Greater Edwards Aquifer Alliance

Member Organizations

Alamo, Austin, and Lone Star chapters of the Sierra Club
Bexar Audubon Society
Austin, Bexar and Travis Green Parties
Bexar Grotto
Boerne Together
Bulverde Neighborhood Alliance
Bulverde Neighbors for Clean Water
Cibolo Center for Conservation
Citizens for the Protection of Cibolo Creek
Comal County Conservation Alliance
Environment Texas
First Universalist Unitarian Church of SA
Friends of Canyon Lake
Friends of Dry Comal Creek
Friends of Government Canyon
Fuerza Unida
Green Society of UTSA
Guadalupe River Road Alliance
Guardians of Lick Creek
Headwaters at Incarnate Word
Helotes Heritage Association
Hill Country Alliance
Kendall County Well Owners Association
Kinney County Ground Zero
Leon Springs Business Association
Native Plant Society of Texas – SA
Northwest Interstate Coalition of Neighborhoods
Pedernales River Alliance – Gillespie Co.
Preserve Castroville
Preserve Lake Dunlop Association
Preserve Our Hill Country Environment
RiverAid San Antonio
San Antonio Audubon Society
San Antonio Conservation Society
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
Signal Hill Area Alliance
Sisters of the Divine Providence
Solar San Antonio
Texas Cave Management Association
Trinity Edwards Spring Protection Assoc.
Water Aid – Texas State University
Wildlife Rescue & Rehabilitation
Wimberley Valley Watershed Association

PO Box 15618
San Antonio, Texas 78212
(210) 320-6294

February 1, 2023

Edwards Aquifer Protection Plan Review
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

Submitted via email to: eapp@tceq.texas.gov

These comments are submitted on behalf of the fifty-four member organizations of the Greater Edwards Aquifer Alliance, a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA has multiple member organizations that would be adversely affected by the proposed development.

1.0 Background

The applicants, Blizexas, LLC and Hirschman Dodson 2012 Revocable Trust, plan to construct a 5000-seat music venue with decomposed granite parking lots, asphalt fire access roads, asphalt turn lanes, an on-site sewage treatment facility, and a private well at 14820 Fitzhugh Road, Austin, TX 78620. The project includes impervious cover consisting of buildings, asphalt access roads, decomposed granite parking lots, and concrete sidewalks. The applicant has submitted an Edwards Aquifer Protection Plan (EAPP) for review by TCEQ and concerned parties such as GEAA. The proposed development site is located within the Edwards Aquifer Contributing Zone.

2.0 Comments on the EAPP

Under the federal Clean Water Act, TCEQ is charged with maintaining the quality of our state's waters and protecting their existing uses. The Fitzhugh Music Venue as currently proposed will likely degrade Barton Creek and local groundwater quality in violation of the Clean Water Act and state law, through both stormwater and treated sewage runoff. GEAA, therefore, encourages TCEQ to reject the Fitzhugh Music Venue EAPP in its entirety, for the reasons presented in these comments.

2.1 Impervious Cover Concerns

The biggest environmental issue associated with the proposed Fitzhugh Music Venue is the high amount of impervious cover, 66.45%. A heavily paved development such as what is proposed would be more typical in an urban setting and not in a rural area with an important contributing

stream (Barton Creek) nearby. The high amount of impervious cover poses a threat to both groundwater and surface water quality and is inconsistent with current land uses in this rural area of Hays County. The City of Austin Extra Territorial Jurisdiction (ETJ), which is located less than a mile from the proposed development site, follows the SOS Ordinance which stipulates maximum impervious cover limits of 20% in the Edwards Aquifer Contributing Zone. The Dripping Springs ETJ, also located less than a mile from the proposed development site, places a 35% impervious cover restriction in the Edwards Aquifer Contributing Zone. These limits are in place not only to protect nearby Barton Creek, but also to protect the Edwards Aquifer and Trinity Aquifer that supply drinking water to area well-owners, residents and businesses. There is no other reliable source of drinking water in this area besides groundwater.

While the impervious cover percent is certainly too high for this area, the type of impervious cover is even more troubling. Most of the impervious cover is allocated for the 1,823 parking spaces in the proposed sprawling parking lot. These parking spaces will be subject to auto pollutants leaking from parked vehicles; pollutants including engine oil, gasoline, power steering fluid, brake fluid, heavy metals from car batteries, and tar-based sealants that protect parking lots and asphalt driveways. The applicant also plans to construct asphalt fire access roads and asphalt turn lanes. We are troubled by the use of asphalt, as a material known to impair water quality, as part of this plan.

2.2 Stormwater Detention Concerns

The potential construction phase of this project is also of great concern, especially given the 150-foot elevation difference between the development site and nearby Barton Creek, just ½ mile away. There are legitimate concerns that the temporary erosion and sedimentation control facilities proposed by the developer will not be adequate to prevent pollution of Barton Creek during the construction phase. The addition of turn lanes on Fitzhugh Road, while certainly necessary for a development of this size, will just add more construction debris and impervious cover to a development that exceeds impervious cover limits enforced by the contiguous cities of Austin and Dripping Springs.

Once construction is completed, the EAPP proposes two batch detention ponds as the sole means of maintaining water quality for this development. Batch detention ponds can be effective for removing total suspended solids (TSS), with properly maintained systems achieving a 91% total suspended solids (TSS) removal). However, they are less effective at removing fluid pollutants such as oil and gasoline, and wastewater nutrients such as nitrogen and phosphorous that may not be absorbed within a land application irrigation field. Further, these batch detention ponds would also require significant maintenance for a 5000-seat concert venue that is regularly hosting concert events, especially due to the excessive amounts of trash and floatable debris generated during these events. If these batch detention ponds aren't properly maintained, solid pollutants in addition to fluid pollutants could find their way into Barton Creek and local groundwater.

During the past eighteen years we have seen numerous stormwater detention plans that were never fully implemented or that failed to function properly coupled with a failure on the part of TCEQ staff to make sure approved plans were adhered to and functional through follow-up

inspections. Given the budgetary and staff shortages of this agency, we urge caution in approving high maintenance plans such as this one.

2.3 Wastewater Concerns

The Fitzhugh Music Venue EAPP shows a wastewater treatment plant along with multiple effluent drip fields on the site development plan. The developer submitted a permit application to the TCEQ last year for a 12,000 gallon/day wastewater treatment plant using subsurface drip irrigation to dispose of the Fitzhugh Music Venue's treated sewage. The close proximity (approximately ½ mile) to Barton Creek of these drip fields coupled with a 150-foot elevation difference between the higher drip fields and the lower Barton Creek location create the potential for nutrient pollution for this segment of Barton Creek. The soil in this area is thin and not capable of adequate effluent absorption, especially during rainy periods when the ground is already saturated.

As shown in Fig. 1 below, a photo taken near the proposed development site, Barton Creek is already suffering the effects of nutrient pollution from agricultural runoff and possible leakage of nearby septic systems in this area.

Fig 1: Barton Creek ½ mile from the proposed development site suffers from eutrophication, likely from agricultural runoff and leaking septic tanks.

2.4 Notable Errors on the Fitzhugh Music Venue EAPP

The EAPP states that the proposed development resides within the Dripping Springs ETJ, which it does not. If it did, it would likely be rejected outright by the Dripping Springs Planning and Development Department, based on the egregious violation of the Dripping Springs ETJ's 35% maximum impervious cover limits (the developer proposes almost double this amount, 66.45%).

The EAPP also states on the Site Development Plan (Page 40) that wastewater service will be provided via OSSF (On Site Septic Facility), yet the plan also shows a wastewater treatment plant and effluent drip fields, so this needs to be corrected prior to approval of this plan. The EAPP uses an annual rainfall total in their calculations of 33 inches instead of 35.7 inches, which is the 1991-2020 30-year average for this area. The pollution removal is linear with rainfall quantity, so this incorrectly skews their calculations to the low side by eight percent.

3.0 Conclusions and Recommendations

GEAA would prefer that this rural tract not be developed into a 5000-seat concert venue as this is incongruous with the rural setting, existing development in the area, the location within the Edwards Aquifer Contributing Zone, environmentally-sensitive Barton Creek nearby, and the narrow, winding roads that would provide access to the site. If, however, a concert venue must be built on this tract, it should be built in harmony with nature and the surrounding area, not against it, as is currently proposed.

The high amount of impervious cover proposed is unnecessary, as is the destruction of almost 1000 trees to make way for 1,823 parking spaces. The proposed development area, like many in northern Hays County, is listed on the Hays County website as a potential area for endangered Golden-Cheeked Warbler populations. Therefore, the preservation of as many trees and habitat as possible is highly desirable.

Instead of paving most of the development area, the developer could instead consider multi-level parking structures rather than paving most of the site, thereby greatly reducing impervious cover. Alternately, they could consider a "park and ride" approach where remote parking structures in a more developed area nearby (such as along Highway 290 between Austin and Dripping Springs) could provide parking, with shuttle service to and from the music venue. This latter park and ride approach has the added benefit of reducing traffic on the narrow, winding Fitzhugh Road, which would increase safety and decrease pollution threats to Barton Creek and groundwater from excessive vehicular traffic.

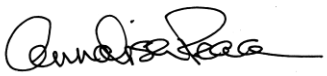
The consolidation of parking spaces in either an onsite parking structure or offsite lot would free up green space on the tract that could conceivably be used for multiple OSSFs for wastewater. OSSFs could be utilized in a distributed fashion onsite for wastewater dispersal, for example. There are a number of viable distributed wastewater dispersal options available to the developer, many of which are discussed in the report "Preferred Wastewater Systems For The Texas Hill Country", prepared by Susan Parten.

TCEQ can play an invaluable role in educating the developer on the issues raised in these comments, and we hope that such communication takes place.

In conclusion, the land that provides valuable ecosystem services, such as this parcel, deserve as much regulatory protection as the state is empowered to grant. We ask the TCEQ to deny approval of this plan as currently submitted.

Thank you for the opportunity to submit these comments.

Respectfully,



Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance