Greater Edwards Aquifer Alliance

Member Organizations

Act Now Comal
Alamo, Austin, and Lone Star chapters of the Sierra Club
Bexar Audubon Society
Bexar and Travis-Austin Green Parties
Bexar Grotto
Boerne Together
Bulverde Neighborhood Alliance
Bulverde Neighborhoods for Clean Water
Cibolo Center for Conservation
Citizens for the Protection of Cibolo Creek
Comal Conservation
Comfort Neighbors
Congregation of Divine Providence
Environment Texas
First Universalist Unitarian Church of SA
Fitzhugh Neighbors
Friends of Canyon Lake
Friends of Castroville Regional Park
Friends of Dry Comal Creek
Friends of Government Canyon
Fuerza Unida
Green Society of UTSA
Guadalupe Riverkeepers
Guadalupe River Road Alliance
Guardians of Lick Creek
Hays Residents for Land & Water Protection
Headwaters at Incarnate Word
Helotes Heritage Association
Hill Country Alliance
Kerr County Water Alliance
Kendall County Well Owners Association
Las Moras Springs Association
Leon Springs Business Association
Llano River Watershed Alliance
Native Plant Society of Texas -- NB
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
River Aid San Antonio
San Antonio Audubon Society
San Antonio Conservation Society
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 (SAFE)
SEED Coalition
Signal Hill Area Alliance
Solar San Antonio
Texans for Environmental Awareness
Texas Cave Management Association
Trinity Edwards Spring Protection Assoc.
Water Aid – Texas State University Watershed Association
Wildlife Rescue & Rehabilitation

PO Box 15618
San Antonio, Texas 78212

March 7, 2025

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 White Rocks Entertainment LLC proposed Texas Land Application Permit (TLAP) No. WQ0016547001.

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

1.0 Background

White Rocks Entertainment LLC, 3300 Bee Caves Road, Suite 650-1313, West Lake Hills, Texas 78746, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Proposed TCEQ Permit No. WQ0016547001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 120,000 gallons per day via public access subsurface area drip dispersal system on a minimum area of approximately 27.43 acres.

The wastewater treatment plant would service the proposed White Rocks Entertainment development. The wastewater treatment facility and disposal site would be located at 10549 West Highway 71, near the City of Bee Cave, Travis County, Texas 78736. The wastewater treatment facility and disposal site would be located in the drainage basin of unnamed tributaries of Barton Creek in Segment No. 1430 of the Colorado River Basin.

2.0 Greater Edwards Aquifer Alliance (GEAA)

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 permit application of White Rocks Entertainment LLC.

GEAA's members have serious concerns regarding the permit application, relating to the degradation of Barton Creek and its nearby tributaries. We also have serious concerns regarding potential contamination of 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 White Rocks LLC 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 White Rocks wastewater treatment plant as currently proposed would likely degrade Barton Springs, its tributaries, and local groundwater quality in violation of the Clean Water Act and state law, through treated sewage runoff.

Despite the fact that the White Rocks tract is surrounded on 3 sides by Central Texas' largest nature preserve and on a 4th side by Barton Creek, TCEQ has approved a draft Texas Land Application Permit (TLAP) which is the among the most lax Texas wastewater permits ever, with minimal pollution limits and no Phosphorous or Nitrogen removal required:

- TCEQ continues its erroneous belief that land application of effluent must feature the bombarding of land application fields with excess nutrients, despite there being no backup science or studies done that say this is the best approach. Indeed, most relevant studies indicate that effluent nutrient removal has beneficial impacts on nearby waterways.

- Excess nutrients may cause the vegetation to grow quickly on the TLAP fields, which in theory would assist with nutrient absorption. But in reality, this is of no value since the developer will regularly cut the TLAP field vegetation back for aesthetic purposes.

- Land application fields can become saturated due to over-watering, precipitation, and stormwater runoff, with the nutrient-rich effluent then making its way into nearby Barton Creek via the downward slope of several unnamed tributaries. These established drainage easements between the TLAP fields at higher elevation and Barton Creek at lower elevation create a clear, well-defined path for nutrient-laden wastewater to pollute Barton Creek. This fact necessitates the need for strict effluent nutrient limits.

- Nutrient-rich polluted runoff would make its way into Barton Creek and then impact habitat along the 5 miles of Barton Creek inside the Barton Creek Habitat Preserve, causing algae blooms which remove oxygen from the water and negatively impact aquatic life.

- The developer actually proposed limits for Dissolved Oxygen, Ammonium Nitrogen, and Phosphorous in their permit application, but TCEQ eliminated these limits in their draft permit, with no explanation provided (see Fig. 1 on the next page). TCEQ continues to make it as easy and inexpensive as possible for developers to pollute area waterways by

not requiring developers to invest in wastewater treatment plants that provide appropriate pollution controls and nutrient removal.

Pollution Parameter	White Rocks Permit Application	TCEQ-Approved White Rocks Draft Permit
Biochemical Oxygen Demand (BOD)	10 mg/l	10 mg/l
Total Suspended Solids (TSS)	15 mg/l	15 mg/l
Ammonium Nitrogen (NH_3N)	3 mg/l	**No Limit**
Dissolved Oxygen (DO)	4 mg/l	**No Limit**
Phosphorous (P)	5 mg/l	**No Limit**

Fig. 1: TCEQ removed the developer's proposed tighter pollution limits for the White Rocks draft permit

The recent proliferation of toxic algae in Central Texas waterways generally and Barton Creek specifically makes TCEQ's decision to remove nutrient limits even more perplexing and astonishing. Due to excessive nitrogen and phosphorous in Barton Creek and the Highland Lakes, the City of Austin now spends $300,000 annually to partially treat these waterways with special clay, in an uphill battle to control toxic algae which has killed beloved pets and periodically closed swimming areas. Despite the clay treatments, City of Austin officials say that during the hot summer months of July and August, even these expensive clay treatments do not eliminate the toxic algae; it returns each year. City officials say the only long-term solution is to reduce the amount of Nitrogen and Phosphorous that enters area waterways. One effective way to do this is by specifying nutrient limits for all wastewater treatment plants, regardless of whether they directly discharge their effluent or land-apply it.

Nutrient pollution of area waterways is just one of our concerns regarding TCEQ's lax White Rocks draft permit; groundwater contamination is another. The neighboring Madrones housing development consists of homes that all use private wells for water. Groundwater in this area could potentially become contaminated by the flow of nutrient-rich effluent surface flow through karst features and into area groundwater, putting area landowners' drinking water at risk.

TCEQ regulations stipulate a maximum TLAP land slope of 5%. Despite the drainage issues mentioned previously, TCEQ has doubled the maximum allowable slope on the draft permit for the TLAP fields, from 5% to 10%, again with no explanation provided. Furthermore, 98% of the soils on the tract are Type D soils (the lowest absorption category), yet TCEQ has inexplicably chosen to allow for a maximum slope that assures quick, direct, concentrated runoff of pollutants from the TLAP fields to Barton Creek and into area groundwater.

The developer has submitted a "site plan" with their TLAP permit application which contains no detail regarding impervious cover for the development. There are no parking areas shown and no impervious cover calculations provided. An Edwards Aquifer Protection Plan (EAPP), which would provide such detail, is required for this development - yet none has been submitted by the developer.

Despite there being no impervious cover calculations provided, it's easy to see from the site diagram (Fig. 2 below) that between the 6 condo buildings, the 150-room hotel, the distillery, the wastewater treatment plant, and all of the parking lots, roads, and sidewalks required, there is entirely too much impervious cover for such an environmentally-sensitive area.

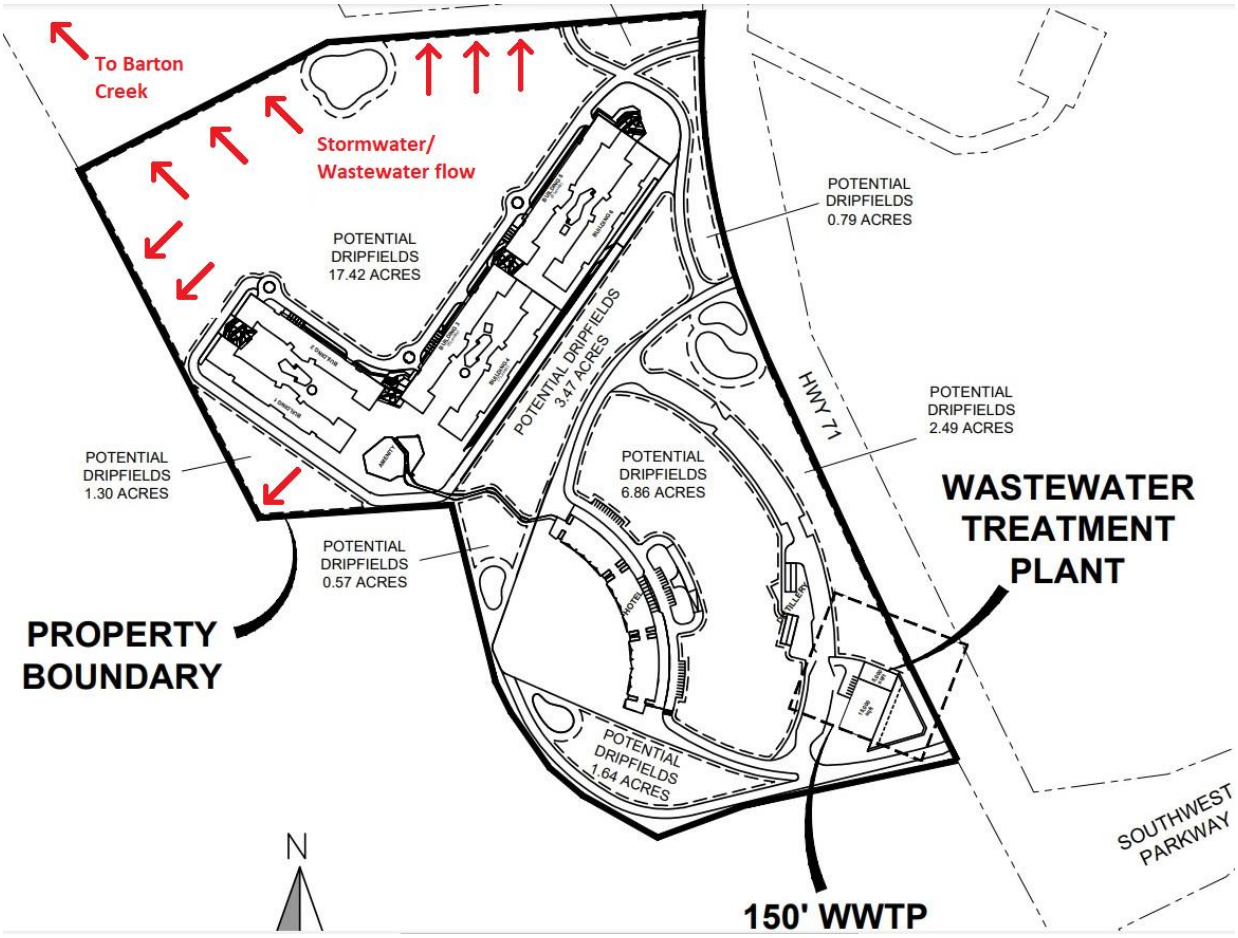


Fig. 2: The proposed White Rocks TLAP fields drain directly into Barton Creek via several drainage easements

Almost all of the tract area is devoted to either impervious structures or TLAP fields, which themselves can become impervious when saturated, thereby making almost the entire tract impervious under saturated conditions. The one batch retention pond shown near the steepest and largest TLAP field (17.42 acres) will likely be insufficient to contain stormwater and saturated TLAP field wastewater runoff, especially given the slope and drainage easements.

As previously mentioned, the topography of the proposed White Rocks development features TLAP fields which slope down towards Barton Creek. The developer has planned so many buildings and roads that the only space left over for land application of effluent are predominantly downslope fields that drain into Barton Creek. This, combined with lax effluent pollution limits, makes the developer's plan ill-suited for land application of treated sewage.

4.0 Conclusions and Recommendations

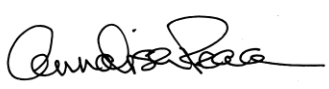
In summary, TCEQ needs to stop issuing TLAP permits with no nutrient limits and high pollutant limits, such as the White Rocks permit. At a minimum, TCEQ needs to adopt a 5-5-2-0.5 permit which stipulates maximum limits of 5 mg/l BOD, 5 mg/l TSS, 2 mg/l Ammonia Nitrogen, and 0.5 mg/l Phosphorous. The developer's proposed limit of 5 mg/l for DO should also be implemented.

TCEQ plays a unique and important role in protecting the water quality of area waterways and residents' drinking water, yet they continue eschewing this responsibility in favor of lax wastewater permits that are insufficiently protective. Similar lax draft wastewater permits with no nutrient limits were recently released by TCEQ for the Fitzhugh Music Venue, Hays Commons, and Mirasol Springs, all within several miles of each other and all located in environmentally-sensitive areas.

While requiring no nutrient limits assures a low-cost wastewater treatment plant for the developer, it comes at the expense of Central Texas' water resources. Excessive algae proliferation and toxic algae proliferation in the Highland Lakes as well as area waterways such as Barton Creek are strong evidence that TCEQ's leniency on numerous wastewater permits previously issued is having a dire effect on Texans' water. Lax wastewater permits go against TCEQ's charter and mandate to protect the quality of Texans' water. We therefore encourage TCEQ to reject the White Rocks wastewater permit in its entirety.

Thank you for the opportunity to submit these comments.

Respectfully,



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