

**EXHIBIT C**

**PROJECTED FLOW INFORMATION**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
DOMESTIC WASTEWATER PERMIT APPLICATION

DOMESTIC TECHNICAL REPORT 1.0

The Following Is Required For All Applications

Renewal, New, And Amendment

**1. Permitted or Proposed Flows**

(Instructions, Page 49)

**Table 1.0(1) - Existing/Interim I Phase**

Design Flow (MGD)	0.25
2-Hr Peak Flow (MGD)	0.75
Estimated construction start date	01/2016
Estimated waste disposal start date	08/2016

**Table 1.0(2) - Interim II Phase**

Design Flow (MGD)	2.5
2-Hr Peak Flow (MGD)	7.5
Estimated construction start date	01/2019
Estimated waste disposal start date	01/2020

**Table 1.0(3) - Final Phase**

Design Flow (MGD)	5.0
2-Hr Peak Flow (MGD)	15.0
Estimated construction start date	01/2044
Estimated waste disposal start date	01/2045

Current operating phase: N/A

Provide the startup date of the current phase: N/A

Provide the startup date of the facility: Pending Permit Approval

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### **GREEN VALLEY SPECIAL UTILITY DISTRICT (GVSUD) PROJECTED FLOWS**

Green Valley Special Utility District (GVSUD) has a wastewater CCN area of approximately 73,175 acres. GVSUD CCN boundary generally overlaps their water CCN boundary, except for the Northeast & Northwest parts of their water CCN area. This was helpful in identifying land use and estimating EDU/connection's per year to help size the capacity and loading of the proposed plant. To project future plant capacity and EDU's/connections per year, a 10% growth rate was used. This growth rate is similar to the growth rates of nearby municipalities that provide wastewater service. This growth rate is also similar to the growth rate of GVSUD's water system in areas where wastewater service is available over the past 10 to 15 years. This growth rate, along with land use maps, was used to determine EDU/connections per year on a continuing basis. The Santa Clara Creek Watershed map provided in the permit provides locations of existing city limits and extraterritorial jurisdictions of surrounding municipalities.

The proposed initial phase is 0.25 MGD. GVSUD currently has an application for wastewater service for a proposed development on a tract of land to the west and up gradient of the proposed wastewater plant within the Santa Clara Creek Watershed. The proposed development is seeking capacity for an average flow 130,000-gpd (approx. 530 EDU's). The development of this tract is anticipated to take four years. The initial phase includes commercial/industrial developments along with other anticipated initial connections, and is anticipated to have approximately 950 EDU's (228,000-gpd).

The proposed Interim phase is for 2.5 MGD, and the Final Phase is for 5 MGD. As mentioned above, a 10% growth rate was used to determine EDU/connections to the plant on a per year basis and the results are provided below.

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Green Valley Special Utility District  
Santa Clara Creek WWTP No. 1

Year	Land Use	Projected EDU's	Projected Volumes (GPD)
<b>Initial Phase: 0.25 MGD</b>			
2016	Residential/Commercial Land Use	205	49,200
2017	Residential/Commercial Land Use	430	103,200
2018	Residential/Commercial Land Use	660	158,400
2019	Residential/Commercial Land Use	952	228,360
<b>Phase II: 2.5 MGD</b>			
2020	Residential/Commercial Land Use	1,047	251,196
2021	Residential/Commercial Land Use	1,151	276,316
2022	Residential/Commercial Land Use	1,266	303,947
2023	Residential/Commercial Land Use	1,393	334,342
2024	Residential/Commercial Land Use	1,532	367,776
2025	Residential/Commercial Land Use	1,686	404,554
2026	Residential/Commercial Land Use	1,854	445,009
2027	Residential/Commercial Land Use	2,040	489,510
2028	Residential/Commercial Land Use	2,244	538,461
2029	Residential/Commercial Land Use	2,468	592,307
2030	Residential/Commercial Land Use	2,715	651,538
2031	Residential/Commercial Land Use	2,986	716,692
2032	Residential/Commercial Land Use	3,285	788,361
2033	Residential/Commercial Land Use	3,613	867,197
2034	Residential/Commercial Land Use	3,975	953,916
2035	Residential/Commercial Land Use	4,372	1,049,308
2036	Residential/Commercial Land Use	4,809	1,154,239
2037	Residential/Commercial Land Use	5,290	1,269,663
2038	Residential/Commercial Land Use	5,819	1,396,629
2039	Residential/Commercial Land Use	6,401	1,536,292
2040	Residential/Commercial Land Use	7,041	1,689,921
2041	Residential/Commercial Land Use	7,745	1,858,913
2042	Residential/Commercial Land Use	8,520	2,044,805
2043	Residential/Commercial Land Use	9,372	2,249,285
2044	Residential/Commercial Land Use	10,309	2,474,213
<b>Phase III: 5 MGD</b>			
2045	Residential/Commercial Land Use	11,340	2,721,635
2046	Residential/Commercial Land Use	12,474	2,993,798
2047	Residential/Commercial Land Use	13,722	3,293,178
2048	Residential/Commercial Land Use	15,094	3,622,496
2049	Residential/Commercial Land Use	16,603	3,984,746
2050	Residential/Commercial Land Use	18,263	4,383,220
2051	Residential/Commercial Land Use	20,090	4,821,542
2052	Residential/Commercial Land Use	22,099	5,303,696

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**EXHIBIT D**

**DEFICIENT SLUDGE DISPOSAL INFORMATION**

Aluminum, mg/l					
Alkalinity (CaCO <sub>3</sub> ), mg/l					

## 9. Facility Operator

(Instructions, Page 58)

Provide the name, license classification and level, and operator license number for the facility operator:

Not known at this time, however a certified operator will be used.

## 10. Sewage Sludge Management and Disposal

(Instructions, Page 58)

### a. Sludge disposal method To Be Determined

Check the current and anticipated sludge disposal method or methods. More than one method can be checked.

- ☒ Permitted landfill
- ☒ Permitted or Registered land application site for beneficial use
- ☐ Land application for beneficial use authorized in the wastewater permit
- ☐ Permitted sludge processing facility
- ☐ Marketing and distribution as authorized in the wastewater permit
- ☐ Composting as authorized in the wastewater permit
- ☐ Permitted surface disposal site (sludge monofill)
- ☐ Surface disposal site (sludge monofill) authorized in the wastewater permit
- ☒ Transported to another permitted wastewater treatment plant or permitted sludge processing facility (a current statement or agreement is required, see the item below)
- ☐ Written statement/contractual agreement from the wastewater treatment plant or permitted sludge processing facility accepting the sludge is attached
- ☐ Other method (provide description):

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### b. Sludge disposal site

Provide the disposal site name: Not known at this time, however a TCEQ permitted site will be used.

TCEQ permit or registration number: Not Known at this time, however a TCEQ permitted site will be used.

County where disposal site is located: Not known at this time

**c. Sludge transportation method**

Provide the method of transportation (truck, train, pipe, other): Truck

Name of the hauler: Not known at this time, however a TCEQ permitted hauler will be used

Hauler registration number: Not known at this time, however a TCEQ permitted hauler will be used

Transported as: ☐ liquid ☐ semi-liquid ☒ semi-solid ☐ solid

Land application for: ☐ reclamation ☐ soil conditioning

**11. Permit Authorization for Sewage Sludge Disposal**

(Instructions, Page 58)

**a. Beneficial use authorization**

Does the existing permit include authorization for land application of sewage sludge for beneficial use?

☐ Yes ☒ No No Existing Permit

If yes, are you requesting to continue this authorization to land apply sewage sludge for beneficial use?

☐ Yes ☒ No No Existing Permit

If yes, is the completed **Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)** attached to this permit application (see the instructions for details)?

☐ Yes ☐ No

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# EXHIBIT

## 3



# Texas Commission on Environmental Quality



## NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER NEW

PERMIT NO. WQ0015360001

**APPLICATION AND PRELIMINARY DECISION.** Green Valley Special Utility District, P.O. Box 99, Marion, Texas 78124, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015360001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 5,000,000 gallons per day. TCEQ received this application on April 1, 2015.

The facility will be located at 3930 Linne Road, Seguin, in Guadalupe County, Texas 78155. The treated effluent will be discharged to Santa Clara Creek; thence to Lower Cibolo Creek in Segment No. 1902 of the Guadalupe River Basin. The unclassified receiving water use is high aquatic life use for Santa Clara Creek. The designated uses for Segment No. 1902 are high aquatic life use and primary contact recreation. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Santa Clara Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Marion City Hall, 303 South Center Street, Marion, in Guadalupe County, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.  
<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.5253&lng=-98.114166&zoom=13&type=r>

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

**TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST:** your name; address, phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "I/we request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

**EXECUTIVE DIRECTOR ACTION.** The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**MAILING LIST.** If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

**All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at [www.tceq.texas.gov/about/comments.html](http://www.tceq.texas.gov/about/comments.html) within 30 days from the date of newspaper publication of this notice.**

**AGENCY CONTACTS AND INFORMATION.** If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at [www.TCEQ.texas.gov](http://www.TCEQ.texas.gov).

Further information may also be obtained from Green Valley Special Utility District at the address stated above or by calling Mr. Pat Allen at 830-914-2330.

Issuance Date: October 12, 2015

## FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015360001, TX0136352, to discharge to water in the state.

Issuing Office: Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Applicant: Green Valley Special Utility District  
P.O. Box 99  
Marion, Texas 78124

Prepared By: Larry Diamond  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)  
Water Quality Division  
(512) 239-0037

Date: August 13, 2015 and October 2, 2015

Permit Action: New Permit

### 1. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **March 1, 2020**, according to 30 Texas Administrative Code (TAC) § 305.71, Basin Permitting.

### 2. APPLICANT ACTIVITY

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 0.25 million gallons per day (MGD) in the Interim I phase, an annual average flow not to exceed 2.5 MGD in the Interim II phase, and an annual average flow not to exceed 5.0 MGD in the Final phase. The proposed wastewater treatment facility will serve proposed developments in the Santa Clara Creek watershed in Guadalupe County, Texas.

### 3. FACILITY AND DISCHARGE LOCATION

The plant site will be located at 3930 Linne Road, Seguin, in Guadalupe County, Texas 78155.

The treated effluent will be discharged to Santa Clara Creek; thence to Lower Cibolo Creek in Segment No. 1902 of the Guadalupe River Basin. The unclassified receiving water use is high aquatic life use for Santa Clara Creek. The designated uses for Segment No. 1902 are high aquatic life use and primary contact recreation.

#### 4. TREATMENT PROCESS DESCRIPTION AND SEWAGE SLUDGE DISPOSAL

The Santa Clara Creek No. 1 Wastewater Treatment Facility will be an activated sludge process plant operated in the extended aeration mode. Treatment units in the Interim I phase will include a lift station, bar screen, equalization basin, aeration basin, final clarifier, sludge digester, a belt filter press, a chlorine contact chamber, and disk filter. Treatment units in the Interim II and Final phase will include a lift station, bar screen, two sequencing batch reactor basins, equalization basin, sludge digester, a belt filter press, a UV disinfection system, and disk filter. The facility has not been constructed.

The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

#### 5. INDUSTRIAL WASTE CONTRIBUTION

The draft permit includes pretreatment requirements that are appropriate for a facility of this size and complexity. The Green Valley Special Utility District facility is not yet constructed and does not appear to receive significant industrial wastewater contributions upon time of operation.

#### 6. SUMMARY OF SELF-REPORTED EFFLUENT ANALYSES

Self-reporting data is not available since the facility is not yet constructed.

#### 7. DRAFT PERMIT CONDITIONS AND MONITORING REQUIREMENTS

The effluent limitations and monitoring requirements for those parameters that are limited in the draft permit are as follows:

##### A. INTERIM I PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The daily average flow of effluent shall not exceed 0.25 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 521 gallons per minute (gpm).

<u>Parameter</u>	<u>30-Day Average</u>		<u>7-Day</u>	<u>Daily</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>Average</u> <u>mg/l</u>	<u>Maximum</u> <u>mg/l</u>
CBOD <sub>5</sub>	10	21	15	25
TSS	15	31	25	40
NH <sub>3</sub> -N	3	6.3	6	10
Total Phosphorus (P)	0.5	1.0	1	2
DO (minimum)	4.0	N/A	N/A	N/A
<i>E. coli</i> , colony forming units (CFU) or most probable number (MPN) per 100 ml	126	N/A	N/A	N/A

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample. There shall be no

discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow, MGD	Continuous
CBOD <sub>5</sub>	One/week
TSS	One/week
NH <sub>3</sub> -N	One/week
Total P	One/week
DO	One/week
<i>E. coli</i>	One/month

B. INTERIM II PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 2.5 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 5,208 gpm.

<u>Parameter</u>	<u>30-Day Average</u>		<u>7-Day Average</u>	<u>Daily Maximum</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>mg/l</u>	<u>mg/l</u>
CBOD <sub>5</sub>	7	146	12	22
TSS	15	313	25	40
NH <sub>3</sub> -N	2	42	5	10
Total Phosphorus	0.5	10	1	2
DO (minimum)	6.0	N/A	N/A	N/A
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow, MGD	Continuous
CBOD <sub>5</sub>	Two/week
TSS	Two/week
NH <sub>3</sub> -N	Two/week
Total P	Two/week
DO	Two/week
<i>E. coli</i>	Daily

C. FINAL PHASE EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The annual average flow of effluent shall not exceed 5.0 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 10, 417 gpm.

<u>Parameter</u>	<u>30-Day Average</u>		<u>7-Day</u>	<u>Daily</u>
	<u>mg/l</u>	<u>lbs/day</u>	<u>Average</u> <u>mg/l</u>	<u>Maximum</u> <u>mg/l</u>
CBOD <sub>5</sub>	5	209	10	20
TSS	5	209	10	20
NH <sub>3</sub> -N	1.8	75	5	10
Total Phosphorus	0.5	21	1	2
DO (minimum)	6.0	N/A	N/A	N/A
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored five times per week by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow, MGD	Continuous
CBOD <sub>5</sub>	Five/week
TSS	Five/week
NH <sub>3</sub> -N	Five/week
Total P	Five/week
DO	Five/week
<i>E. coli</i>	Daily

D. SEWAGE SLUDGE REQUIREMENTS

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit also authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

E. PRETREATMENT REQUIREMENTS

Permit requirements for pretreatment are based on TPDES regulations contained in 30 TAC Chapter 315, which references 40 Code of Federal Regulations (CFR) Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" [rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798]. The permit includes specific

requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

#### F. WHOLE EFFLUENT TOXICITY (BIOMONITORING) REQUIREMENTS

- (1) The draft permit includes 7-day chronic freshwater biomonitoring requirements as follows. The permit requires five dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations shall be 31%, 42%, 56%, 74%, and 99%. The low-flow effluent concentration (critical dilution) is defined as 99% effluent.
  - (a) Chronic static renewal 7-day survival and reproduction test using the water flea (*Ceriodaphnia dubia*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.
  - (b) Chronic static renewal 7-day larval survival and growth test using the fathead minnow (*Pimephales promelas*). The frequency of the testing is once per quarter for at least the first year of testing, after which the permittee may apply for a testing frequency reduction.
- (2) The draft permit includes the following minimum 24-hour acute freshwater biomonitoring requirements at a frequency of once per six months:
  - (a) Acute 24-hour static toxicity test using the water flea (*Daphnia pulex* or *Ceriodaphnia dubia*).
  - (b) Acute 24-hour static toxicity test using the fathead minnow (*Pimephales promelas*).

#### G. BUFFER ZONE REQUIREMENTS

The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).

#### H. SUMMARY OF CHANGES FROM APPLICATION

None.

#### I. SUMMARY OF CHANGES FROM EXISTING PERMIT

Standard Permit Conditions, Sludge Provisions, Other Requirements, Pretreatment Requirements, and Biomonitoring sections have been included in the draft permit.

*E. coli* bacteria limits have been added to the draft permit in accordance with the recent amendments to 30 TAC Chapters 309 and 319.



SECTION IV, REQUIREMENTS APPLYING TO SLUDGE TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING, has been added to the Sludge Provisions of the draft permit to allow the transportation of sludge to another facility.

The Standards Implementation Team recommends the inclusion of a total phosphorus limit of 0.5 mg/L for all phases of the proposed facility. This should help to insure that no significant degradation of water quality will occur.

## 8. DRAFT PERMIT RATIONALE

### A. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated in Title 40 CFR require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines.

Effluent limitations for maximum and minimum pH are in accordance with 40 CFR § 133.102(c) and 30 TAC § 309.1(b).

### B. WATER QUALITY SUMMARY AND COASTAL MANAGEMENT PLAN

#### (1) WATER QUALITY SUMMARY

The treated effluent is discharged to Santa Clara Creek; thence to Lower Cibolo Creek in Segment No. 1902 of the Guadalupe River Basin. The unclassified receiving water use is high aquatic life use for Santa Clara Creek. The designated uses for Segment No. 1902 are high aquatic life use and primary contact recreation. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 TAC § 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Santa Clara Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998, update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical

concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment 1902 is currently listed on the State's inventory of impaired and threatened waters (the 2012 Clean Water Act Section 303(d) list). The listing is for elevated bacteria levels and impaired fish community in various reaches. The bacteria impairment extends from the lower Segment boundary upstream to the confluence with Clifton Branch (AUs 1902\_01, 1902\_02, 1902\_03). The impaired fish community listing is restricted to a reach extending from 5 miles upstream of the confluence with the San Antonio River to FM 541 (AU 1902\_02). This facility is designed to provide adequate disinfection and when operated properly should not add to the bacterial impairment of the segment. In addition, in order to ensure that the proposed discharge meets the stream bacterial standard, an effluent limitation of 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml has been added to the draft permit. The proposed plant will serve a planned residential development. Effluent limits including nutrients limits for ammonia-nitrogen and Total Phosphorus have been included in the draft permit and have been modeled to be protective of Texas Surface Water Quality Standards for aquatic and human health. The facility is not expected to add to the impaired fish community.

The effluent limitations and conditions in the draft permit comply with the Texas Surface Water Quality Standards (TSWQS), 30 TAC §§ 307.1 - 307.10.

(2) CONVENTIONAL PARAMETERS

Effluent limitations for the conventional effluent parameters (i.e., Biochemical Oxygen Demand or Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality-limited streams as established in the TSWQS and the State of Texas Water Quality Management Plan (WQMP).

The effluent limits recommended above have been reviewed for consistency with the WQMP. The proposed limits are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.

(3) COASTAL MANAGEMENT PLAN

The facility is not located in the Coastal Management Program boundary.

C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

(1) GENERAL COMMENTS

The Texas Surface Water Quality Standards (30 TAC Chapter 307) state that surface waters will not be toxic to man, or to terrestrial or aquatic life. The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards, June 2010" is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater that: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health.

(2) AQUATIC LIFE CRITERIA

(a) SCREENING

Water quality-based effluent limitations are calculated from freshwater aquatic life criteria found in Table 1 of the Texas Surface Water Quality Standards (30 TAC Chapter 307).

Acute freshwater criteria are applied at the edge of the zone of initial dilution (ZID), and chronic freshwater criteria are applied at the edge of the aquatic life mixing zone. The ZID for this discharge is defined as 20 feet upstream and 60 feet downstream from the point where the discharge enters Lower Cibolo Creek. The aquatic life mixing zone for this discharge is defined as 100 feet upstream and 300 feet downstream from the point where the discharge enters Lower Cibolo Creek.

TCEQ uses the mass balance equation to estimate dilutions at the edges of the ZID and aquatic life mixing zone during critical conditions. The estimated dilution at the edge of the aquatic life mixing zone is calculated using the final permitted flow of 5.0 MGD and the 7-day, 2-year (7Q2) flow of 0.10 cfs for Lower Cibolo Creek. The estimated dilution at the edge of the ZID is calculated using the final permitted flow of 5.0 MGD and 25% of the 7Q2 flow. The following critical effluent percentages are being used:

Acute Effluent %:	99.68%	Chronic Effluent %:	98.72%
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Wasteload allocations (WLAs) are calculated using the above estimated effluent percentages, criteria outlined in the Texas Surface Water Quality Standards, and partitioning coefficients for metals (when appropriate and designated in the implementation procedures). The WLA is the end-of-pipe effluent concentration that can be discharged when, after mixing in the receiving stream, instream numerical criteria will not be exceeded. From the WLA, a long-term average (LTA) is calculated using a log normal probability distribution, a given coefficient of variation (0.6), and a 90<sup>th</sup> percentile confidence level. The LTA is the long-term average effluent concentration for which the WLA will never be exceeded using a

selected percentile confidence level. The lower of the two LTAs (acute and chronic) is used to calculate a daily average and daily maximum effluent limitation for the protection of aquatic life using the same statistical considerations with the 99<sup>th</sup> percentile confidence level and a standard number of monthly effluent samples collected (12). Assumptions used in deriving the effluent limitations include segment values for hardness, chlorides, pH, and total suspended solids (TSS) according to the segment-specific values contained in the TCEQ guidance document "Procedures to Implement the Texas Surface Water Quality Standards, June 2010." The segment values are 257 mg/l for hardness (as calcium carbonate), 100 mg/l chlorides, 7.6 standard units for pH, and 8.8 mg/l for TSS. For additional details on the calculation of water quality-based effluent limitations, refer to the TCEQ guidance document.

TCEQ practice for determining significant potential is to compare the reported analytical data against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85% of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70% of the calculated daily average water quality-based effluent limitation.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(3) AQUATIC ORGANISM BIOACCUMULATION CRITERIA

(a) SCREENING

Water quality-based effluent limitations for the protection of human health are calculated using criteria for the consumption of freshwater fish tissue found in Table 2 of the Texas Surface Water Quality Standards (30 TAC Chapter 307). Freshwater fish tissue bioaccumulation criteria are applied at the edge of the human health mixing zone. The human health mixing zone for this discharge is identical to the aquatic life mixing zone. TCEQ uses the mass balance equation to estimate dilution at the edge of the human health mixing zone during average flow conditions. The estimated dilution at the edge of the human health mixing zone is calculated using the final permitted flow of 5.0 MGD and the harmonic mean flow of 0.20 cfs for Lower Cibolo Creek. The following critical effluent percentage is being used:

Human Health Effluent %: 97.48%

Water quality-based effluent limitations for human health protection against the consumption of fish tissue are calculated using the same procedure as outlined for calculation of water quality-based effluent

limitations for aquatic life protection. A 99<sup>th</sup> percentile confidence level in the long-term average calculation is used with only one long-term average value being calculated.

Significant potential is again determined by comparing reported analytical data against 70% and 85% of the calculated daily average water quality-based effluent limitation.

(b) PERMIT ACTION

No analytical data is available for screening against water quality-based effluent limitations because the facility is not in operation.

(4) DRINKING WATER SUPPLY PROTECTION

(a) SCREENING

Water Quality Segment No. 1902, which receives the discharge from this facility, is not designated as a public water supply. Screening reported analytical data of the effluent against water quality-based effluent limitations calculated for the protection of a drinking water supply is not applicable.

(b) PERMIT ACTION

None.

(5) WHOLE EFFLUENT TOXICITY (BIOMONITORING) CRITERIA

(a) SCREENING

TCEQ has determined that there may be pollutants present in the effluent that may have the potential to cause toxic conditions in the receiving stream. Whole effluent biomonitoring is the most direct measure of potential toxicity that incorporates the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

A reasonable potential (RP) determination was performed in accordance with 40 CFR §122.44(d)(1)(ii) to determine whether the discharge will reasonably be expected to cause or contribute to an exceedance of a state water quality standard or criterion within that standard. Each test species is evaluated separately. The RP determination is based on representative data from the previous five years of chronic WET testing. The table below identifies the number of test failures required to necessitate that a WET limit be placed in the permit or the consideration of additional Best Professional Judgment (BPJ) factors, such as the duration and magnitude of the failures.

<b>WET Reasonable Potential Determination Thresholds</b>
More than 3 failures in the past five years = WET limit
3 failures with 2 or 3 occurring in the past 3 years = WET limit
1 to 3 failures in the past five years but 1 or less in last 3 years = BPJ
0 failures = No limit

With zero failures, a determination of no RP was made for both test species. With no RP, additional WET limits are not required and both test species are eligible for the testing frequency reduction.

The permit includes 7-day chronic freshwater biomonitoring requirements. The facility has yet to be constructed. Therefore, there is no WET testing history to review.

The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the Final phase.

**(b) PERMIT ACTION**

The test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge. This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body.

No analytical data is available because the facility is not in operation.

**(6) WHOLE EFFLUENT TOXICITY CRITERIA (24-HOUR ACUTE)**

**(a) SCREENING**

The existing permit includes 24-hour acute freshwater biomonitoring language. The facility has yet to be constructed. Therefore, there is no WET testing history to review.

**(b) PERMIT ACTION**

The draft permit includes 24-hour 100% acute biomonitoring tests for the life of the permit to begin in the Final phase. The applicant is not currently monitoring whole effluent toxicity because the requirements do not take effect until the Final phase.

**9. WATER QUALITY VARIANCE REQUESTS**

No variance requests have been received.

## **10. PROCEDURES FOR FINAL DECISION**

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Larry Diamond at (512) 239-0037.

**11. ADMINISTRATIVE RECORD**

The following items were considered in developing the draft permit:

**A. APPLICATION**

Application received on April 1, 2015, and additional information received on May 4, 2015, May 8, 2015, and September 3, 2015.

**B. MEMORANDA**

Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division. Interoffice memorandum from the Stormwater & Pretreatment Team of the TCEQ Water Quality Division.

**C. MISCELLANEOUS**

Federal Clean Water Act, § 402; Texas Water Code § 26.027; 30 TAC Chapters 30, 305, 309, 312, 319,; Commission policies; and U.S. Environmental Protection Agency guidelines.

Texas Surface Water Quality Standards, 30 TAC §§ 307.1 - 307.10.

*Procedures to Implement the Texas Surface Water Quality Standards (IP)*, Texas Commission on Environmental Quality, June 2010, as approved by the U.S. Environmental Protection Agency, and the IP, January 2003, for portions of the 2010 IP not approved by the U.S. Environmental Protection Agency.

Texas 2012 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, February 21, 2013; approved by the U.S. Environmental Protection Agency on May 9, 2013.

TNRCC Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.



# EXHIBIT

# 4

**A RESOLUTION**  
**BY THE BOARD OF DIRECTORS OF THE**  
**GREEN VALLEY SPECIAL UTILITY DISTRICT**

WHEREAS, the Green Valley Special Utility District has determined that it will be in the best interest of the District to purchase approximately 65 acres of land located along Linne Road in the County of Guadalupe, State of Texas, for the development and construction of a Waste-Water Treatment Facility; and


WHEREAS, negotiations with Joann F. Murphy and Claudette June Turk, land sellers, have resulted in an agreed to Purchase and Sale Contract;

NOW THEREFORE,


BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GREEN VALLEY SPECIAL UTILITY DISTRICT:

THAT the General Manager and/or President of the Board is authorized to execute all documents necessary for the finalizing the Purchase, including all closing documents as required.

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of December, 2014

  
Dennis Dreyer, Board President

ATTEST:

  
Jackie Nolte, Secretary-Treasurer

7/11

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

028726 STC-DR

JOANN F. MURPHEY, ET AL -TO- GREEN VALLEY SPECIAL UTILITY DISTRICT

**CORRECTION**  
**WARRANTY DEED**

**DATE:** December 19, 2014

**GRANTOR:** JOANN F. MURPHEY, joined pro forma by her husband, JERRY MURPHEY; and JAMES W. TURK A/K/A JAMES TURK, Independent Executor of the Estate of Claudette B. Turk (a/k/a Claudette Blumberg Turk and Claudette June Turk), Deceased, and joining pro forma as her husband

**GRANTOR'S MAILING ADDRESS:** 606 Springvale, San Antonio, Texas 78227 (Bexar County)

**GRANTEE:** GREEN VALLEY SPECIAL UTILITY DISTRICT

**GRANTEE'S MAILING ADDRESS:** P. O. Box 99, Marion, Texas 78124-0099 (Guadalupe County)

**CONSIDERATION:** Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

**PROPERTY (including any improvements):** All that certain tract or parcel of land containing 45.689 acres of land out of the Guadalupe Torres Survey, Abstract No. 313, Guadalupe County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached.

The Property is conveyed in its present condition, with any defects, and without warranties except warranties of title and warranties in the contract between the parties, if any.

**RESERVATIONS FROM CONVEYANCE:** For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided 50% of all oil, gas and other minerals owned by Grantor in and under and that may be produced from the Property.

Grantor waives the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor.

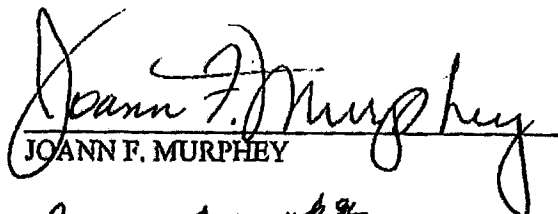
Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the Property; or the exploration or production of the oil, gas, and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.


**EXCEPTIONS TO CONVEYANCE AND WARRANTY:** Validly existing easements, and rights-of-way, of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2014, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

This Correction Warranty Deed is made in place of and to correct a Warranty Deed from Joann F. Murphey, joined pro forma by her husband, Jerry Murphey, and Claudette June Turk, joined pro forma by her husband, James Turk, to Green Valley Special Utility District, dated December 19, 2014, and recorded in Document Number 2014023215 of the Official Public Records of Guadalupe County, Texas. By mistake that Warranty Deed inadvertently conveyed the property as 65.00 acres of land in Guadalupe Torres Survey, A-313, Guadalupe County, Texas, when in truth and fact the property being conveyed is a 19.311 acre tract and a 45.689 acre tract, Guadalupe Torres Survey, A-313, Guadalupe County, Texas, and each tract was to be conveyed by a separate deed to the Grantee. This Correction Warranty Deed, conveying the 45.689 acre tract, is made by Grantors and accepted by Grantee to correct that mistake, is effective on December 19, 2014, the date of the original Warranty Deed, and in all other respects confirms the former Warranty Deed. Another correction deed is being executed concurrently to convey the 19.311 acre tract from Grantor to Grantee.

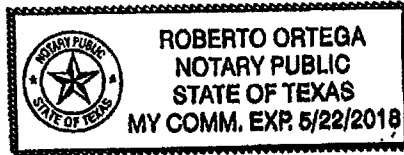
  
JOANN F. MURPHEY

  
JERRY MURPHEY

THE STATE OF TEXAS

COUNTY OF Bexar

This instrument was acknowledged before me on the 10 day of November, 2015, by  
JOANN F. MURPHEY.

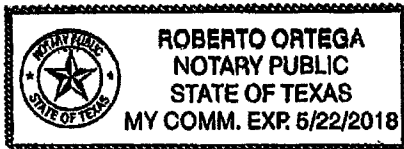


Roberto Ortega  
Notary Public, State of Texas  
Name: Roberto Ortega

THE STATE OF TEXAS

COUNTY OF Bexar

This instrument was acknowledged before me on the 10 day of November, 2015, by JERRY  
MURPHEY.



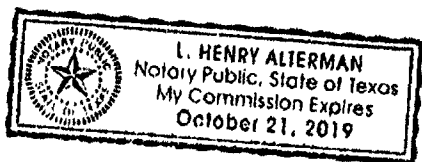
Roberto Ortega  
Notary Public, State of Texas  
Name: Roberto Ortega

James W. Turk  
A/K/A James Turk  
JAMES W. TURK A/K/A JAMES TURK,  
Independent Executor of the Estate of Claudette  
B. Turk (a/k/a Claudette Blumberg Turk and  
Claudette June Turk), Deceased, and  
James W. Turk  
A/K/A James Turk  
JAMES W. TURK A/K/A JAMES TURK

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 10 day of NOVEMBER, 2015, by  
JAMES W. TURK A/K/A JAMES TURK, individually and as Independent Executor of the Estate of  
Claudette B. Turk (a/k/a Claudette Blumberg Turk and Claudette June Turk), Deceased.



L. Henry Alterman  
Notary Public, State of Texas  
Notary Name: L. Henry Alterman

ACCEPTANCE BY GRANTEE:

GREEN VALLEY SPECIAL UTILITY DISTRICT

By: *Pat Allen*  
PAT ALLEN,  
General Manager



THE STATE OF TEXAS

COUNTY OF GUADALUPE

This instrument was acknowledged before me on the 17<sup>th</sup> day of November, 2015, by PAT ALLEN, General Manager of GREEN VALLEY SPECIAL UTILITY DISTRICT, on behalf of GREEN VALLEY SPECIAL UTILITY DISTRICT.

*Tracy S. Rappmund*  
Notary Public, State of Texas  
Notary Name: *Tracy S. Rappmund*

**River City Engineering**  
1011 W. County Line Road \* NEW BRAUNFELS, TX. 78130  
PHONE (830) 625-0337 FAX (830) 625-0858  
dlamberis@rcetx.com  
Firm Registration #10193949

All that certain tract or parcel of land containing 45.689 acres of land out of the Guadalupe Torres Survey, Abstract No. 313, Guadalupe County, Texas, being all of that certain called 20 acre parcel described in Volume 3051, Page 561 and a portion of that certain called 116 acre tract described in Volume 2821, Page 426, all of the Official Records of Guadalupe County, Texas, further being out of that certain 65.000 acre parcel of land described in Document No. 2014023215 of said Official Records; Said 45.689 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a created point on the southwesterly right-of-way line of Linne Road for the most easterly corner and POINT OF BEGINNING of this parcel, same being the most easterly corner of said 116 acre tract and the most northerly corner of that certain called 20 acre parcel described in Volume 2821, Page 423 of said Official Records;

THENCE departing said right-of-way line and with the common line of said 116 acre tract with said 20 acre parcel described in Volume 2821, Page 423, South 59 deg 32' 28" West, a distance of 1377.68 feet to a 1/2 inch rebar found for the most westerly corner of said 20 acre parcel, same being the most northerly corner of said 20 acre parcel described in Volume 3051, Page 561 and an interior corner of this parcel;

THENCE with the common line of said 20 acre parcel described in Volume 2821, Page 423 with said 20 acre parcel described in Volume 3051, Page 561, South 30 deg 07' 53" East, a distance of 575.96 feet to a created point for the most southerly corner of said 20 acre parcel described in Volume 2821, Page 423, same being the most easterly corner of said 20 acre parcel described in Volume 3051, page 561 and being located in the northwesterly line of that certain called 59.95 acre parcel described in Volume 3003, page 362 of said Official Records;

THENCE with the common line of this parcel with said 59.95 acre parcel, South 59 deg 40' 23" West, a distance of 810.13 feet to a 1/2 inch rebar found for angle, said being the most northerly corner of that certain called 12.166 acre parcel described in Volume 1035, Page 601 of said Official Records;

THENCE with the common line of this parcel with said 12.166 acre parcel, South 59 deg 37' 01" West, a distance of 690.11 feet (called South 60 deg 38' 19" West) to a 1/2 inch rebar found for the most southerly corner of this parcel, same being the most southerly corner of said 20 acre parcel and the most easterly corner of that certain called 72.204 acre parcel described in Volume 1347, Page 601 of said Official Records;

**EXHIBIT "A"**



THENCE with the common line of said 20 acre parcel with said 72.204 acre parcel, North 30 deg 25' 55" West, a distance of 569.05 feet (called North 30 deg 00" West, 579 feet) to a ½ inch rebar found for an exterior corner of this parcel, same being the most westerly corner of said 20 acre parcel, the most northerly corner of said 72.204 acre parcel and lying in the southeasterly line of the aforementioned 116 acre tract;

THENCE with the common line of said 20 acre parcel with said 116 acre tract, North 59 deg 20' 58" East, a distance of 670.68 feet to a ½ inch rebar set (capped "RPLS 4907") for an interior corner of this parcel;

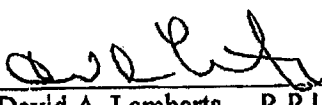
THENCE severing said 116 acre tract, North 30 deg 25' 55" West, a distance of 575.36 feet to a ½ inch rebar set (capped "RPLS 4907") on the common line of said 116 acre tract with that certain called 22.7 acre parcel described in Volume 387, Page 121 of the Deed Records of Guadalupe County, Texas for the most westerly corner of this parcel;

THENCE with the common line of said 116 acre tract with said 22.7 acre parcel, North 59 deg 22' 16" East, a distance of 1816.08 feet (called North 59 deg 39' East) to a ½ inch rebar set (capped "RPLS 4907") on the aforementioned right-of-way of Linne Road for the most northerly corner of this parcel, same being the most northerly corner of said 116 acre tract and the most easterly corner of said 22.7 acre parcel;

THENCE with said right-of-way line, the following six (6) courses:

- 1). South 68 deg 25' 55" East, a distance of 118.68 feet (called South 68 deg 31' East, 118.0 feet) to a concrete monument found;
- 2). South 23 deg 37' 03" East, a distance of 153.65 feet (called South 23 deg 31' East, 155.0 feet) to a concrete monument found;
- 3). South 44 deg 15' 15" East, a distance of 133.94 feet (called South 44 deg 06' East, 134.5 feet) to a concrete monument found;
- 4). North 78 deg 44' 56" East, a distance of 203.51 feet (called North 78 deg 30' East, 204.0 feet) to a concrete monument found;
- 5). North 89 deg 46' 53" East, a distance of 100.44 feet (called North 90 deg 00' East, 100.0 feet) to a concrete monument found;
- 6). South 48 deg 51' 21" East, a distance of 89.73 feet (called South 49 deg 00' East) to the POINT OF BEGINNING and containing 45.689 acres of land with all bearings called for herein based of the Texas Coordinate System as established from the North American Datum Of 1983 (CORS96) for the South Central Zone.



  
David A. Lamberts R.P.L.S. No. 4907  
J.O. No. 6096-104-3 (DRAWING PREPARED)  
**EXHIBIT "A"**

Page 2 of 2



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the foot of the record.

→ Seguin Title

**2015023857**  
**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**  
11/20/2015 3:41:23 PM  
PAGES: 8  
TERESA KIEL, COUNTY CLERK  
GUADALUPE COUNTY, TEXAS



7/11

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

028726 STC-DR

JOANN F. MURPHEY, ET AL -TO- GREEN VALLEY SPECIAL UTILITY DISTRICT

**CORRECTION**  
**WARRANTY DEED**

**DATE:** December 19, 2014

**GRANTOR:** JOANN F. MURPHEY, joined pro forma by her husband, JERRY MURPHEY; and JAMES W. TURK A/K/A JAMES TURK, Independent Executor of the Estate of Claudette B. Turk (a/k/a Claudette Blumberg Turk and Claudette June Turk), Deceased, and joining pro forma as her husband

**GRANTOR'S MAILING ADDRESS:** 606 Springvale, San Antonio, Texas 78227 (Bexar County)

**GRANTEE:** GREEN VALLEY SPECIAL UTILITY DISTRICT

**GRANTEE'S MAILING ADDRESS:** P. O. Box 99, Marion, Texas 78124-0099 (Guadalupe County)

**CONSIDERATION:** Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

**PROPERTY (including any improvements):** All that certain tract or parcel of land containing 19.311 acres of land out of the Guadalupe Torres Survey, Abstract No. 313, Guadalupe County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached.

The Property is conveyed in its present condition, with any defects, and without warranties except warranties of title and warranties in the contract between the parties, if any.

**RESERVATIONS FROM CONVEYANCE:** For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided 50% of all oil, gas and other minerals owned by Grantor in and under and that may be produced from the Property.

Grantor waives the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor.

Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the Property; or the exploration or production of the oil, gas, and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

**EXCEPTIONS TO CONVEYANCE AND WARRANTY:** Validly existing easements, and rights-of-way, of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2014, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

This Correction Warranty Deed is made in place of and to correct a Warranty Deed from Joann F. Murphey, joined pro forma by her husband, Jerry Murphey, and Claudette June Turk, joined pro forma by her husband, James Turk, to Green Valley Special Utility District, dated December 19, 2014, and recorded in Document Number 2014023215 of the Official Public Records of Guadalupe County, Texas. By mistake that Warranty Deed inadvertently conveyed the property as 65.00 acres of land in Guadalupe Torres Survey, A-313, Guadalupe County, Texas, when in truth and fact the property being conveyed is a 19.311 acre tract and a 45.689 acre tract, Guadalupe Torres Survey, A-313, Guadalupe County, Texas, and each tract was to be conveyed by a separate deed to the Grantee. This Correction Warranty Deed, conveying the 19.311 acre tract, is made by Grantors and accepted by Grantee to correct that mistake, is effective on December 19, 2014, the date of the original Warranty Deed, and in all other respects confirms the former Warranty Deed. Another correction deed is being executed concurrently to convey the 45.689 acre tract from Grantor to Grantee.

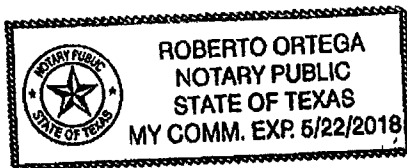
  
JOANN F. MURPHEY

  
JERRY MURPHEY

THE STATE OF TEXAS

COUNTY OF Bexar

This instrument was acknowledged before me on the 10 day of November, 2015, by  
JOANN F. MURPHEY.

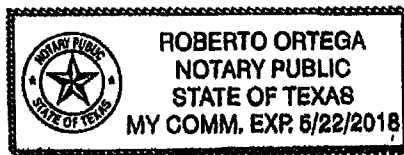


Robert Ortega  
Notary Public, State of Texas  
Notary Name: Roberto Ortega

THE STATE OF TEXAS

COUNTY OF Bexar

This instrument was acknowledged before me on the 10 day of November, 2015, by JERRY  
MURPHEY.



Robert Ortega  
Notary Public, State of Texas  
Notary Name: Roberto Ortega

James W. Turk

A/K/A James Turk

JAMES W. TURK A/K/A JAMES TURK,  
Independent Executor of the Estate of Claudette  
B. Turk (a/k/a Claudette Blumberg Turk and  
Claudette June Turk), Deceased, and

James W. Turk

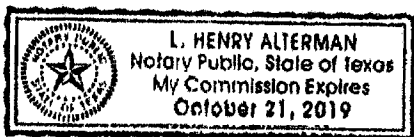
A/K/A James Turk

JAMES W. TURK A/K/A JAMES TURK

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 10 day of NOVEMBER, 2015, by  
JAMES W. TURK A/K/A JAMES TURK, individually and as Independent Executor of the Estate of  
Claudette B. Turk (a/k/a Claudette Blumberg Turk and Claudette June Turk), Deceased.



L. Henry Alterman

Notary Public, State of Texas

Notary Name: L. Henry Alterman

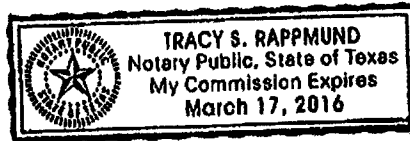
ACCEPTANCE BY GRANTEE:

GREEN VALLEY SPECIAL UTILITY DISTRICT

By: *Pat Allen*  
PAT ALLEN,  
General Manager

THE STATE OF TEXAS

COUNTY OF GUADALUPE



This instrument was acknowledged before me on the 17<sup>th</sup> day of November 2015, by PAT ALLEN, General Manager of GREEN VALLEY SPECIAL UTILITY DISTRICT, on behalf of GREEN VALLEY SPECIAL UTILITY DISTRICT.

*Tracy S. Rappmund*  
Notary Public, State of Texas  
Notary Name: Tracy S. Rappmund

**River City Engineering**  
1011 W. County Line Road \* NEW BRAUNFELS, TX. 78130  
PHONE (830) 625-0337 FAX (830) 625-0858  
dlamberts@rcetx.com  
Firm Registration #10193949

All that certain tract or parcel of land containing 19.311 acres of land out of the Guadalupe Torres Survey, Abstract No. 313, Guadalupe County, Texas, being the same land as that certain called 20 acre parcel described in Volume 2821, Page 423 of the Official Records of Guadalupe County, Texas, further being a portion of that certain 65.000 acre parcel of land described in Document No. 2014023215 of said Official Records; Said 19.311 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch rebar found on the southwesterly right-of-way line of Linne Road for the most easterly corner and POINT OF BEGINNING of this parcel, same being the most easterly corner of said 65.000 acre parcel and the most northerly corner of that certain called 59.95 acre parcel described in Volume 3003, Page 362 of said Official Records;

THENCE departing said right-of-way line and with the common line of this parcel with a portion of said 59.95 acre parcel, South 59 deg 40' 23" West, a distance of 1503.91 feet (called South 61 deg 41' 13" West, 1503.91 feet) to a created point for the most southerly corner of this parcel, same being the most easterly corner of that certain called 20 acre parcel described in Volume 3051, Page 561 of said Official Records;

THENCE with the common line of this parcel with said 20 acre parcel described in Volume 3051, Page 561, North 30 deg 07' 53" West, a distance of 575.96 feet to a ½ inch rebar found for the most westerly corner of this parcel, same being the most northerly corner of said 20 acre parcel and being located on the southeasterly line of that certain called 116 acre tract of land described in Volume 2821, Page 426 of said Official Records;

THENCE with the common line of said 20 acre parcel with said 116 acre tract, North 59 deg 32' 28" East, a distance of 1377.68 feet to a created point on the aforementioned right-of-way of Linne Road for the most northerly corner of this parcel, same being the most easterly corner of said 116 acre tract;

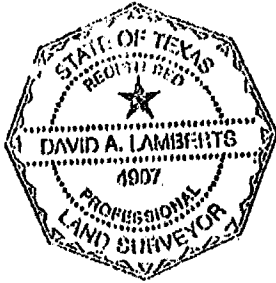
THENCE with said right-of-way line, the following three (3) courses:


- 1). South 48 deg 51' 21" East, a distance of 206.14 feet (called South 49 deg 00' East) to a concrete monument found;
- 2). South 40 deg 59' 25" East, a distance of 320.00 feet (called South 41 deg 56' East, 320.0 feet) to a ½ inch rebar set (capped "RPLS 4907");

**EXHIBIT "A"**



3). South 29 deg 57' 11" East, a distance of 69.21 feet (called South 30 deg 00' East, 70.4 feet) to the POINT OF BEGINNING and containing 19.311 acres of land with all bearings called for herein based of the Texas Coordinate System as established from the North American Datum of 1983 (CORS96) for the South Central Zone.



  
David A. Lamberts R.P.L.S. No. 4907  
J.O. No. 6096-104-2 (DRAWING PREPARED)

→ STL

**2015023858**  
**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**  
11/20/2015 3:41:24 PM  
PAGES: 7  
TERESA KIEL, COUNTY CLERK  
GUADALUPE COUNTY, TEXAS



**EXHIBIT "A"**

Page 2 of 2



# EXHIBIT

# 5

