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

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January 5, 2024

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 Contested Case Hearing Request Regarding Blizexas, LLC proposed Texas Land Application Permit (TLAP) No. WQ0016111001

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

1.0 Background

Blizexas, LLC, 258 Union Avenue, Los Gatos, California 95032, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, proposed TCEQ Permit No. WQ0016111001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 12,000 gallons per day via subsurface drip irrigation system with a minimum area of 2.75 acres of public access land.

The wastewater treatment plant would service a proposed 5000-seat amphitheater, the Fitzhugh Music Venue. The treatment facility and disposal site would be located approximately 0.25 miles east of the intersection of Crumley Ranch Road and Fitzhugh Road, in Hays County, Texas 78737. The proposed wastewater treatment facility and disposal site would be located in the drainage basin of Barton Creek in Segment No. 1430 of the Colorado River Basin, approximately 1/2 mile from Barton Creek. The proposed development site is located within the Edwards Aquifer Contributing Zone (EACZ).

2.0 Greater Edwards Aquifer Alliance (GEAA)

GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards and Trinity Aquifers, their springs, watersheds, and the Texas Hill Country lands that sustain them. GEAA has multiple members who would be adversely affected by the permit application of Blizexas LLC.

GEAA's members have serious concerns regarding the permit application, relating to the degradation of Barton Creek, the Edwards Aquifer, and area water wells that will likely occur with the irrigation of

treated sewage and wastewater/stormwater runoff at the proposed site. We therefore recommend that the Fitzhugh Music Venue wastewater permit be denied, for the reasons presented in these comments.

3.0 Specific Concerns Regarding the Permit 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 Fitzhugh Music Venue, as currently proposed, would likely degrade Barton Creek and local groundwater quality in violation of the Clean Water Act and state law through treated sewage and stormwater runoff.

3.1 Wastewater Concerns

The draft wastewater permit issued by TCEQ does not require Nitrogen or Phosphorous removal and is extremely lax, especially given the environmentally-sensitive nature of the area within the EACZ. Nitrogen and Phosphorous are known to cause eutrophication of waterways, which threatens aquatic life. Barton Creek is already under nutrient stress in this area, with significant eutrophication present, especially during warm weather months (Fig. 1).

Fig 1: Barton Creek ½ mile from the proposed development site already suffers from eutrophication

The draft permit limits of 20 mg/l for both Total Suspended Solids (TSS) and Biochemical Oxygen Demand (BOD) are also very lax and would result in pollution of Barton Creek during saturation/runoff conditions. Most wastewater permits currently being issued in close proximity to a waterway within the EACZ stipulate a maximum limit of 5 mg/l for both TSS and BOD, even on TLAP permits issued for locations not as environmentally-sensitive as where the

Fitzhugh Music Venue would be located, such as the nearby Headwaters development TLAP[1]. The effluent concentration levels in the final Headwaters TLAP permit are 5 mg/l BOD, 5 mg/l TSS, 2 mg/l ammonia-nitrogen (NH_3-N), and 1 mg/l for total phosphorus (TP), which is far more stringent than the effluent levels concentrations being proposed for the Fitzhugh Music Venue TLAP draft permit. Further, the Fitzhugh Music Venue TLAP draft permit also has no requirement for *E. coli* testing/limits, which needs to be added to the draft permit to protect public safety.

Aside from concerns over pollutant limits, the layout of the proposed Fitzhugh Music Venue itself is also problematic from a wastewater standpoint. The developer has proposed 6 relatively small (roughly ½ acre each) effluent drip fields comprising a total of 2.75 acres. Each TLAP field would be surrounded by impervious cover (Fig. 2). This means that even light precipitation would cause runoff of wastewater that could threaten not only Barton Creek but surrounding properties as well.

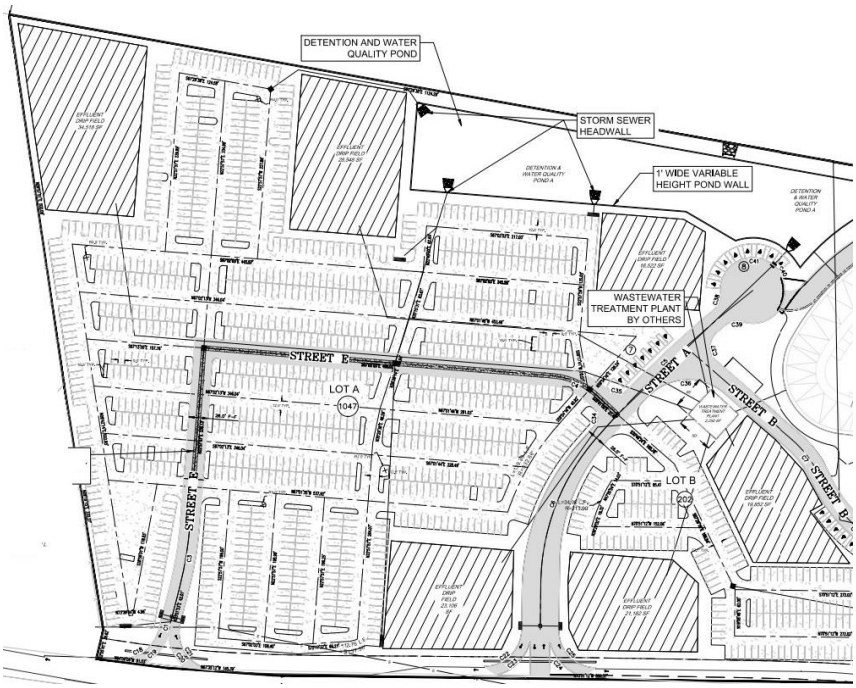


Fig. 2: Fitzhugh Music Venue: diagonal lines show 6 small TLAP fields surrounded by impervious cover

At a bare minimum, GEAA recommends a 5-5-2-0.5 permit for the Fitzhugh Music Venue wastewater treatment plant: 5 mg/l TSS, 5 mg/l BOD, 2 mg/l Ammonium Nitrate, and 0.5 mg/l Phosphorous, rather than the very lax 20/20 permit levels for TSS/BOD that were given in the draft permit (with no Nitrogen or Phosphorous limits).

[1] TCEQ Permit No. WQ0014587001, issued in July 2017 and renewed in June 2021

3.2 Stormwater/Impervious Cover Concerns

While the lax draft Fitzhugh Music Venue wastewater permit is concerning, perhaps an even bigger environmental issue is the high amount of impervious cover the developer has proposed, 66.45% (Fig. 3). A heavily paved development with high impervious cover such as what is proposed would be more typical in an urban setting than in a rural area with an important contributing stream (Barton Creek) nearby.

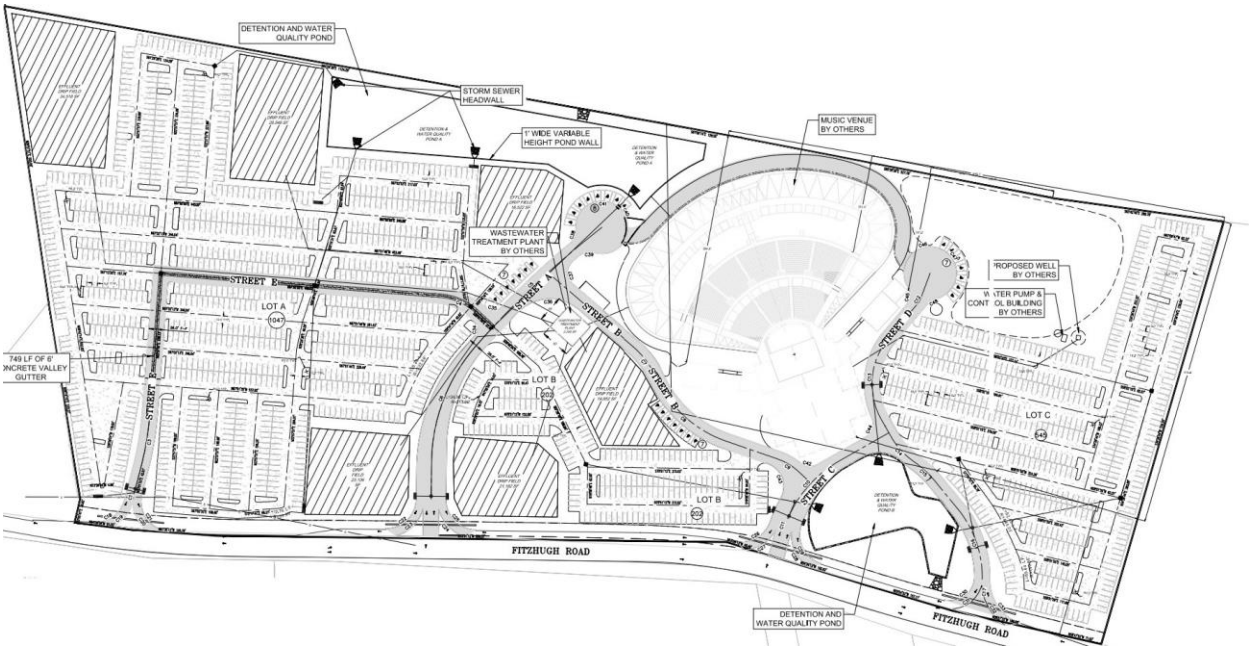


Fig. 3: Fitzhugh Music Venue's area is mostly impervious parking spaces, asphalt driveways, and concrete

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 Save Our Springs (SOS) Ordinance, which stipulates maximum impervious cover limits of 20% in the EACZ. The Dripping Springs ETJ, also located less than a mile from the proposed development site, places a 35% impervious cover restriction in the EACZ. 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 would 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 driveways, fire

access roads, and turn lanes into and out of the venue. We are troubled by the extensive use of asphalt, a material known to impair water quality, as part of the developer's plan.

3.3 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 and down slope. 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 developer proposes two batch detention ponds as the sole means of maintaining water quality for this development. Batch detention ponds can be effective for removing TSS; 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, 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 twenty years, GEAA has 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.

3.4 Combined Wastewater/Stormwater Concerns

Taken together, the individual wastewater concerns and stormwater concerns combine to create a synergistic, polluting mess; saturated TLAP fields would result from the fact that the developer is proposing the absolute minimum irrigation area to meet TCEQ requirements (2.75 acres), with no "buffer" area allocated. On top of this, the soil in this part of Central Texas is thin and predominantly clay, the least absorbent soil type. As soon as the 6 proposed TLAP fields become saturated, they would in effect become additional impervious cover, increasing the impervious cover percentage from 66.45% to 75%. Even with light rainfall, the saturated TLAP fields would combine their wastewater runoff with stormwater runoff from the parking lot, driveways, concrete venue itself, and other impervious surfaces. This combined flow is supposed to be collected by just two batch detention ponds.

Yet Fig. 4 shows the problem with this approach. The property consists of three separate drainage basins, shown as E1, E2, and E3 below. The two bold rectangles show the approximate locations of the proposed batch detention ponds that are supposed to collect the combined

wastewater/stormwater runoff. Basin E1 drains approximately 30% of its area to the left of the first detention pond, sending runoff downhill to Barton Creek. Basin E2 has flow from left to right but also from top to bottom of the diagram; these competing directions will combine basin flow into one stream, much of which will likely miss the second batch detention pond. Lastly, the third basin (E3) has no batch detention pond to collect runoff, assuring that this runoff from Basin E3 will also end up in Barton Creek.

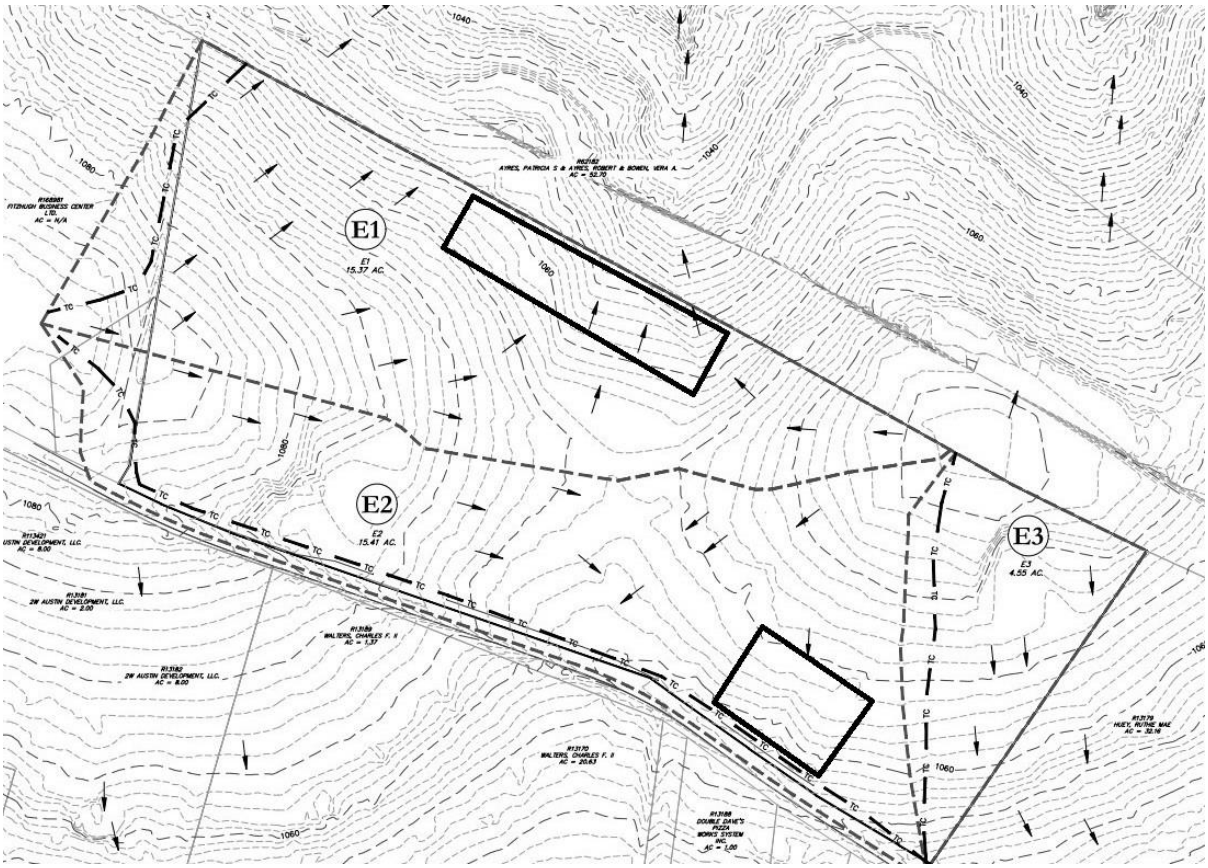


Fig. 4: Drainage diagram shows roughly half of the combined wastewater/stormwater runoff would miss the two batch detention ponds and wind up in Barton Creek

Because the entire development is in the Barton Creek watershed, there's nowhere else for the runoff that misses the batch detention ponds to go. Given the location and size of the batch detention ponds shown in Fig. 4, roughly half of the runoff will miss the batch detention ponds and wind up in Barton Creek.

One might ask why there isn't a third batch detention pond proposed by the developer, or why the two detention ponds shown aren't sufficiently sized to adequately collect more wastewater/stormwater runoff; thereby, reducing the amount of pollutants introduced into Barton Creek. The answer is that between the large 5000-seat amphitheater, the necessary driveways, and the 1,823 parking spaces, there simply isn't any additional room for larger batch

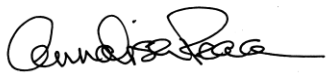
detention ponds or more detention ponds. But this is a terrible reason to justify polluting Barton Creek and surrounding properties.

3.0 Conclusions and Recommendations

In summary, a 5000-seat amphitheater and all of the wastewater and stormwater it would generate is ill-suited for the environmentally-sensitive nature of the Fitzhugh area. Existing development in this area respects the proximity to Barton Creek and location over the EACZ and consists predominantly of single-family homes on one acre plus lots, with On-Site Septic Facilities (OSSFs) for wastewater. Dropping in a massive amphitheater with 2/3 impervious cover and undersized TLAP fields is not only incongruous with the existing area aesthetic but will likely lead to significant surface water and groundwater contamination. We urge TCEQ to reject the Blizexas LLC wastewater permit application in its entirety.

Thank you for the opportunity to submit these comments.

Respectfully,



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