

Alamo, Austin, and Lone Star chapters of the Sierra Club  
Aquifer Guardians in Urban Areas  
Bexar Audubon Society  
Bexar Green Party  
Boerne Together  
Cibolo Nature Center  
Citizens Allied for Smart Expansion  
Citizens for the Protection of Cibolo Creek  
Comal County Conservation Alliance  
Environment Texas  
First Universalist Unitarian Church of San Antonio  
Friends of Canyon Lake  
Friends of Dry Comal Creek  
Friends of Government Canyon  
Fuerza Unida  
Green Party of Austin  
Headwaters at Incarnate Word  
Helotes Heritage Association  
Helotes Nature Center  
Hill Country Planning Association  
Green Society of UTSA  
Guadalupe River Road Alliance  
Guardians of Lick Creek  
Kendall County Well Owners Association  
Kinney County Ground Zero  
Leon Springs Business Association  
Medina County Environmental Action Association  
Native Plant Society of Texas – SA  
Northwest Interstate Coalition of Neighborhoods  
Preserve Castroville  
Preserve Lake Dunlop Association  
San Antonio Audubon Society  
San Antonio Conservation Society  
San Geronimo Nature Center  
San Geronimo Valley Alliance  
San Marcos Greenbelt Alliance  
San Marcos River Foundation  
Save Barton Creek Association  
Save Our Springs Alliance  
Scenic Loop/Boerne Stage Alliance  
Securing a Future Environment  
SEED Coalition  
Solar San Antonio  
Sisters of the Divine Providence  
Travis County Green Party  
West Texas Springs Alliance  
Water Aid – Texas State University  
Wildlife Rescue & Rehabilitation  
Wimberley Valley Watershed Association

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April 20, 2021

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

Submitted electronically at <http://www14.tceq.texas.gov/epic/eComment/>

Re: Comments and Hearing Request Regarding Application of Sawyer-Cleveland Partnership, Ltd. for TPDES Permit No. WQ0015594001

Please accept the attached comments on behalf of the fifty-two member groups of the Greater Edwards Aquifer Alliance.

**1. Background.** Sawyer-Cleveland Partnership, Ltd., 7 Herald Oak Court, Spring, Texas 77381, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015594001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 45,000 gallons per day. The facility will be located approximately 720 feet southwest of the intersection of U.S. Highway 290 and Sawyer Ranch Road, in Hays County, Texas 78737. The treated effluent will be discharged to a man-made ditch, thence to a retention pond, thence to an unnamed tributary, thence to Long Branch, thence to Barton Creek in Segment No. 1430 of the Colorado River Basin.

**2. Greater Edwards Aquifer Alliance (GEAA).** GEAA submits the following comments on behalf of our fifty-four member organizations and requests a public meeting regarding this permit application. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA has multiple members who would be adversely affected by the proposed application of Sawyer-Cleveland Partnership, Ltd.

GEAA's members have serious concerns regarding the permit application, regarding the degradation to both the Long Branch tributary and Barton Creek that will likely occur with the discharge of treated sewage into these waterways. We highly recommend a beneficial re-use approach where treated effluent is used for watering grass and landscape areas, rather than using potable water for this purpose and dumping the treated effluent into a nearby Hill Country stream.

**3. Comments on the application.** Under the federal Clean Water Act, TCEQ is charged with maintaining the quality of our State's waters and protecting their existing uses. The Sawyer-Cleveland draft permit will degrade water quality in Long Branch and Barton Creek in violation of the Clean Water Act and state law.

The available information fails to show how TCEQ concluded that the proposed discharge would not cause unacceptable degradation. What little analysis there is uses insufficient and unspecific standards and inputs. TCEQ compounded the problem by performing inadequate modeling of the effect of wastewater discharge on Long Branch and Barton Creek.

The draft permit contains effluent limits of 6 mg/L for Total Nitrogen (N) and 0.15mg/L Total Phosphorus (P). TCEQ apparently based these permit terms on the limits found in nearby discharge plants: Hays County WCID 1(Belterra subdivision) and City of Dripping Springs. Critically, TCEQ never established the baseline conditions of the receiving waters to analyze what effects this proposed discharge would have on existing water quality, existing uses of the creeks, or the aquatic ecosystem.

Please note, the two existing permits mentioned above do not and cannot show that these nutrient limits are protective because neither Belterra nor Dripping Springs have ever discharged sewage into streams; both are disposing of their sewage through land irrigation and beneficial reuse of reclaimed water.

TCEQ therefore does not have any actual evidence that the draft permit's nutrient limits are sufficient to prevent the growth of algae in Long Branch, Barton Creek, nor that these limits are generally protective of Hill Country streams.

TCEQ's standards and modeling also failed to take into account the site-specific conditions of the receiving waters that is necessary to sufficiently evaluate effects of the proposed discharge. Hill Country streams, including Long Branch and Barton Creek, have unique characteristics that make them especially vulnerable to increased nutrient loading. Specifically, Long Branch and Barton Creek have rocky channels instead of soil banks, and low or intermittent flow instead of constant flow, which means that they're less able to assimilate the pollutants that remain in treated sewage.

Last year, a Travis County District Court judge overturned a TCEQ permit that would have allowed Dripping Springs to discharge its municipal wastewater into Onion Creek. Here, TCEQ repeats the mistakes and performs the same inadequate antidegradation analysis that the court found unlawful in that case.

In contrast to TCEQ's lax estimations of the effect on treated sewage on Long Branch, a more rigorous modeling study by the Austin Watershed Protection Department has estimated that even with the nutrient limits in the Sawyer-Cleveland draft permit, discharged sewage from this proposed plant would increase the risk of significant algae growths on Long Branch.

Algae don't just cause odor and appearance problems. Algae can also inhibit the use of a stream for primary contact recreation. Landowners swim and wade in Long Branch, downstream of the discharge point, and millions of people enjoy Barton Creek every spring. In addition to algae, the proposed discharge will elevate bacteria levels and expose water-recreators and aquatic and benthic wildlife to pharmaceuticals and personal care products that are not removed during wastewater treatment.

Blue-green algae – cyanobacteria – has been found over the past several years in multiple Highland Lake areas, including the confluence of Barton Creek and Lady Bird Lake. Some of these cyanobacteria blooms have been found to contain cyanotoxins that are harmful to humans and can be deadly to pets, notably dogs who happen to frequent these waters. As local waters become warmer due to climate change, and local waterways suffer higher nutrient levels from wastewater discharge and non-point sources, it is conceivable that cyanobacteria and resulting cyanotoxins could eventually inundate Barton Creek and Barton Springs, the crown jewel of Austin. The way to alleviate this problem is by controlling the amount of nutrients, specifically Nitrogen and Phosphorous, that find their way into Central Texas waterways. Denying the Sawyer-Cleveland TPDES wastewater permit would be an important step towards this goal.

In addition to inadequate limits on Nitrogen and Phosphorous, the Sawyer-Cleveland permit also has insufficient limits for “conventional” pollutants. The limit of 10 mg/L CBOD (oxygen depletion) and 15 mg/L total suspended solids (TSS) are much higher than in the Belterra and Dripping Springs permits, which are 5 mg/L for each constituent. CBOD and TSS will impair existing uses of the receiving water, disrupt the aquatic ecosystem, and significantly degrade existing water quality.

The draft permit also fails to include adequate measure to protect water quality from spills and upsets. The Hill Country Sewage Scorecard, a report issued last fall by Save Barton Creek Association, has shown that most municipal discharge plants in the region fail to stay within their permit limits, and that most of these plants haven't been subject to a formal enforcement action from TCEQ. Based on this record, it is reasonable to assume that the Sawyer-Cleveland plant, if built, might also violate its permit, threatening nearby wells and surface waters.

Further, the applicant failed to show a need for the permit or the proposed volume of discharge. There is no current plan to develop the property, and any need is speculative. Moreover, alternatives are readily available that would obviate any need to discharge. Adjacent and nearby properties either use on-site septic systems or connect to an existing sewer system. By allowing this “entitlement” to be attached to the property, TCEQ is giving preferential treatment to Sawyer-Cleveland at the expense of downstream landowners, who will see a drop in their property value as a result of Sawyer-Cleveland's sewage flowing along the discharge route.

Finally, the public notice was deficient and failed to properly describe the discharge route. Public access to the permit materials was impeded by the ongoing pandemic. The library is closed to public traffic, and one must make an appointment, within a narrowed time set of hours, to view the permit. The library's change in procedures is understandable in light of the pandemic, but

TCEQ and the Applicant should have taken steps to ensure the public had reasonable access to the permit materials, by, for example, posting them online (as was done for at least one permit in the last year).

**4. Photos and photo comments regarding the existing condition of Long Branch tributary and Barton Creek near the proposed Sawyer-Cleveland wastewater discharge location.**



Fig. 1: This photo of Long Branch 1.5 miles downstream from the proposed discharge location shows the stream is already suffering from high nutrient levels due to local agricultural runoff



Fig 2: 3 miles from the proposed discharge location and ½ mile prior to the confluence with Barton Creek, the Long Branch tributary is already polluted and heavily eutrophied, even without the proposed treated sewage discharge



Fig 3: Barton Creek ½ mile from the confluence with the Long Branch tributary suffers from eutrophication from agricultural runoff. The proposed Sawyer-Cleveland wastewater discharge would heavily pollute the Long Branch tributary and therefore Barton Creek

**5. Conclusion.** We have already seen the damage wastewater discharges can wreak in the Hill Country—evidenced by the miles-long algae growth on the South San Gabriel River that has been caused by discharge from Liberty Hill’s sewage treatment plant—a plant that has usually complied with the pollutant limits in its permit. Permit-compliant discharge from Blanco’s sewage plant has also caused significant algae growth on the Blanco River.

This permit, if issued, will set a dangerous precedent for the Barton Creek watershed (which includes a federally protected endangered species, the Barton Springs salamander). Nobody has ever received a permit to discharge into Barton Creek or any of its tributaries. Please deny this permit.

Thank you for the opportunity to submit these comments.

Respectfully,

Annalisa Peace  
Executive Director