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***Empowering Voters, Defending Democracy***

March 17, 2020

To: Office of the Chief Clerk, TCEQ

 Mail Code MC-105

 P.O. Box 13087

 Austin, TX 78711-3087

From: League of Women Voters-Comal Area

 c/o Jensie Madden

 1281 Serenity

 Fischer, TX 78623

Re: Application for Texas Land Application Permit by Silesia Properties, LP

 Permit No. WQ0015835001

The League of Women Voters of Comal Area (LWV-CA) requests that TCEQ grant this permit only if the requirements meet higher than usual water quality standards and establish mitigation mechanisms and sufficient monitoring protocols.

While LWV-CA commends Silesia Properties for withdrawing their application for a TPDES permit to discharge treated wastewater into tributaries leading to Honey Creek, we still have concerns about this new application for a permit for land application of wastewater. We ask TCEQ to hold Silesia Properties not only to the highest level of water quality standards but also to necessary mitigation and monitoring to ensure treated wastewater does not reach Honey Creek or the Honey Creek State Natural Area.

The LWV takes positions on issues only after member study and agreement. The members of LWV-Comal Area are residents of Comal and Guadalupe Counties and include members living in the Bulverde and Spring Branch area. Our members have been studying the impacts of growth in our community since 2003, and we are very concerned about the potential problems of wastewater entering our groundwater and surface water resources. We are especially concerned about protecting Honey Creek, a pristine waterway in the state-protected Honey Creek State Natural Area.

Our members:

* support protection of water quality;
* support protection of riparian areas, flood plains, and areas made subject to downstream flooding by development; and
* support prevention of harmful contamination of aquifers.

Some of our members are also citizen scientists who volunteer at the Honey Creek State Natural Area, working with the Texas Department of Parks and Wildlife in its mission to protect Honey Creek’s unique and sensitive biological features. Those members have been trained in performing scientific surveys of plants, birds, and insects, as well as performing water quality tests. We know from first-hand evidence that very low levels of nutrients occur naturally in Honey Creek, which makes this ecosystem particularly sensitive to nutrient enrichment. We also have recognized the very special interactions among the water, the soil, and the organisms.

Based on the extensive mapping of Honey Creek Cave, we know there are multiple conduits of communication between groundwater in the area and Honey Creek. Protecting the nearby landscape is as important as protecting waterways.

Since protecting the soil, water, and organisms of Honey Creek State Natural Area is so important, we appreciate the extra measures that Silesia Properties is taking, such as proposing to treat the effluent to a “higher water quality standard than typical sub-surface drip irrigation systems.”

However, we do have questions related to the proposed irrigation plan.

First, is the soil, in its depth and permeability, sufficient to allow the growth of the grasses proposed to be planted in the land application area and for them to function as intended? We understand that the "Soil Survey of Comal and Hays Counties" lists the soils (Bracket-Rock outcrop - Comfort and Denton Silty Clay) as unsuitable for hay crops. Given the dependence of the effluent management plan on this crop, we are concerned that if evapotranspiration rates seasonally are not high enough in the crops, wastewater will move through seeps, cracks, and runoff to Honey Creek and perhaps the Middle Trinity Aquifer.

Second, is Silesia Properties required to have a plan in place for those times when the soil is already saturated and cannot absorb 365,000 gallons per day? Where will that that effluent go? Furthermore, is there a plan in place if the effluent exceeds the conservative estimate of 365,000 gallons per day?

Third, how are the requirements of the permit enforced? In what specific ways does TCEQ monitor the water quality of the effluent, the rate of uptake by the grasses, and events during which the soil is saturated or the total volume of effluent exceeds storage capacity?

The State of Texas is already invested in the Honey Creek State Natural Area. This is public land already designated as in need of special protection. For this reason, the League of Women Voters of Comal Area requests that TCEQ grant this permit only if the requirements meet higher than usual water quality standards and establish mitigation mechanisms and sufficient monitoring protocols. TCEQ can and must provide protection for this sensitive environment for future generations.

The League of Women Voters is a nonpartisan political organization that encourages the informed and active participation in government and influences public policy through education and advocacy.

LWV never supports or opposes candidates for office, or political parties