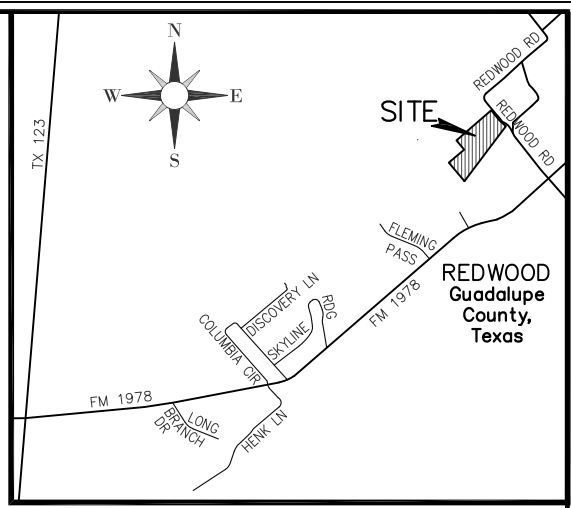
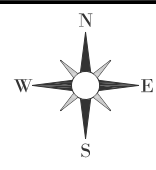
- 1. BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 (NA2011) EPOCH 2010.00, TEXAS SOUTH CENTRAL ZONE 4204. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. TO CONVERT STATE PLANE GRID TO SURFACE, APPLY USING A SURFACE ADJUSTMENT FACTOR OF 1.00013 (RECIPROCAL OF 0.999870016898).
- 2. THIS MAP WAS PREPARED FROM FIELD DATA OBTAINED FROM JULY 10 TO JULY 16, 2024 AND JULY 23 TO JULY 26 & 29, AUGUST 9 & 13 AND SEPTEMBER 18, 2024.
- 3. SOME FEATURES SHOWN ON THIS SURVEY MAY BE OUT OF SCALE FOR CLARITY.
- 4. THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2500522-SMA, EFFECTIVE DATE: JANUARY 2, 2025, 8:00 am, ISSUED DATE: JANUARY 13, 2025, 8:00 am.
- 5. A LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY EXHIBIT PREPARED IN OUR OFFICE ON MARCH 7, 2025. PROJECT NUMBER 0000044163.2000.
- 6. THIS EXHIBIT IS PREPARED FOR THE ACQUISITION OF THE SUBJECT EASEMENT AND IS NOT INTENDED FOR ANY OTHER PURPOSE OR TRANSACTION.
- 7. SITE ADDRESS: 4800 REDWOOD RD., SAN MARCOS, TEXAS 78666, GUADALUPE COUNTY, TEXAS.
- 8. RECORD TITLE OF THE FLEMING ADJOINING PROPERTY APPEARS TO BE VESTED IN: LAURA LYNN OTTMERS PELITERA, MICHAEL THOMAS FLEMING, DARYL PEYTON FLEMING, MAXINE CASSIDY, DAVID LEYTON FLEMING, GREGORY SCOTT FLEMING, CAROLYN DEE OTTMERS, NANCY KAY OTTMERS, DAVIS, AND DELBERT MAX OTTMERS, III, ACCORDING TO GUADALUPE COUNTY PROBATE CAUSE NO. 2021-PC0042 AND CAUSE NO. 2018-PC-0231 AS RECORDED IN THE GUADALUPE COUNTY DISTRICT CLERK OFFICE, GUADALUPE COUNTY, TEXAS.

O.P.R.G.C.T. OFFICIAL PUBLIC RECORDS GUADALUPE COUNTY, TEXAS  
D.R.G.C.T. DEED RECORDS GUADALUPE COUNTY, TEXAS  
G.C.A.D. GUADALUPE COUNTY APPRAISAL DISTRICT

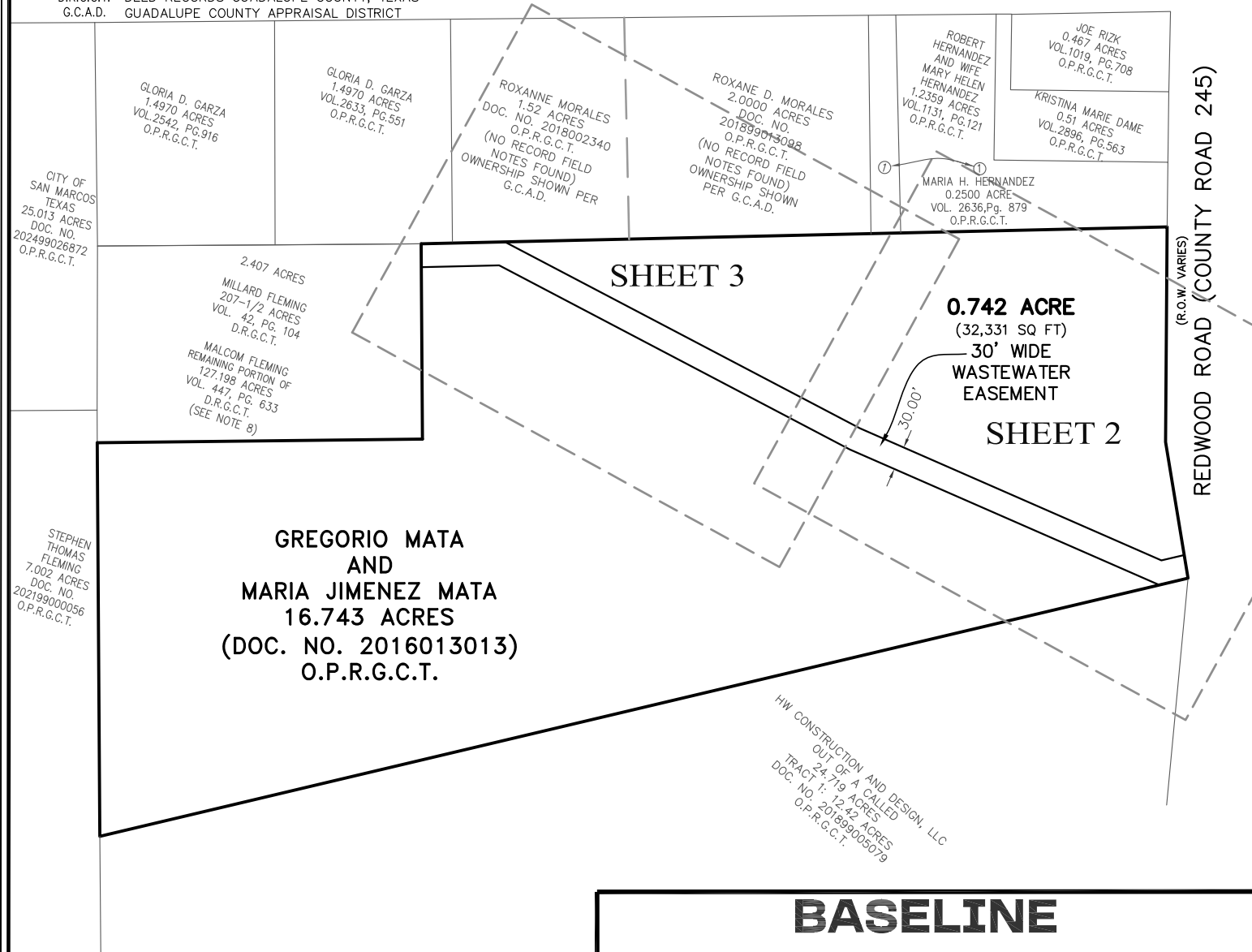
Exhibit "A"  
Parcel: 00048.0008



SCALE: 1"=200'  
SCALE IN FEET  
0 200'



LOCATION MAP  
Not to Scale



Overall Layout

0.742 of an acre Wastewater Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas.

BASELINE



Baseline Corporation | TxSurv F-10030200  
190 S Seguin Ave, New Braunfels, TX 78130  
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.	DATE: JANUARY 2025	SHEET 3 OF 6
CHECKED BY: H.A.K.	JOB NO.: 0000044163.2000	

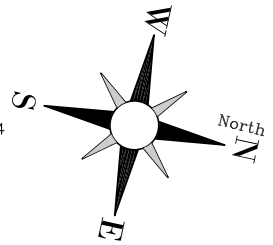
## Exhibit "A"

Parcel: 00048.0008

ANDREW MITCHELL LEAGUE  
SURVEY NO. 62, ABSTRACT NO. 220  
GUADALUPE, TEXAS

## NOTES

1. BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 (NA2011) EPOCH 2010.00, TEXAS SOUTH CENTRAL ZONE 4204. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. TO CONVERT STATE PLANE GRID TO SURFACE, APPLY USING A SURFACE ADJUSTMENT FACTOR OF 1.00013 (RECIPROCAL OF 0.999870016898).
2. THIS MAP WAS PREPARED FROM FIELD DATA OBTAINED FROM JULY 10 TO JULY 16, 2024 AND JULY 23 TO JULY 26 & 29, AUGUST 9 & 13 AND SEPTEMBER 18, 2024.
3. SOME FEATURES SHOWN ON THIS SURVEY MAY BE OUT OF SCALE FOR CLARITY.
4. THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2500522-SMA, EFFECTIVE DATE: JANUARY 2, 2025, 8:00 am, ISSUED DATE: JANUARY 13, 2025, 8:00 am.
5. A LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY EXHIBIT PREPARED IN OUR OFFICE ON MARCH 7, 2025. PROJECT NUMBER 0000044163.2000.
6. THIS EXHIBIT IS PREPARED FOR THE ACQUISITION OF THE SUBJECT EASEMENT AND IS NOT INTENDED FOR ANY OTHER PURPOSE OR TRANSACTION.
7. SITE ADDRESS: 4800 REDWOOD RD., SAN MARCOS, TEXAS 78666, GUADALUPE COUNTY, TEXAS.
8. RECORD TITLE OF THE FLEMING ADJOINING PROPERTY APPEARS TO BE VESTED IN: LAURA LYNN OTTMERS PELITERA, MICHAEL THOMAS FLEMING, DARYL PEYTON FLEMING, MAXINE CASSIDY, DAVID LEYTON FLEMING, GREGORY SCOTT FLEMING, CAROLYN DEE OTTMERS, NANCY KAY OTTMERS, DAVIS, AND DELBERT MAX OTTMERS, III, ACCORDING TO GUADALUPE COUNTY PROBATE CAUSE NO. 2021-PC0042 AND CAUSE NO. 2018-PC-0231 AS RECORDED IN THE GUADALUPE COUNTY DISTRICT CLERK OFFICE, GUADALUPE COUNTY, TEXAS.



SCALE: 1"=60'  
SCALE IN FEET



LINE TABLE		
LINE	BEARING	LENGTH
L1	S35°39'24"W	37.98
L2	S72°38'48"W	433.62
L3	S76°41'37"W	508.23
L4	S47°42'23"W	100.13
L5	N41°22'29"W	30.00
L6	N47°42'23"E	107.40
L7	N76°41'37"E	514.92
L8	N72°38'48"E	422.53
L9	N35°39'24"E	30.04
L10	S50°20'41"E	30.07

## Legend:

- 1/2 INCH IRON ROD FOUND
- ⊙ 1/2 INCH IRON ROD "MDS SURVEYING"
- 1/2 INCH IRON ROD SET WITH PLASTIC CAP "BASELINE CORP."
- ⊕ POWER POLE
- ⬇ ANCHOR GUY WIRE
- ⊙ TREE WITH TAG
- ▭ WATER
- X — WIRE FENCE
- OHE — OVERHEAD UTILITY LINE
- FLOODPLAIN LINE
- O.P.R.G.C.T. OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY TEXAS
- D.R.G.C.T. DEED RECORDS GUADALUPE COUNTY TEXAS

GREGORIO MATA  
AND  
MARIA JIMENEZ MATA  
16.743 ACRES  
(DOC. NO. 2016013013)  
O.P.R.G.C.T.

0.742 ACRE  
(32,331 SQ FT)  
30' WIDE  
WASTEWATER  
EASEMENT

S40°36'16"E 276.03'  
(S38°39'06"E 276.03' DEED)  
(R.O.W. VARIES)  
REDWOOD ROAD (COUNTY ROAD 245)

## Exhibit

0.742 of an acre Wastewater Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas.

**BASELINE**

**DCCM**

Baseline Corporation | TxSurv F-10030200  
190 S Seguin Ave, New Braunfels, TX 78130  
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

DATE: JANUARY 2025

CHECKED BY: H.A.K.

JOB NO.: 0000044163.2000

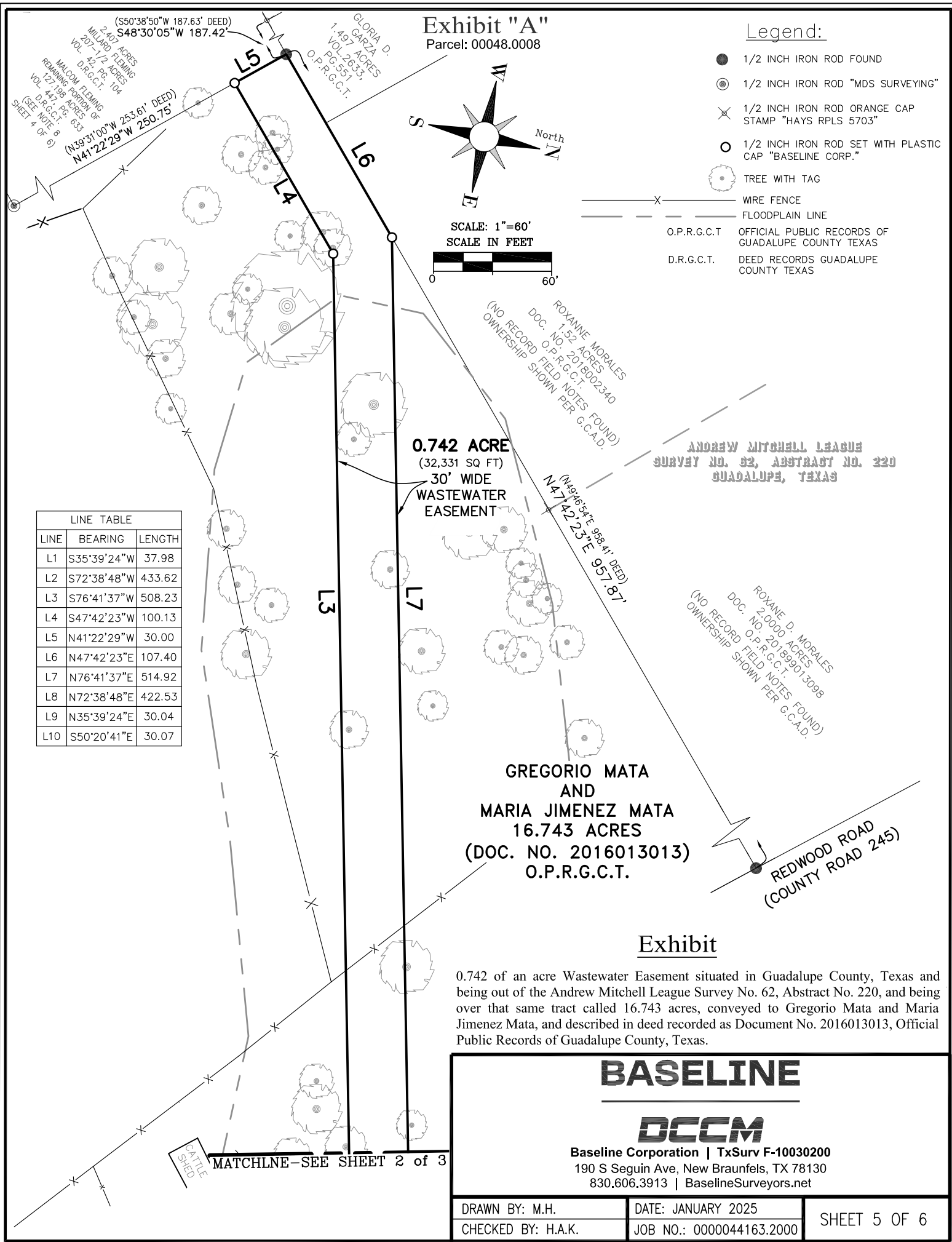
SHEET 4 OF 6

POINT OF  
BEGINNING

GRID N=13,844,805.77  
GRID E=2,312,764.46



J:\COSanMarcos\0000044163.200\_COSM Lift Station 24 Design Survey\8.00\_Survey\8.02\_CADD\8.02.2\_dwg\CoSm Sedona WWTP\_44163.2000\_Mato-Esmt\_Sheet 2-3.dwg



# Exhibit "A"

Parcel: 00048.0008

## NOTES:

THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2500522-SMA, EFFECTIVE DATE: JANUARY 2, 2025, 8:00 am, ISSUED DATE: JANUARY 13, 2025, 8:00 am.

- 10a. Rights of Parties in Possession. (Owner Policy)
- 10b. Any visible and apparent easement, either public or private, located on or across the land, the existence of which is not disclosed by the Public Records as herein defined.
- 10c. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
- 10d. Rights of tenants, as tenants only, under any and all unrecorded leases or rental agreements. (NOTE: This item can be deleted upon receipt of an Affidavit executed by the seller evidencing there are not any outstanding leases or rental agreements. If the Affidavit reveals unrecorded outstanding leases or rental agreements the exception may be modified to make specific exception to those matters.)
- 10e. Easement:  
Recorded: Volume 174, Page 550, Deed Records, Guadalupe County, Texas.  
To: Texas Power & Light Company  
Purpose: electric transmission and/or distribution line **DOES AFFECT, BLANKET IN NATURE**
- 10f. Easement:  
Recorded: Document No. 2014018805, Official Public Records, Guadalupe County, Texas.  
To: Bluebonnet Electric Cooperative, Inc.  
Purpose: underground electric facilities **DOES AFFECT, BLANKET IN NATURE, UNDERGROUND NOT LOCATED**
- 10g. Easement:  
Recorded: Document No. 202099025151, Official Public Records, Guadalupe County, Texas.  
To: Crystal Clear Special Utility District  
Purpose: water distribution and/or sewer collection lines **DOES AFFECT, BLANKET IN NATURE**
- 10h. All leases, grants, exceptions or reservation of coal, lignite, oil, gas and other mineral, together with all rights, privileges, and immunities relating thereto appearing in the public records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- 10i. All leases, grants, exceptions, or reservations of the geothermal energy and associated resources below the surface of the land, together with all rights, privileges, and immunities relating thereto, appearing in the public records, whether they are listed in Schedule B or not, as provided by Sect. 2703.056(a) of the Texas Insurance Code.

## Surveyor's Certificate:

WE, BASELINE CORPORATION, HAVE MADE AN ON THE GROUND FIELD SURVEY, UNDER MY DIRECTION AND SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON; OBSERVABLE, ABOVE GROUND EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE PREMISES HAVE BEEN SHOWN. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE FOR A CATEGORY 1A, CONDITION 3 LAND TITLE SURVEY.



HENRY A. KUEHLEM  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS  
LICENSE NO. 4020



## Exhibit

0.742 of an acre Wastewater Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas.

# BASELINE

## DCCM

Baseline Corporation | TxSurv F-10030200  
190 S Seguin Ave, New Braunfels, TX 78130  
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

DATE: JANUARY 2025

CHECKED BY: H.A.K.

JOB NO.: 0000044163.2000

SHEET 6 OF 6



**0.237 of an Acre**  
**TEMPORARY CONSTRUCTION EASEMENT**

**State of Texas**  
**County of Guadalupe**

Field notes of a 0.237 of an acre Temporary Construction Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas (O.P.R.G.C.T.), said 0.237 of an acre being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod set in the southeast line of said 16.743 acre tract, being the northwest line of a 12.42 acre tract described in Document No. 201899005079 (O.P.R.G.C.T.), being the east corner of this easement, said point of beginning being S 35° 39' 24" W. 37.98 feet along the southeast line of said 16.743 acre tract from a ½" iron rod with cap (MDS Surveying) found (N: 13,844,805.77 E: 2,312,764.46 GRID) in the southwest line of Redwood Road (County Road 245) at the east corner of said 16.743 acre tract.

Thence S 35° 39' 24" W. 16.62 feet along the southeast line of said 16.743 acre tract, being the northwest line of said 12.42 acre tract, to a 60D nail set at an angle point in this easement.

Thence leaving the southeast line of said 16.743 acre tract and across said 16.743 acre tract, as follows:

S 72° 38' 48" W. 420.70 feet to a 60D nail set at an angle point.

S 76° 41' 37" W. 506.00 feet to a 60D set at an angle point.

S 47° 42' 23" W. 97.70 feet to a 60D nail set in a southwest line of said 16.743 acre tract, being a northeast line of a remaining portion of a called 127.198 acre tract according to Volume 447, Page 633, Deed Records of Guadalupe County, Texas (D.R.G.C.T.), being the south corner of this easement.

Thence N 41° 22' 29" W. 10.00 feet along the northeast line of said remaining portion of a called 127.198 acre tract, being a southwest line of said 16.743 acre tract, to a ½" iron rod set at a west corner of this easement.

**0.237 of an acre Temporary Construction Easement...**

Thence leaving the southwest line of said 16.743 acre tract and across said 16.743 acre tract, as follows:

N 47° 42' 23" E. 100.13 feet to a ½" iron rod set at an angle point.

N 76° 41' 37" E. 508.23 feet to a ½" iron rod set at an angle point.

N 72° 38' 48" E. 433.62 feet to the Place of Beginning and covering 0.237 of an acre (10,330 square feet) of land according to a survey made on the ground.

All ½" iron rods set with plastic cap "BASELINE CORP"

Job No. 0000044163 – City of San Marcos

RE: Plat-Bearing Source: Texas Coordinate System NAD 83 (2011) – South Central Zone (4204)

Distances are GRID – to convert to surface multiply by 1.00013



Surveyed March 7, 2025

A handwritten signature in black ink, appearing to read "HAK", is written over a horizontal line.

**HENRY A. KUEHLEM**  
**REGISTERED PROFESSIONAL LAND SURVEYOR**  
**NO. 4020**

J:\COSanMarcos\0000044163.200\_COSM Lift Station 24 Design Survey\8.00\_Survey\8.02\_CADD\8.02.2\_dw\CoSm Sedona WWP\_44163.2000\_Mata-Esmt\_Sheet 1.dwg

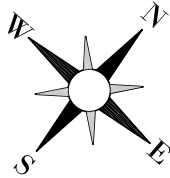
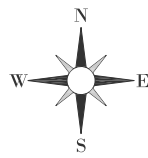
# Exhibit "A"

Parcel: 00048.0008

## NOTES

1. BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 (NA2011) EPOCH 2010.00, TEXAS SOUTH CENTRAL ZONE 4204. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. TO CONVERT STATE PLANE GRID TO SURFACE, APPLY USING A SURFACE ADJUSTMENT FACTOR OF 1.00013 (RECIPROCAL OF 0.999870016898).
2. THIS MAP WAS PREPARED FROM FIELD DATA OBTAINED FROM JULY 10 TO JULY 16, 2024 AND JULY 23 TO JULY 26 & 29, AUGUST 9 & 13 AND SEPTEMBER 18, 2024.
3. SOME FEATURES SHOWN ON THIS SURVEY MAY BE OUT OF SCALE FOR CLARITY.
4. THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2500522-SMA, EFFECTIVE DATE: JANUARY 2, 2025, 8:00 am, ISSUED DATE: JANUARY 13, 2025, 8:00 am.
5. A LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY EXHIBIT PREPARED IN OUR OFFICE ON MARCH 7, 2025. PROJECT NUMBER 0000044163.2000.
6. THIS EXHIBIT IS PREPARED FOR THE ACQUISITION OF THE SUBJECT EASEMENT AND IS NOT INTENDED FOR ANY OTHER PURPOSE OR TRANSACTION.
7. SITE ADDRESS: 4800 REDWOOD RD., SAN MARCOS, TEXAS 78666, GUADALUPE COUNTY, TEXAS.
8. RECORD TITLE OF THE FLEMING ADJOINING PROPERTY APPEARS TO BE VESTED IN: LAURA LYNN OTTMERS PELITERA, MICHAEL THOMAS FLEMING, DARYL PEYTON FLEMING, MAXINE CASSIDY, DAVID LEYTON FLEMING, GREGORY SCOTT FLEMING, CAROLYN DEE OTTMERS, NANCY KAY OTTMERS, DAVIS, AND DELBERT MAX OTTMERS, III, ACCORDING TO GUADALUPE COUNTY PROBATE CAUSE NO. 2021-PC0042 AND CAUSE NO. 2018-PC-0231 AS RECORDED IN THE GUADALUPE COUNTY DISTRICT CLERK OFFICE, GUADALUPE COUNTY, TEXAS.

O.P.R.G.C.T. OFFICIAL PUBLIC RECORDS GUADALUPE COUNTY, TEXAS  
D.R.G.C.T. DEED RECORDS GUADALUPE COUNTY, TEXAS  
G.C.A.D. GUADALUPE COUNTY APPRAISAL DISTRICT



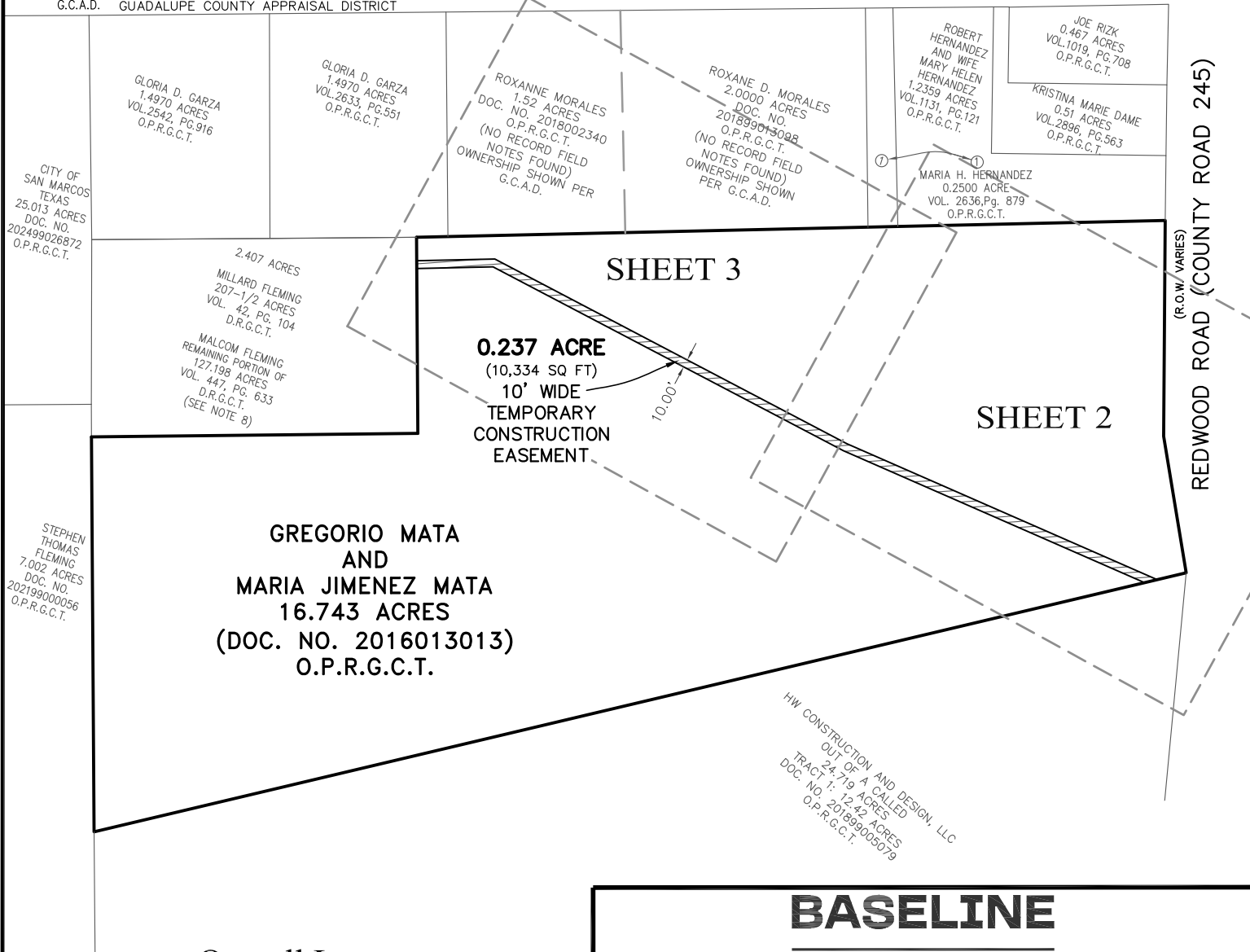
SCALE: 1"=200'  
SCALE IN FEET



SITE

REDWOOD  
Guadalupe  
County,  
Texas

LOCATION MAP  
Not to Scale



## Overall Layout

0.237 of an acre Temporary Construction Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas.

## BASELINE

**DCCM**

Baseline Corporation | TxSurv F-10030200  
190 S Seguin Ave, New Braunfels, TX 78130  
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

DATE: JANUARY 2025

CHECKED BY: H.A.K.

JOB NO.: 0000044163.2000

SHEET 3 OF 6

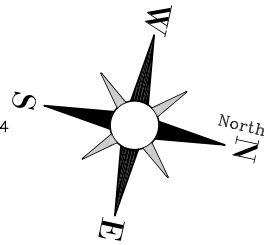
## Exhibit "A"

Parcel: 00048.0008

ANDREW MITCHELL LEAGUE  
SURVEY NO. 62, ABSTRACT NO. 220  
GUADALUPE, TEXAS

## NOTES

1. BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 (NA2011) EPOCH 2010.00, TEXAS SOUTH CENTRAL ZONE 4204. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. TO CONVERT STATE PLANE GRID TO SURFACE, APPLY USING A SURFACE ADJUSTMENT FACTOR OF 1.00013 (RECIPROCAL OF 0.999870016898).
2. THIS MAP WAS PREPARED FROM FIELD DATA OBTAINED FROM JULY 10 TO JULY 16, 2024 AND JULY 23 TO JULY 26 & 29, AUGUST 9 & 13 AND SEPTEMBER 18, 2024.
3. SOME FEATURES SHOWN ON THIS SURVEY MAY BE OUT OF SCALE FOR CLARITY.
4. THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2500522-SMA, EFFECTIVE DATE: JANUARY 2, 2025, 8:00 am, ISSUED DATE: JANUARY 13, 2025, 8:00 am.
5. A LEGAL DESCRIPTION WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY EXHIBIT PREPARED IN OUR OFFICE ON MARCH 7, 2025. PROJECT NUMBER 0000044163.2000.
6. THIS EXHIBIT IS PREPARED FOR THE ACQUISITION OF THE SUBJECT EASEMENT AND IS NOT INTENDED FOR ANY OTHER PURPOSE OR TRANSACTION.
7. SITE ADDRESS: 4800 REDWOOD RD., SAN MARCOS, TEXAS 78666, GUADALUPE COUNTY, TEXAS.
8. RECORD TITLE OF THE FLEMING ADJOINING PROPERTY APPEARS TO BE VESTED IN: LAURA LYNN OTTMERS PELITERA, MICHAEL THOMAS FLEMING, DARYL PEYTON FLEMING, MAXINE CASSIDY, DAVID LEYTON FLEMING, GREGORY SCOTT FLEMING, CAROLYN DEE OTTMERS, NANCY KAY OTTMERS, DAVIS, AND DELBERT MAX OTTMERS, III, ACCORDING TO GUADALUPE COUNTY PROBATE CAUSE NO. 2021-PC0042 AND CAUSE NO. 2018-PC-0231 AS RECORDED IN THE GUADALUPE COUNTY DISTRICT CLERK OFFICE, GUADALUPE COUNTY, TEXAS.



SCALE: 1"=60'  
SCALE IN FEET



## Legend:

- 1/2 INCH IRON ROD FOUND
- ⊙ 1/2 INCH IRON ROD "MDS SURVEYING"
- 1/2 INCH IRON ROD SET WITH PLASTIC CAP "BASELINE CORP."
- △ SET 60D NAIL
- ⤿ POWER POLE
- ⤿ ANCHOR GUY WIRE
- ⊙ TREE WITH TAG
- ▬ WATER
- X— WIRE FENCE
- OHE— OVERHEAD UTILITY LINE
- FLOODPLAIN LINE
- O.P.R.G.C.T. OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY TEXAS
- D.R.G.C.T. DEED RECORDS GUADALUPE COUNTY TEXAS

LINE TABLE		
LINE	BEARING	LENGTH
L1	S35°39'24"W	16.62
L2	S72°38'48"W	420.70
L3	S76°41'37"W	506.00
L4	S47°42'23"W	97.70
L5	N41°22'29"W	10.00
L6	N47°42'23"E	100.13
L7	N76°41'37"E	508.23
L8	N72°38'48"E	433.62

GREGORIO MATA  
AND  
MARIA JIMENEZ MATA  
16.743 ACRES  
(DOC. NO. 2016013013)  
O.P.R.G.C.T.

## Exhibit

0.237 of an acre Temporary Construction Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas.

**BASELINE**

**DCCM**

Baseline Corporation | TxSurv F-10030200  
190 S Seguin Ave, New Braunfels, TX 78130  
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

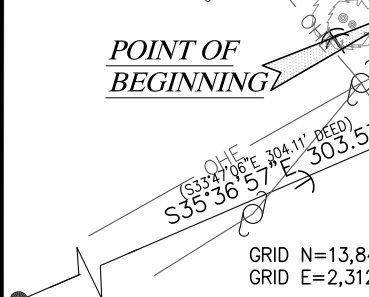
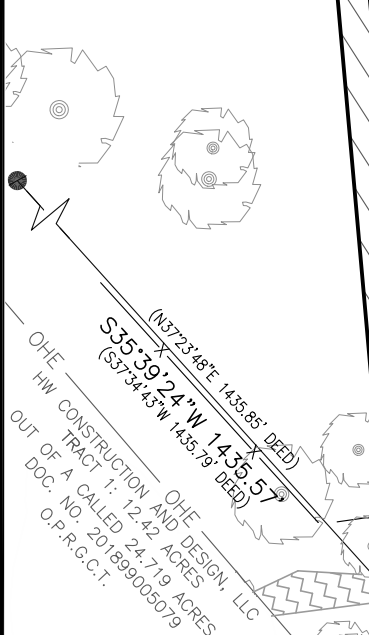
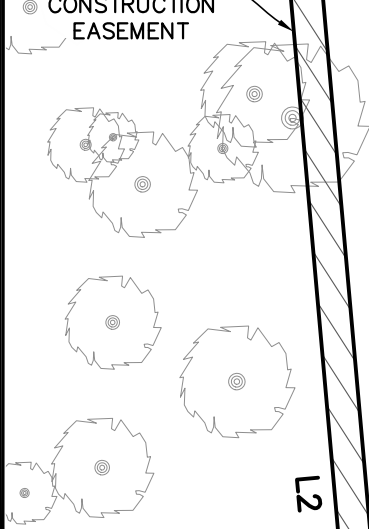
DATE: JANUARY 2025

CHECKED BY: H.A.K.

JOB NO.: 0000044163.2000

SHEET 4 OF 6

0.237 ACRE  
(10,334 SQ FT)  
10' WIDE  
TEMPORARY  
CONSTRUCTION  
EASEMENT



L2

L8

L7

L3

L1

L4

L5

L6

L7

L8

L9

L10

L11

L12

L13

L14

L15

L16

L17

L18

L19

L20

L21

L22

L23

L24

L25

L26

L27

L28

L29

L30

L31

L32

L33

L34

L35

L36

L37

L38

L39

L40

L41

L42

L43

L44

L45

L46

L47

L48

L49

L50

L51

L52

L53

L54

L55

L56

L57

L58

L59

L60

L61

L62

L63

L64

L65

L66

L67

L68

L69

L70

L71

L72

L73

L74

L75

L76

L77

L78

L79

L80

L81

L82

L83

L84

L85

L86

L87

L88

L89

L90

L91

L92

L93

L94

L95

L96

L97

L98

L99

L100

L101

L102

L103

L104

L105

L106

L107

L108

L109

L110

L111

L112

L113

L114

L115

L116

L117

L118

L119

L120

L121

L122

L123

L124

L125

L126

L127

L128

L129

L130

L131

L132

L133

L134

L135

L136

L137

L138

L139

L140

L141

L142

L143

L144

L145

L146

L147

L148

L149

L150

L151

L152

L153

L154

L155

L156

L157

L158

L159

L160

L161

L162

L163

L164

L165

L166

L167

L168

L169

L170

L171

L172

L173

L174

L175

L176

L177

L178

L179

L180

L181

L182

L183

L184

L185

L186

L187

L188

L189

L190

L191

L192

L193

L194

L195

L196

L197

L198

L199

L200

L201

L202

L203

L204

L205

L206

L207

L208

L209

L210

L211

L212

L213

L214

L215

L216

L217

L218

L219

L220

L221

L222

L223

L224

L225

L226

L227

L228

L229

L230

L231

L232

L233

L234

L235

L236

L237

L238

L239

L240

L241

L242

L243

L244

L245

L246

L247

L248

L249

L250

L251

L252

L253

L254

L255

L256

L257

L258

L259

L260

L261

L262

L263

L264

L265

L266

L267

L268

L269

L270

L271

L272

L273

L274

L275

L276

L277

L278

L279

L280

L281

L282

L283

L284

L285

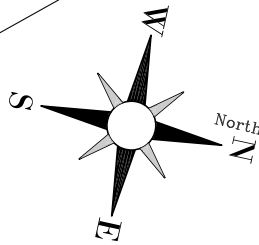
L286

L287

L288

## Exhibit "A"

Parcel: 00048.0008



SCALE: 1"=60'  
SCALE IN FEET

SCALE IN FEET



Legend:

- 1/2 INCH IRON ROD FOUND
  - ⊙ 1/2 INCH IRON ROD "MDS SURVEYING"
  - ⊗ 1/2 INCH IRON ROD ORANGE CAP  
STAMP "HAYS RPLS 5703"
  - 1/2 INCH IRON ROD SET WITH PLASTIC  
CAP "BASELINE CORP."
  - △  
60 SET 60D NAIL
  - TREE WITH TAG
  - WIRE FENCE
  - FLOODPLAIN LINE
- C.T. OFFICIAL PUBLIC RECORDS OF  
GUADALUPE COUNTY TEXAS
- T. DEED RECORDS GUADALUPE  
COUNTY TEXAS

LINE TABLE		
LINE	BEARING	LENGTH
L1	S35°39'24"W	16.62
L2	S72°38'48"W	420.70
L3	S76°41'37"W	506.00
L4	S47°42'23"W	97.70
L5	N41°22'29"W	10.00
L6	N47°42'23"E	100.13
L7	N76°41'37"E	508.23
L8	N72°38'48"E	433.62

**0.237 ACRE**  
(10,334 SQ FT)  
**10' WIDE —**  
**TEMPORARY**  
**CONSTRUCTION**  
**EASEMENT**

GREGORIO MATA  
AND  
MARIA JIMENEZ MATA  
16.743 ACRES  
(DOC. NO. 2016013013)  
O.P.R.G.C.T.

# Exhibit

0.237 of an acre Temporary Construction Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas.

# BASELINE

**DECM**

**Baseline Corporation | TxSurv F-10030200**  
190 S Seguin Ave, New Braunfels, TX 78130  
830.606.3913 | [BaselineSurveyors.net](http://BaselineSurveyors.net)

DRAWN BY: M.H.

DATE: JANUARY 2025

CHECKED BY: H.A.K.

JOB NO.: 0000044163.2000

SHEET 5 OF 6

MATCHLINE-SEE SHEET 2 of 3

# Exhibit "A"

Parcel: 00048.0008

## NOTES:

THIS MAP WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE COMMITMENT BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 2500522-SMA, EFFECTIVE DATE: JANUARY 2, 2025, 8:00 am, ISSUED DATE: JANUARY 13, 2025, 8:00 am.

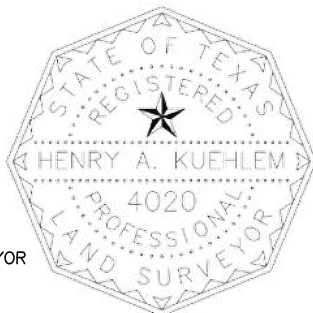
- 10a. Rights of Parties in Possession. (Owner Policy)
- 10b. Any visible and apparent easement, either public or private, located on or across the land, the existence of which is not disclosed by the Public Records as herein defined.
- 10c. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
- 10d. Rights of tenants, as tenants only, under any and all unrecorded leases or rental agreements. (NOTE: This item can be deleted upon receipt of an Affidavit executed by the seller evidencing there are not any outstanding leases or rental agreements. If the Affidavit reveals unrecorded outstanding leases or rental agreements the exception may be modified to make specific exception to those matters.)
- 10e. Easement:  
Recorded: Volume 174, Page 550, Deed Records, Guadalupe County, Texas.  
To: Texas Power & Light Company  
Purpose: electric transmission and/or distribution line **DOES AFFECT, BLANKET IN NATURE**
- 10f. Easement:  
Recorded: Document No. 2014018805, Official Public Records, Guadalupe County, Texas.  
To: Bluebonnet Electric Cooperative, Inc.  
Purpose: underground electric facilities **DOES AFFECT, BLANKET IN NATURE, UNDERGROUND NOT LOCATED**
- 10g. Easement:  
Recorded: Document No. 202099025151, Official Public Records, Guadalupe County, Texas.  
To: Crystal Clear Special Utility District  
Purpose: water distribution and/or sewer collection lines **DOES AFFECT, BLANKET IN NATURE**
- 10h. All leases, grants, exceptions or reservation of coal, lignite, oil, gas and other mineral, together with all rights, privileges, and immunities relating thereto appearing in the public records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
- 10i. All leases, grants, exceptions, or reservations of the geothermal energy and associated resources below the surface of the land, together with all rights, privileges, and immunities relating thereto, appearing in the public records, whether they are listed in Schedule B or not, as provided by Sect. 2703.056(a) of the Texas Insurance Code.

## Surveyor's Certificate:

WE, BASELINE CORPORATION, HAVE MADE AN ON THE GROUND FIELD SURVEY, UNDER MY DIRECTION AND SUPERVISION, OF THE PROPERTY LEGALLY DESCRIBED HEREON; OBSERVABLE, ABOVE GROUND EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE PREMISES HAVE BEEN SHOWN. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE FOR A CATEGORY 1A, CONDITION 3 LAND TITLE SURVEY.



HENRY A. KUEHLEM  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS  
LICENSE NO. 4020



## Exhibit

0.237 of an acre Temporary Construction Easement situated in Guadalupe County, Texas and being out of the Andrew Mitchell League Survey No. 62, Abstract No. 220, and being over that same tract called 16.743 acres, conveyed to Gregorio Mata and Maria Jimenez Mata, and described in deed recorded as Document No. 2016013013, Official Public Records of Guadalupe County, Texas.

# BASELINE

## DCCM

Baseline Corporation | TxSurv F-10030200  
190 S Seguin Ave, New Braunfels, TX 78130  
830.606.3913 | BaselineSurveyors.net

DRAWN BY: M.H.

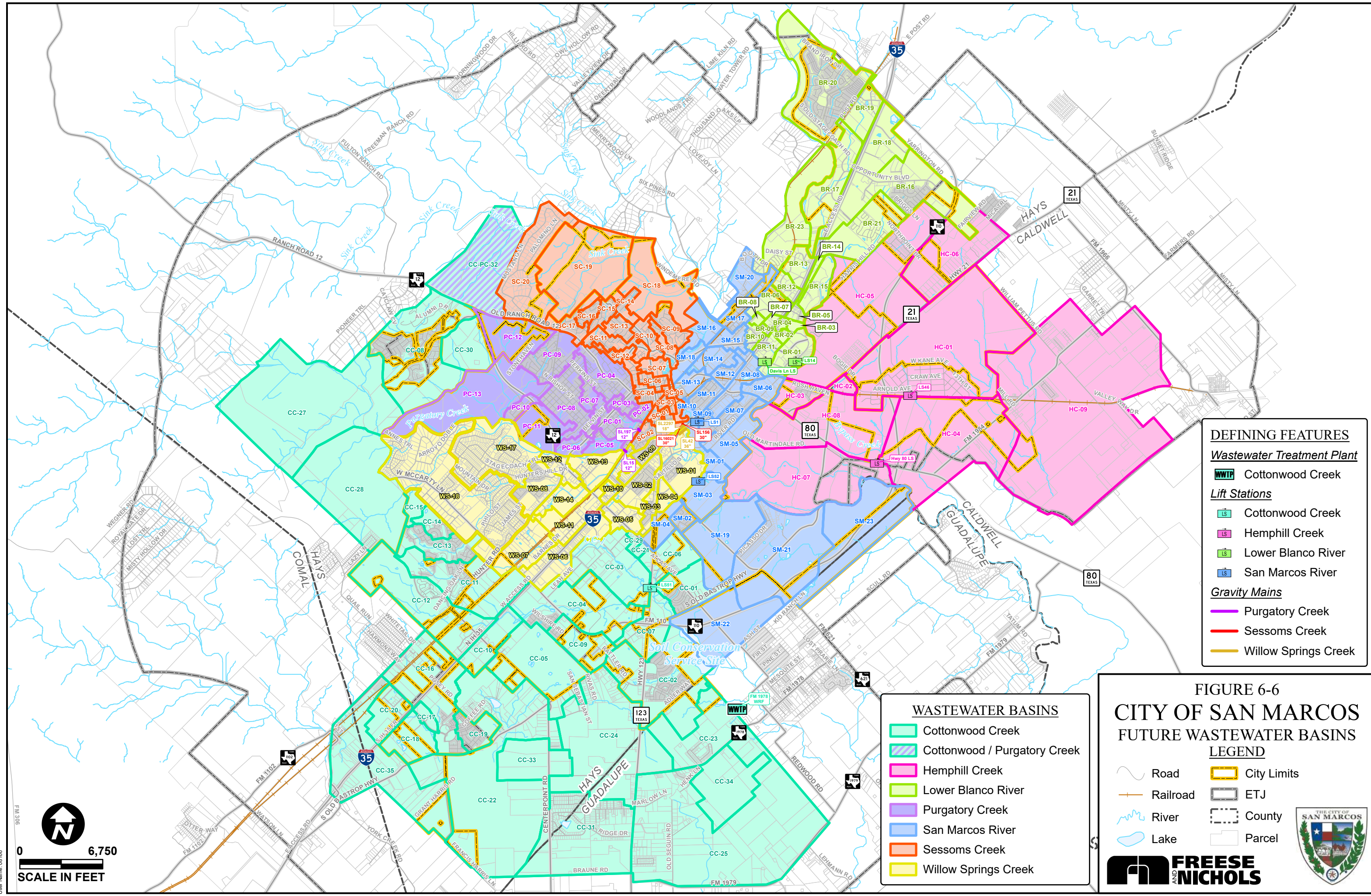
DATE: JANUARY 2025

CHECKED BY: H.A.K.

JOB NO.: 0000044163.2000

SHEET 6 OF 6





**DEFINING FEATURES**

Wastewater Treatment Plant

**WWTP** Cottonwood Creek

Lift Stations

**LS** Cottonwood Creek  
**LS** Hemphill Creek  
**LS** Lower Blanco River  
**LS** San Marcos River

Gravity Mains

**—** Purgatory Creek  
**—** Sessoms Creek  
**—** Willow Springs Creek

**WASTEWATER BASINS**

**CC** Cottonwood Creek  
**CC/SC** Cottonwood / Purgatory Creek  
**HC** Hemphill Creek  
**BR** Lower Blanco River  
**WS** Purgatory Creek  
**SM** San Marcos River  
**SC** Sessoms Creek  
**WS** Willow Springs Creek

**FIGURE 6-6**  
**CITY OF SAN MARCOS**  
**FUTURE WASTEWATER BASINS**

**LEGEND**

**—** Road  
**—** Railroad  
**—** River  
**—** Lake  
**—** City Limits  
**—** ETJ  
**—** County  
**—** Parcel

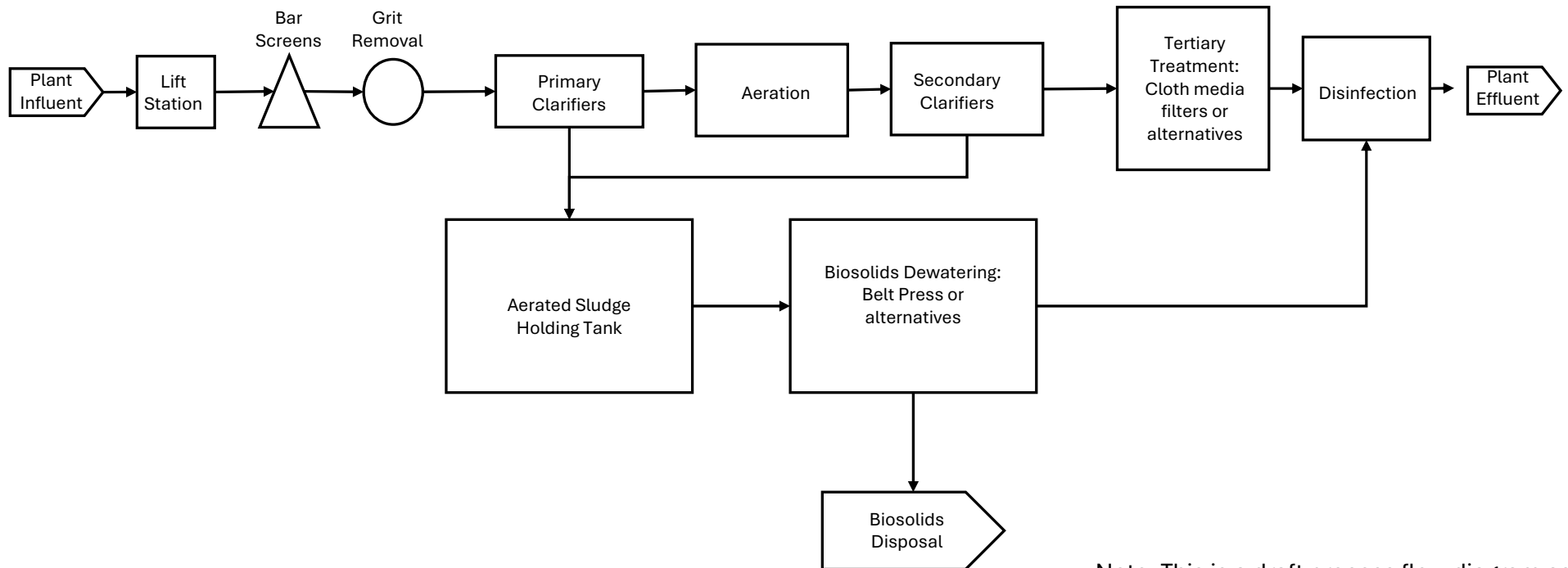
**FREESE AND NICHOLS**

**THE CITY OF SAN MARCOS**

**SCALE IN FEET**

0 6,750

# Process Flow Diagram



Note: This is a draft process flow diagram as this is a Progressive Design Build (PDB) project and the design of the plant will be finalized after the award of the contract. The same process will be used for all 3 phases.





Date: April 2025

## FM 1978 Water Reclamation Facility Site Drawing



7500 Rialto Blvd, Bldg.  
1, Suite 240  
Austin, Texas 78735  
Phone: (512) 381-8333  
[www.ardurra.com](http://www.ardurra.com)

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



### **Nearby WWTPs**

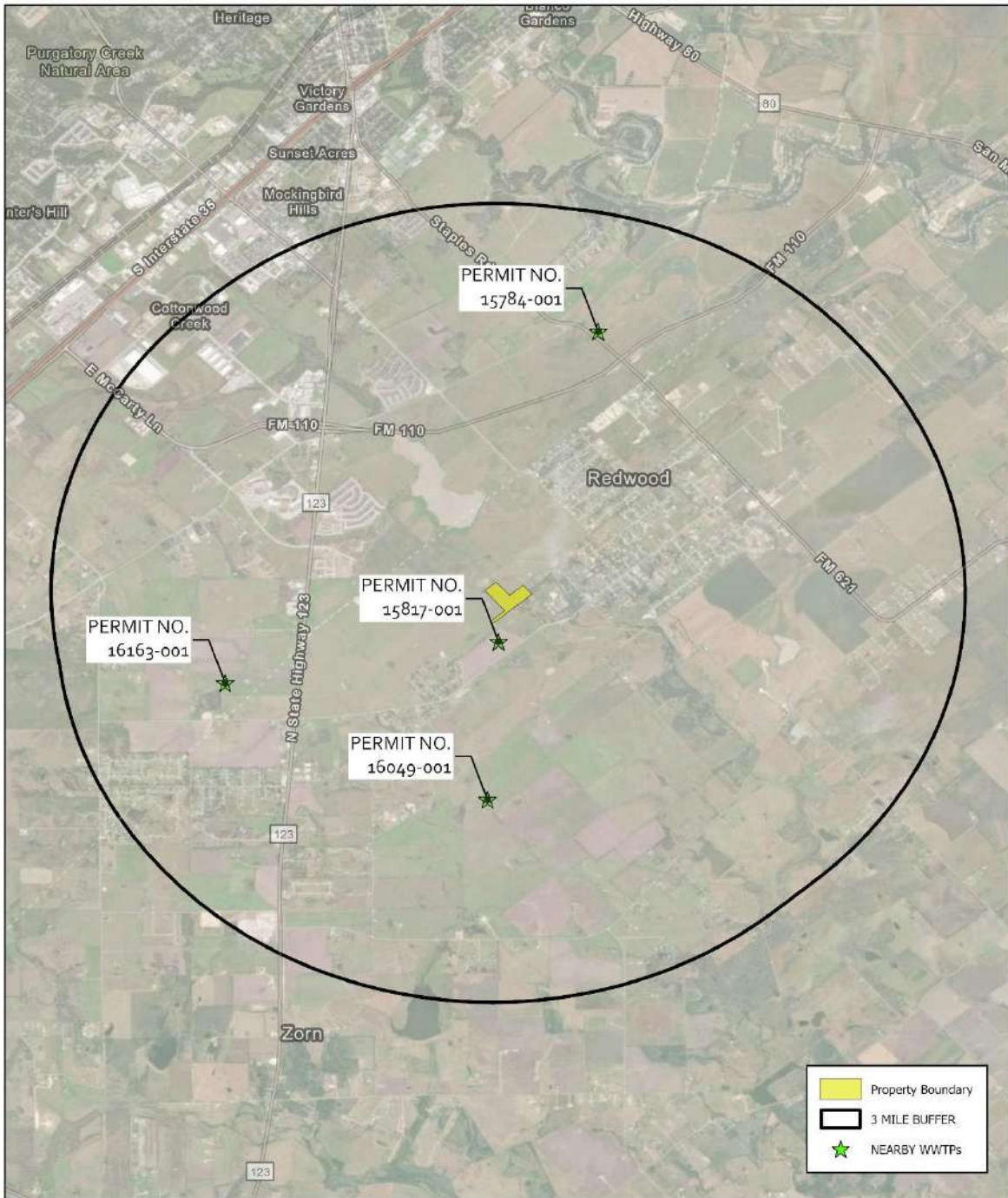
There are four inactive facilities/developments within a 3-mile radius, as listed in the table below. These developments were planning multiple separate smaller packaged plants and the City took on the leadership role to regionalize and provide a single plant (a new regional facility). Upon permit issuance of this permit, several of the facilities below and their permits would be changed.


The City of San Marcos entered into a Regional Wastewater Services and Facilities Cost Sharing Agreement for this new regional facility (Cost Sharing Agreement attached as Attachment AR-9) with the following developers: Clint Jones, Rattler Ridge, LP, JLBC 710 Investments, LLC, and Highlander SM Two, LLC have signed a. See pages 16-17 of the Cost Sharing Agreement for further information.

Permit WQ0015817001 is a permit for a Package Plant that was transferred to the City and a major amendment was submitted to increase its capacity to 0.99 MGD. This permit will be terminated upon issuance of the new permit.

<b>Permit Number</b>	<b>RN Number</b>	<b>Facility Name</b>	<b>Facility Size</b>	<b>Customer Name</b>	<b>Permit Status after issuance of new permit</b>
WQ0015784001	RN110750833	RIVERBEND RANCH WWTP	0.45 MGD	HK REAL ESTATE DEVELOPMENT LLC	Remains
WQ0016163001	RN111497012 WARNER TRACT	RN111497012 WARNER TRACT	0.99 MGD	RN111497012 WARNER TRACT	Terminated
WQ0016049001	RN111346813 RATTLER RIDGE	RN111346813 RATTLER RIDGE	0.4 MGD	RN111346813 RATTLER RIDGE	Terminated
WQ0015817001	RN110842184	FLEMING FARMS WWTP / FM 1978 Water Reclamation Facility	0.99 MGD	City of San Marcos	Terminated





<p>SHEET:</p> <p>1</p>	<p>TPDES Permit City of San Marcos</p>	 <p>1800 Texas Dr., Suite 400 San Antonio, Texas 78217 Phone: (210) 823-2542 www.ardurra.com</p> <p>Engineering License: 26-00003 Arduro Garza, Inc. Surveying Firm: 0000000000</p>	 <p>0 3,500 7,000 Feet</p>
------------------------	--	--	---

\\projects\san\_marcos\240022\Arduro - Houston - City of San Marcos - On-Call Owner Advisor Services for New WWTP\0204-Design\01\San Marcos WWTP\Owner Advisor\ads



## Design Calculations

This project is a Progressive Design Build Project, and the design calculations listed below are preliminary calculations. The final design calculations and treatment processes and units will be determined after the Design Builder comes on board.

Influent Quality Characteristics - The anticipated raw sewage characteristics are as follows:

<u>Parameter</u>	<u>Concentration</u>
BOD <sub>5</sub>	300 mg/L
TSS	300 mg/L
NH <sub>3</sub> -N	50 mg/L
P	10 mg/L

Influent Flow Characteristics - The hydraulic design of the facility must ensure that the facility will operate under the most extreme conditions anticipated. The anticipated facility process and hydraulic design for this facility are as follows:

***Table (1) - Design Calculations***

<b>Flow</b>	<b>Gallons Per Day</b>	<b>Gallons Per Minute</b>
Average Daily Flow (Q <sub>ave</sub> )	2,000,000	1389
Peak 2-Hour Flow (Q <sub>pk</sub> )	7,200,000	5001

<b>Loading</b>	<b>Pounds Per Day</b>
BOD <sub>5</sub>	5,007
TSS	5,007

Process Design - The treatment facility will be designed to produce an effluent quality in compliance with the proposed permitted parameters of:

CBOD<sub>5</sub> = 10 mg/L; TSS = 5 mg/L; NH<sub>3</sub>-N = 2 mg/L; DO = 4.0 mg/L; TP = 0.5 mg/L

As this project is a Progressive Design Build project, the proposed system may use UV for disinfection and the anticipated operating ranges for MLSS and RAS are 2,500 mg/L and 5,000 mg/L.

## **Treatment Units**

The proposed FM 1978 Water Reclamation Facility is anticipated to include major components associated with conventional activated sludge wastewater treatment processes; however, as this is a Progressive Design Build project, considerations will be made for other proposed solutions that can reliably and efficiently meet the project objectives.

The major components and design alternatives to be considered will follow TCEQ's requirements for its maximum and minimum operating limits. These components include the following:

- Influent Lift Station
- Primary Treatment
- Secondary Treatment
- Tertiary Treatment
- Disinfection
- Plant Water System
- Biosolids Treatment & Handling
- Plant Electrical
- Instrumentation & SCADA Systems
- Administration, Operations & Support Buildings
- Odor Control
- Site Improvements
- Plant Outfall

## **Facility design features**

### ***A. Emergency Power Requirements***

In accordance with 30 TAC § 217.36 and to increase resiliency of the treatment facility, the treatment facility will incorporate an electrical generator capable of continuously operating all critical wastewater treatment system units. The fuel tank must be sized for a run time greater than the longest power outage in the power records. This generator will provide sufficient power for treatment units that require electricity.:

### ***B. Alarm Features***

The facility will be equipped with a Supervisory Control and Data Acquisition (SCADA) system to monitor the operation of all critical treatment units. The control room will include a computer with graphic display of the treatment units that will indicate status and alarm conditions.

**C.     *Design Features for Reliability And Operating Flexibility***

The Design Builder will consider the resiliency of all facility processes, structures, and equipment in the design of all project components.

1. Influent lift station: The influent lift station will be designed with features that allows for continuous operation of the headworks while conducting maintenance and repairs.
2. Bar screen: Bar screens will be designed with features that include automatic screenings removal and handling, manual screening backup, bypass channel functionality, and other components to allow for minimal maintenance and operational needs.
3. Grit chamber: The grit chamber will remove a minimum 100-micron particle at peak flow and include all necessary grit handling and washing appurtenances.

**D.     *Overflow prevention***

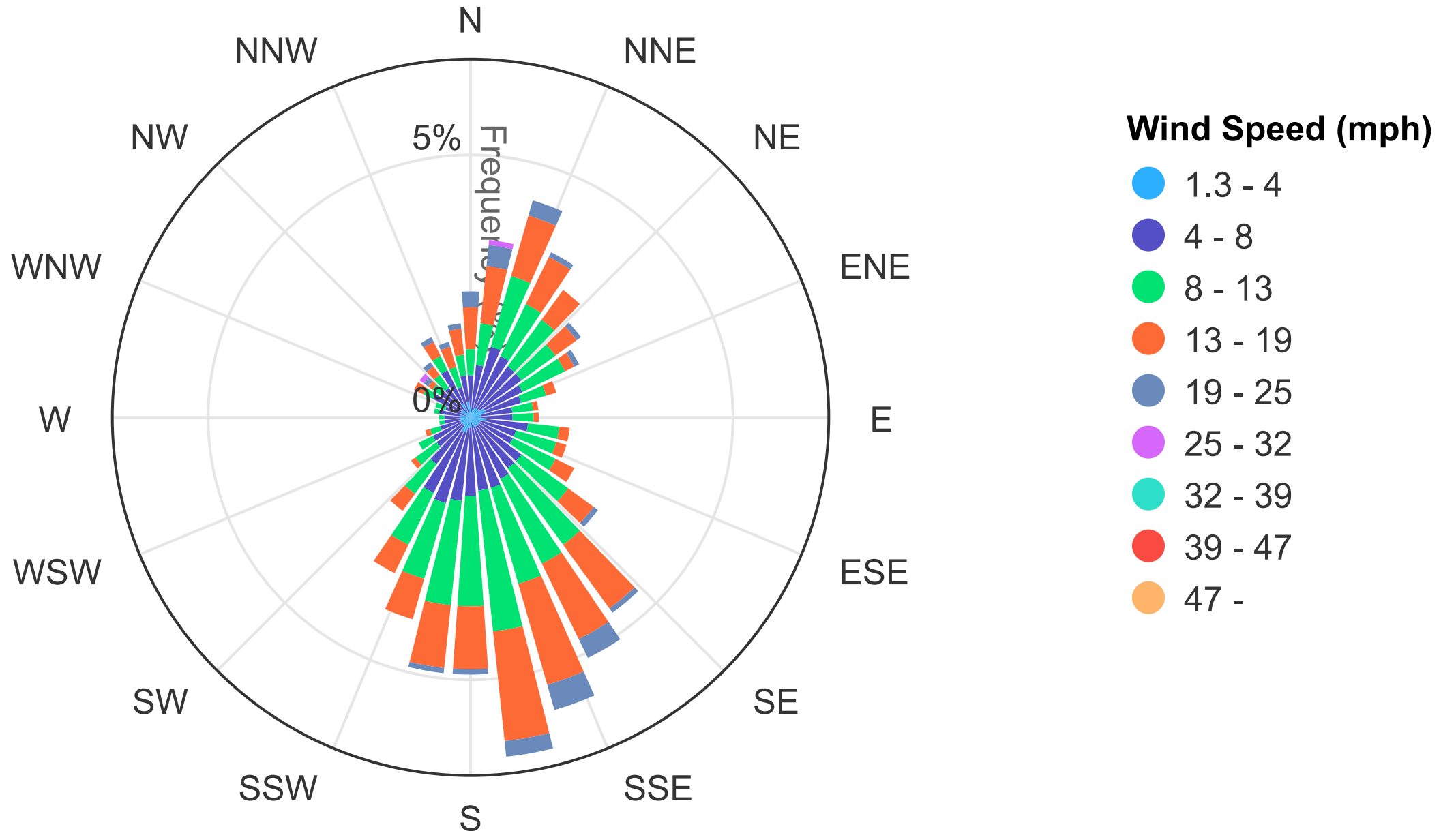
The following design features will be used to prevent the overflow of wastewater from treatment units.

1. Based on historical flow data, the facility design includes a peaking factor of 3.2 to insure adequate hydraulic capacity.
2. The Design Builder will design the facility, to include features that prevent the overflow of wastewater from treatment units.
3. The influent lift station will be designed with the capacity to pump peak flow with the largest single pump out of service.
4. The facility hydraulic design, including piping, channels, weirs, troughs and other features, will be sized to allow the 2-hour peak flow to pass through the facility without exceeding minimum freeboard requirements with any single treatment unit out of service.

# NEW BRAUNFELS MUNICIPAL AP (TX) Wind Rose

August 01, 2023 - August 20, 2024

Sub-Interval: January 1 - December 31, 0 - 24



Click and drag to zoom



## Sludge Management Plan

Influent Design Flow = 2.0 mgd

Influent BOD Concentration = 300 mg/L

Influent TSS = 300 mg/L

Aerated Sludge Holding Tank Volume: 300,000 gallons

Aeration Basin MLSS: 2,500 to 5,000 mg/L

***Table 5(1) - Sludge Production***

<b>Solids Generated</b>	<b>100% flow</b>	<b>75% flow</b>	<b>50% flow</b>	<b>25% flow</b>
Pounds Influent BOD <sub>5</sub>	5,007	3,755	2,504	1,252
Pounds of digested dry sludge produced*	5,007	3,755	2,504	1,252
Pounds of wet sludge produced	250,362	187,771	125,181	62,590
Gallons of wet sludge produced	29,993	22,495	14,997	7,498

**\*Assuming 1 pound of digested dry sludge produced per pound of influent BOD<sub>5</sub> at average temperatures and 2.0% solids concentration in the digester.**

Sludge will be wasted from the RAS flow stream to the Aerated Sludge Holding Tank. Sludge solids will be stabilized in the Aerated Sludge Holding Tank; supernatant will be decanted from the Aerated Sludge Holding Tank and returned to the facility headworks for treatment.

***Table 5(2) - Sludge Removal Schedule - proposed***

<b>Removal Schedule (days)</b>	<b>100% flow</b>	<b>75% flow</b>	<b>50% flow</b>	<b>25% flow</b>
Days between Sludge Removal	7	10	14	30

Liquid sludge will be removed from the Aerated Sludge Holding Tank for disposal on a regular basis as required. The sludge will be dewatered on-site and taken to a TCEQ permitted landfill, Waste Management Mesquite Creek Landfill, by a contract hauler, Residuals Transport Corporation.