



Control Number: 45702



Item Number: 80

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-5296.WS
PUC DOCKET NO. 45702

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APPLICATION OF THE CITY OF § BEFORE THE STATE OFFICE
CIBOLO FOR SINGLE §
CERTIFICATION IN § OF
INCORPORATED AREA AND TO §
DECERTIFY PORTIONS OF § ADMINISTRATIVE HEARINGS
GREEN VALLEY SPECIAL §
UTILITY DISTRICT'S SEWER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN GUADALUPE
COUNTY

DIRECT TESTIMONY AND EXHIBITS

OF

GARRY MONTGOMERY, P.E., CFM

ON BEHALF OF

GREEN VALLEY SPECIAL UTILITY DISTRICT

November 2, 2016

80

DIRECT TESTIMONY AND EXHIBITS OF

GARRY MONTGOMERY, P.E., CFM

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ATTACHMENTS:

GVSUD-1	Green Valley Special Utility District’s June 28, 2016 Appraisal Report and Addenda
GVSUD-4	TPDES Permit No. WQ0015360001, Executive Director’s Response to Public Comment
GVSUD-5	TPDES Permit No. WQ0015360001, Decision of the Executive Director
GVSUD-6	Resume of Garry Montgomery

1 experience designing wastewater treatment and collection systems, guiding the
2 process of Texas Commission on Environmental Quality ("TCEQ") permitting,
3 including Texas Pollutant Discharge Elimination System ("TDPS") permits,
4 wastewater master planning and presentations, wastewater feasibility studies,
5 impact fee analysis, and government grants and funding.
6

7 **Q. Please describe your educational background.**

8 **A.** I have been involved as an engineer and consultant on major water and wastewater
9 projects for municipalities and other local governmental entities for 9 years. In
10 2007, I graduated from the University of Texas at San Antonio, earning a Bachelor
11 of Science degree in civil engineering. I am a professional engineer, holding
12 license TX #114438. I am also a Certified Floodplain Manager, holding license
13 TX #2247-12N. I am currently a Surveyor in Training and am working toward
14 professional licensure. A copy of my resume is attached as **GVSUD-6**.
15

16 **Q. Do you belong to any professional organizations?**

17 **A.** Yes, I am a member of the Texas Floodplain Managers Association.
18

19 **Q. Please describe your professional experience.**

20 **A.** I began my professional career in 2007 as an engineer in training with Willis
21 Environmental Engineering, a full-service, 50 year old firm based in Marble Falls,
22 Texas. At Willis, I participated extensively in providing engineering work for

1 wastewater collection and treatment systems for various municipal and private
2 sector clients. Among other things, I provided wastewater engineering and
3 surveying for municipal and governmental entities in Central and West Texas. In
4 September 2009, I was hired by Taplin Engineering, again as an engineer in training.
5 I joined RCE in August 2011 as an engineer in training. I was promoted to the
6 position of Project Engineer and shortly thereafter to my current position of Project
7 Manager.

8
9 **Q. Describe your role with RCE as a Project Manager.**

10 A. Within the RCE organization, certain engineers with a level of experience and
11 expertise, are designated as Project Managers, who serve as the primary point of
12 contact for a select group of RCE's clients. I currently serve as Project Manager
13 for Green Valley as well as the City of Garden Ridge and the City of Elmendorf.
14 At RCE, Project Managers provide turnkey solutions for their respective clients.
15 For example, on a given project, the Project Managers will provide the initial
16 planning and design documents, attend municipal and other governmental meetings
17 and workshops, facilitate public stakeholder meetings, write proposal funding,
18 negotiate and acquire any necessary easements, manage all bidding processes,
19 negotiate and administer contracts, and navigate the permitting and compliance
20 processes with regulatory bodies.

1 **Q. Have you previously testified in regulatory proceedings?**

2 **A. No, I have not.**

3

4 **Q. How does your background relate to the issues in this case?**

5 **A.**Since my hire date at RCE in 2011, I have completed multiple municipal and
6 governmental projects, including planning, regulatory compliance and funding for
7 water, wastewater and drainage projects. I have coordinated planning and design
8 efforts for multiple projects from their inception through planning, design and
9 construction. I have facilitated the development of interlocal agreements between
10 local and regional governmental agencies, and have coordinated surveying services
11 for municipalities and local governments. Representative clients during my tenure
12 with RCE include Green Valley, the Guadalupe-Blanco River Authority and the
13 City of Garden Ridge, Texas. I have served as Project Manager for the past two-
14 plus years for all of Green Valley's wastewater treatment service implementation
15 projects.

16

17 **II. OVERVIEW OF TESTIMONY**

18 **Q. Please describe the purpose of your testimony and provide a summary of the**
19 **subjects on which you will testify.**

20 **A.**I have reviewed the July 20, 2016 Public Utility Commission of Texas' ("PUC")
21 Supplemental Preliminary Order and the State Office of Administrative Hearings
22 ("SOAH") Order No. 2. The primary purpose of my testimony is to provide details

1 regarding the steps and investments required to develop a wastewater treatment
2 system so that the ("ALJ") and Commission can make a determination regarding
3 Preliminary Issue Nos. 9 and 11, which state:

4 9. What property, if any, will be rendered useless or valueless to
5 Green Valley by the decertification sought by Cibolo in this
6 proceeding?

7 11. Are the existing appraisals limited to valuing the property that
8 has been determined to have been rendered useless or valueless
9 by decertification and the property that Cibolo has requested
10 be transferred?

11 I serve Green Valley as Project Manager on behalf of RCE. My assignment as it
12 relates this proceeding is to see Green Valley's vision as set forth in its 2006
13 Wastewater Master Plan (GVSUD-1 at GVSUD 100041-100139) carried to
14 fruition. Having been directly involved in the day-to-day activities related to
15 wastewater system development for Green Valley, I am uniquely qualified to
16 describe Green Valley's investments in this regard. To assist the Commission in
17 answering these preliminary issues, my testimony provides the Commission and
18 ALJ with a synopsis of steps taken and further provides an explanation of the steps
19 required by any wastewater utility to develop a system that is ready to provide
20 service to customers within its certificated area. Additionally, I provide a detailed
21 description of the documents, referenced below, that I provided to Green Valley
22 witness Joshua Korman to support his development of an independent appraisal. I
23 also discuss Green Valley's pending application before the TCEQ for a TDPES
24 permit.

25

1 **Q. You mentioned that you have provided a number of documents to Mr. Korman**
2 **for the purpose of developing an independent appraisal for Green Valley.**
3 **Please identify those documents.**

- 4 • **GVSUD-1** at GVSUD1000041-100139: Excerpts of Green Valley SUD's
5 2006 Wastewater Master Plan
- 6 • **GVSUD-1** at GVSUD 100140-100254: Green Valley SUD's 2014 Water
7 Master Plan
- 8 • **GVSUD-1** at GVSUD100255: River City Engineering Land Use Map
- 9 • **GVSUD-1** at GVSUD 100256-100342: Texas Commission on
10 Environmental Quality Preliminary Decision on TPDES Permit Application
- 11 • **GVSUD-1** at GVSUD 100343-100368: Green Valley SUD's Wastewater
12 Treatment Plant TCEQ Domestic Wastewater Permit Application (March
13 2015)
- 14 • **GVSUD-1** at GVSUD 100369-100418: Green Valley SUD's Supplemental
15 Application Information
- 16 • **GVSUD-1** at GVSUD 100462-100486: Various Feasibility Studies
17 conducted for Green Valley SUD
- 18 • **GVSUD-1** at GVSUD 100014-100018: Appraisal of Lost Revenue,
19 Increased Costs to Remaining and Future Customers and Sample Rate
20 Structure for PUC Docket No. 45702

1 **Q. Are the documents contained in GVSUD-1 listed above and referenced by page**
2 **number business records of RCE?**

3 **A. Yes. The documents are business records of RCE or business records of both RCE**
4 **and Green Valley.**

6 **Q. As an employee of RCE, are you familiar with the manner in which RCE's**
7 **records are created and maintained?**

8 **A. Yes.**

10 **Q. Based on RCE's regular practices were the records made at or near the time**
11 **of each act; event, condition, opinion, or diagnosis set forth in the records, made**
12 **by, or from information transmitted by, persons with knowledge of the matters**
13 **set forth, and kept in the course of regularly conducted business activity?**

14 **A. Yes.**

16 **Q. Are the business records that you have identified above and provided to Green**
17 **Valley witness Joshua Korman exact duplicates of RCE's original records?**

18 **A. Yes.**

20 **Q. Have you attached any additional documents to your testimony?**

21 **A. Yes, I have attached GVSUD-4 and GVSUD-5 as exhibits to my direct testimony.**

1 **Q. Please identify GVSUD-4 and GVSUD-5.**

2 **A. GVSUD-4** is a copy of the TCEQ Executive Director's Response to Public
3 Comment in TPDES Permit No. WQ001536001, which is the TCEQ proceeding
4 considering Green Valley's application for a permit authorizing the discharge of
5 treated domestic wastewater to serve developments within the District's wastewater
6 CCN in Guadalupe and Bexar County, Texas. **GVSUD-5** is the September 22,
7 2016 decision of the Executive Director in the above-referenced TPDES
8 application.

9
10 **Q. Are the GVSUD-4 and GVSUD-5 fair and accurate representations of the**
11 **records publicly available on the TCEQ Commissioners' Integrated Database?**

12 **A. Yes they are.**
13

14 **Q. Why were GVSUD-4 and GVSUD-5 not provided to Green Valley witness**
15 **Joshua Korman while he prepared his independent appraisal?**

16 **A. GVSUD-4 and GVSUD-5** were created by the TCEQ Executive Director after Mr.
17 Korman had completed his independent appraisal.
18

1 **III. INFORMATION PROVIDED TO GREEN VALLEY’S APPRAISER FOR**
2 **PROPERTY DETERMINATIONS**

3
4 **Q. Based on your experience as a professional engineer, please explain the typical**
5 **process that is required for a retail public utility to initiate wastewater service**
6 **to customers?**

7 **A. The first step toward the goal of implementing wastewater service in an area that is**
8 not already being served by another certificated entity is to obtain a Certificate of
9 Convenience and Necessity (“CCN”) from the state regulatory body charged with
10 granting CCNs to secure that service area against service from others. Over the
11 past four decades, the authority to grant CCNs for wastewater service has alternately
12 rested with the Commission or the TCEQ or its predecessor agency, the Texas
13 Natural Resources Conservation Commission. The CCN creates a state and locally
14 recognized boundary so that developers and customers know who their services are
15 being provided by during the feasibility phase of a project or development of
16 property. The CCN also provides a boundary for planning within the District and
17 the financing of projects within the District is often tied to this boundary.

18
19 **Q. What does the wastewater CCN application process entail?**

20 **A. For a Special Utility District such as Green Valley, the process would begin by**
21 creating a map that shows the location of all existing service providers and their
22 respective certificated areas. This step is required to identify the areas that are not
23 already being served by another certificated provider. Once the map is prepared

1 and a preliminary service area is identified, the District will begin the process of
2 scheduling and holding meetings with various stakeholder groups, including nearby
3 Cities, Counties, River Authorities and other nearby retail public utilities. RCE has
4 worked with its clients to obtain CCNs and I am aware that there are specific
5 requirements to provide notice to neighboring retail public utilities as part of the
6 process of obtaining the CCN. The CCN process can take several months from
7 submitting the application to the granting of the CCN.
8

9 **Q. What is the next step that a utility district would take to be able to provide**
10 **wastewater service?**

11 **A.** Once a utility district is granted a CCN, the retail public utility would typically begin
12 to work on a Master Planning process.
13

14 **Q. Please describe the components of developing a Master Plan.**

15 **A.** Utilizing the CCN boundary, growth projections are developed to properly site and
16 size a wastewater system. Inputs to estimating projected growth include data
17 available from the Texas Water Development Board, adjacent and nearby retail
18 public utilities, census data, and other sources. The CCN boundaries with
19 incorporated growth projections are then analyzed in conjunction with the
20 topographical features of the CCN area to develop a high-level plan that includes
21 major trunk lines, collection points, and potential plant sites.
22

1 **Q. Is costing included in the development of a Master Plan?**

2 **A.** Yes. At a macro-level, estimated costs are developed by the district for the major
3 components of designing and constructing the wastewater system. Also included
4 in a typical Master Plan are multiple scenarios for the build out of a system,
5 including the development of a phasing approach identifying and costing interim
6 steps as the district moves toward service. Scenarios are also developed for the
7 eventual full build out of the system.

8
9 **Q. Does the Master Plan process result in specific plans for every individual parcel**
10 **within the retail public utility's certificated service area?**

11 **A.** No. In my view and experience, it would be uneconomical to plan in this manner.
12 The Master Planning process is utilized to plan at a high level to serve an entire
13 certificated area and then planning occurs on more of a micro level as requests for
14 service in smaller portions of the certificated area are received and feasibility studies
15 are developed.

16
17 **Q. In your experience, would a utility district build out a system to serve its entire**
18 **certificated area at once?**

19 **A.** No. As with any retail public utility, a utility district would utilize its Master Plan
20 to begin to set costs and plan for interim steps and would build out the system
21 gradually over time as opportunity presents. As these interim steps are developed
22 by the retail public utility, considerations such as the development of impact fee

1 studies, the development of rate structures, and exploration of financing options
2 would typically begin.
3

4 **Q. What, in your experience, is the next step as a utility district moves toward**
5 **service?**

6 **A.** For a utility district that is moving closer to providing service, which is based largely
7 on the level of perceived interest and need in the district's certificated area, the next
8 major step would entail determining a location to site its first wastewater treatment
9 plant.
10

11 **Q. Would you briefly describe the siting process?**

12 **A.** Of course. The goal of the siting process is to identify a location for the treatment
13 plant that takes advantage of the topography by being sited at a point that collects
14 the largest percentage of the retail public utility's service area while minimizing the
15 number of lift stations required to transport the wastewater to the plant. Other
16 important considerations in the siting process include identifying the location that
17 will have the least adverse impact on local residents and provide the most
18 economical service, while meeting all regulatory and permitting constraints.
19

20 **Q. Are there permitting requirements associated with a certificated wastewater**
21 **retail public utility providing service?**

1 A. Yes, there are, the most critical of which is the TPDES permitting process at the
2 TCEQ.

3
4 Q. Please explain.

5 A. The TPDES permit is required to actually operate a wastewater treatment system
6 that discharges treated effluent to a regulated body of water, and so this is a critical
7 step on the path toward providing service.

8
9 Q. Describe the process for obtaining a TPDES permit.

10 A. First, an application must be submitted to the TCEQ and detailed requirements for
11 providing notice of the proceeding must be followed. The application has very
12 specific requirements, and includes development of a detailed site plan, customer
13 growth projections, and flow rates. Copies of the full application must be made
14 available for any interested party to review.

15 Once the application is submitted to TCEQ, the TCEQ staff reviews the
16 application and declares it administratively complete. Upon receiving notification
17 of administrative completeness, the utility publishes public notice of intent to obtain
18 the TPDES permit. Following public notice, the application undergoes a detailed
19 review by TCEQ technical and legal staff, who issue a draft TPDES permit. The
20 issuance of the draft permit triggers an additional round of public notice to provide
21 all interested persons with an opportunity to review and comment on the application
22 and draft permit. If any comments or protests are submitted to the TCEQ, a public

1 meeting is typically scheduled after which the period for public comment is closed.
2 Following the comment period, the TCEQ Executive Director will respond to
3 comments and make a preliminary recommendation to the TCEQ Commissioners
4 regarding whether or not the permit should be granted. The Commissioners can
5 then make a final determination or refer the application to the State Office of
6 Administrative Hearings for a contested case proceeding.
7

8 **Q. What steps does a retail public utility typically take following receipt of the**
9 **TDPES permit?**

10 **A.** For RCE's clients, we would begin the process of securing the necessary easements
11 for the wastewater collection system, prepare very detailed site plans and continue
12 to explore financing options. At the same time, RCE would develop detailed
13 system and treatment plant designs, begin the process of coordinating electrical
14 power service to the proposed plant, develop access agreements and obtaining
15 required construction-related permitting. These detailed system designs and plans
16 cannot commence in earnest until the retail public utility has received its TDPES
17 permit because the plant must be designed according to the parameters contained in
18 the final approved permit. TCEQ continues to play a role by reviewing and
19 approving all plans and specifications related to the plant design.
20

21 **Q. You have testified regarding your experience with the typical process for a**
22 **retail public utility to become certificated and ultimately be ready to provide**

1 wastewater service. Could you describe Green Valley's path toward
2 implementing wastewater collection and treatment?

3 **A.** Yes. As I testified earlier, I have been directly involved with Green Valley in
4 achieving the ability to provide wastewater service for its customers since 2011 and
5 have served as Green Valley's Project Manager since August 2014. Moreover,
6 RCE has acted as Green Valley's exclusive consultant regarding the provision of
7 wastewater service since 2002.

8 In my view, the process that Green Valley has taken toward providing
9 wastewater service within its district boundaries has not been unusual with two
10 possible exceptions.

11
12 **Q.** What are those exceptions?

13 **A.** First, there was a delay in the process that coincided with the economic downturn.
14 When development within the area covered by the District's boundaries and
15 wastewater CCN certificated area ground to a halt, the urgency for Green Valley to
16 proceed in implanting its Master Plan was somewhat diminished.

17 Second, Green Valley's implementation of its plans has been drawn out for
18 the past year to 18 months by Cibolo and other parties, with interests that appear to
19 be closely aligned with Cibolo, who have mounted opposition to Green Valley's
20 pending TPDES permit proceeding at the TCEQ and have initiated this and another
21 decertification proceeding.

22

1 **Q. When did Green Valley initiate the process to become a wastewater retail**
2 **public utility?**

3 **A.** RCE's involvement with Green Valley began in 2002 when Green Valley contracted
4 with RCE for the specific purpose of developing a wastewater system. In March
5 2002, RCE prepared a feasibility study, worked with Green Valley's board and
6 facilitated meetings with potentially interested stakeholders. Green Valley
7 received its wastewater CCN from the TCEQ in 2005.

8
9 **Q. Was Cibolo involved in Green Valley's CCN application and negotiations?**

10 **A.** Yes. Cibolo, as a neighboring retail public utility, was required to be involved in
11 the CCN process and an agreed boundary was produced between Green Valley and
12 Cibolo's certificated areas as a result of these negotiations.

13
14 **Q. Was Green Valley's development of its Master Plan similar to the process that**
15 **you described above for the typical retail public utility?**

16 **A.** Yes, it was. RCE worked closely with Green Valley's wastewater working group
17 over the course of 2005 and 2006 to develop the 2006 Wastewater Master Plan,
18 which was accepted by the Green Valley board in early 2007.

19
20 **Q. You referred above to the economic downturn and its effect on Green Valley's**
21 **implementation of its Master Plan. Please elaborate.**

1 **A.** The effects of the recession effectively brought Green Valley's efforts to develop a
2 wastewater system to a standstill from just months after the Board adopted the
3 Master Plan until late in 2012, which appeared to be the direct result of a downturn
4 in the number of proposed residential and commercial projects during this period.
5 Beginning in 2013, Green Valley began to receive renewed interest in its wastewater
6 service area. RCE prepared a number of feasibility studies at this time. I have
7 provided samples of these studies to Green Valley witness Joshua Korman and the
8 studies are attached as addenda to Mr. Korman's appraisal at **GVSUD-1** at
9 **GVSUD100462-100486.**

10
11 **Q. Did the uptick in developer interest as the effects of the recession came to an**
12 **end prompt any response from Green Valley?**

13 **A.** Yes. Green Valley immediately resumed its efforts to plan service for its
14 wastewater CCN territory, culminating in its purchase of property to develop a
15 wastewater treatment plant and its submission of the pending TDPES permit
16 application at the TCEQ.

17
18 **Q. Was RCE involved in the siting and purchase of property for Green Valley's**
19 **proposed wastewater treatment plant?**

20 **A.** Yes. RCE assisted Green Valley in locating the parcels of land utilizing the design
21 principals I discussed earlier in my testimony. RCE also assisted Green Valley in
22 negotiating the purchase agreement and closing the property acquisition. Green

1 Valley witness Pat Allen and I provided Green Valley witness Korman with
2 documents reflecting this real property transaction, which are included as
3 attachments to the independent appraisal that is marked as **GVSUD-1** at GVSUD
4 100432-100454 to Mr. Korman's testimony.

5
6 **Q. Why did Green Valley select this particular property for siting its proposed**
7 **wastewater treatment plant?**

8 **A.** The property purchase was triggered by active development in the area and an
9 available tract of land with a willing seller. The property that was purchased is
10 encumbered by floodplain which makes it undesirable for commercial development.
11 However, these topographic features lend themselves well to the collection of
12 wastewater from upstream developments, which in turn, as I have discussed above,
13 eliminate the need for lift stations. Particular consideration was given to the
14 receiving stream in this case so that Green Valley would not be discharging directly
15 to a waterway listed as impaired under Section 303(d) of the Clean Water Act. The
16 site location, as is typically the case, was driven by current and projected customer
17 growth within the District's wastewater CCN territory. In Green Valley's system,
18 that growth will be focused along Santa Clara Creek watershed, which covers a large
19 majority of Green Valley's wastewater service area.

20
21 **Q. You mentioned above that Green Valley has applied for a TDPES permit, and**
22 **described the TDPES permit process as one of the steps that a retail public**

1 utility must undertake to operate a wastewater treatment plant. Please
2 describe Green Valley's current proceeding.

3 A. RCE prepared and submitted at Green Valley's direction pending as Permit No.
4 WQ0015360001 to operate a proposed wastewater treatment plant to be constructed
5 on the property purchased by Green Valley that I discuss above.

6
7 Q: What is the status of Green Valley's TDPES permit application proceeding?

8 A. The TCEQ Executive Director issued its Response to Public Comment and
9 Decision, addressing the comments and protests of Cibolo and other parties, and
10 determined that Green Valley's permit application "meets the requirements of
11 applicable law." I have attached GVSUD-4 and GVSUD-5 as exhibits to this
12 testimony. The proposed permit will next go to the TCEQ Commissioners who
13 can either act on the permit or refer the draft permit to SOAH for a contested case
14 hearing.

15
16 Q. Have you reviewed the TCEQ Executive Director's Response to Public
17 Comment?

18 A. Yes, I have.

19
20 Q. Did the Executive Director identify Green Valley's proposed discharge point
21 in its permit application?

1 **A.** Yes. In response to Comment 1, the Executive Director stated that “Green Valley
2 intends to discharge into Santa Clara Creek, not Mid Cibolo Creek.” The
3 Executive Director also stated that “discharging into Santa Clara Creek will protect
4 the regional area by keeping Green Valley SUD’s effluent from entering Mid Cibolo
5 Creek and, thereby, the regional area.”
6

7 **Q.** **Did you provide an analysis to Green Valley witness Mr. Korman for the**
8 **development of his independent appraisal?**

9 **A.** Yes, I did. That analysis is identified above as **GVSUD-1** at 100014-100018 to
10 Mr. Korman’s direct testimony and is identified as Appraisal of Lost Revenue,
11 Increased Costs to Remaining and Future Customers and Sample Rate Structure for
12 PUC Docket No. 45702 – River City Engineering (June 27, 2016).
13

14 **Q.** **Please describe the analysis that you provided Mr. Korman?**

15 **A.** I prepared and provided two scenarios to Mr. Korman for the purpose of
16 determining the amount of lost revenues associated with Cibolo’s proposed
17 decertification of portions of Green Valley’s certificated wastewater service area.
18 The first scenario includes the effect of lost impact fees from Green Valley’s
19 proposed wastewater treatment plant utilizing calculations developed as part of
20 Green Valley’s 2006 Master Plan. The second scenario utilizes updated
21 anticipated service costs based on the current rates of adjacent retail wastewater
22 service providers. The analysis included two key calculations. I first calculated

1 the increased cost to the remaining customers if Cibolo is successful in obtaining
2 the retail service area. The second calculation is the lost revenue to the District for
3 financing the collection and treatment facilities. The increased cost to the
4 remaining customers is caused by what I call a "checkerboarding" of the service
5 area. As shown in Cibolo's Application and the map attached to the request,
6 Cibolo is seeking to decertify only 1,694 acres of a 5,882 acre area. The remaining
7 4,188 acres that Cibolo identifies on the map will stay in Green Valley's wastewater
8 CCN along with the remainder of Green Valley's certificated area. Granting
9 Cibolo's Application would result in dual facilities and collection systems required
10 to serve current and future service requests. In other words, Green Valley would
11 be required to build collection systems past properties that it is no longer authorized
12 to serve, due to Cibolo's single certification request, to reach properties Green
13 Valley is currently planning its system to serve.

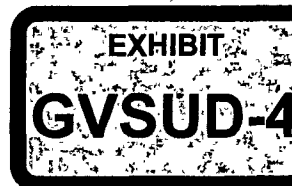
14 The lost revenue calculation includes growth rates based on historical water
15 connection growth within the District and surrounding retail wastewater connection
16 growth rates. This lost revenue, through lost impact fees and monthly rates, will
17 affect the District's ability to provide economical retail wastewater service to the
18 current and future developments within the District. In simple terms, if Cibolo's
19 Application is granted, the impact fees and capital cost per connection will increase
20 due to the additional infrastructure that is required for two retail public utilities
21 providing service in a "checkerboard" fashion and dividing those capital costs by
22 fewer service connections.

1 **Q. Why did you include updated impact fee costs as part of the second scenario**
2 **provided to Mr. Korman?**

3 **A. The Green Valley 2006 Wastewater Master Plan is an aging document with out of**
4 **date costs. Thus, in the second scenario, I also utilized updated growth projections**
5 **and debt issuance costs for the lost revenue to more accurately reflect current**
6 **conditions.**

7
8 **Q. Does this conclude your prefiled direct testimony?**

9 **A. Yes, but I reserve the right to supplement my testimony as additional information**
10 **becomes available.**



TPDES Permit No. WQ0015360001

APPLICATION FROM GREEN VALLEY	§	BEFORE THE TEXAS
SPECIAL UTILITY DISTRICT (SUD)	§	
FOR NEW TEXAS POLLUTANT	§	COMMISSION ON
DISCHARGE ELIMINATION SYSTEM	§	
(TPDES) PERMIT NO.	§	
WQ0015360001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Public Comment on Green Valley SUD's application for new TPDES Permit No. WQ0015360001 and the ED's preliminary decision. As required by title 30, section 55.156 of the Texas Administrative Code, before a permit is issued, the ED prepares a response to all timely, relevant, and material, or significant comments. The Office of the Chief Clerk received timely comments from John E. Bierschwale, Cibolo Creek Municipal Authority (CCMA), City of Cibolo, City of Santa Clara, City of Schertz, Guadalupe County, Douglas Jones, San Antonio River Authority (SARA), and Jennifer Schultes (as an individual and representative of the City of Cibolo). This response addresses all such timely public comments received, whether or not withdrawn. For more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found on the TCEQ's web site at www.tceq.texas.gov.

I. BACKGROUND

A. Facility Description

Green Valley SUD has applied to the TCEQ for new TPDES Permit No. WQ0015360001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.25 million gallons per day (MGD) in the Interim I phase and an annual average flow not to exceed 2.5 MGD in the Interim II phase and 5.0 MGD in the Final phase. 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, belt filter press, chlorine contact chamber, and disk filter. Treatment units in the Interim II and Final phases will include a lift station, a bar screen, two sequencing batch reactor basins, an equalization basin, a sludge digester, a belt filter press, an ultraviolet light disinfection system, and a disk filter. The facility will serve proposed developments in the Santa Clara Creek watershed in Guadalupe County, Texas. The facility has not been constructed.

Effluent limits in the Interim I phase of the proposed permit, based on a thirty-day average, are 10 milligrams per liter (mg/L) five-day carbonaceous biochemical oxygen demand (CBOD₅), 15 mg/L total suspended solids (TSS), 3 mg/L ammonia

nitrogen (NH₃-N), 0.5 mg/L total phosphorus, 126 colony-forming units (CFU) or most probable number (MPN) of *E. coli* per 100 milliliters (mL), and 4 mg/L minimum dissolved oxygen. The effluent shall contain a chlorine residual of at least 1 mg/L and not exceed a chlorine residual of 4 mg/L after a detention time of at least twenty minutes based on peak flow. Effluent limits in the Interim II phase of the proposed permit, based on a thirty-day average, are 7 mg/L CBOD₅, 15 mg/L TSS, 2 mg/L NH₃-N, 0.5 mg/L total phosphorus, 126 CFU or MPN of *E. coli* per 100 mL, and 6 mg/L minimum dissolved oxygen. Effluent limits in the Final phase of the proposed permit, based on a thirty-day average, are 5 mg/L CBOD₅, 5 mg/L TSS, 1.8 mg/L NH₃-N, 0.5 mg/L total phosphorus, 126 CFU or MPN of *E. coli* per 100 mL, and 6 mg/L minimum dissolved oxygen. The permittee shall use an ultraviolet light system for disinfection purposes in the Interim II and Final phases. The pH must be in the range of 6.0 to 9.0 standard units in all phases.

The wastewater treatment facility will be located at 3930 Linne Road, in Guadalupe County, Texas 78155. The treated effluent will be discharged to Santa Clara Creek, then to Lower Cibolo Creek in Segment No. 1902 of the San Antonio 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.

B. Procedural Background

The TCEQ received the application on April 1, 2015, and declared it administratively complete on May 18, 2015. The Notice of Receipt and Intent to Obtain a Water Quality Permit was published on June 11, 2015, in the *Sequin Gazette*. ED staff completed the technical review of the application on August 13, 2015, and prepared a draft permit. The Notice of Application and Preliminary Decision for a Water Quality Permit was published on October 27, 2015, in the *Sequin Gazette*. The Notice of Public Meeting was published on February 25, 2016, in the *Sequin Gazette*. A public meeting was held on March 29, 2016, which was also the day the public comment period ended. This application was administratively complete on or after September 1, 1999. Therefore, it is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

C. Access to Rules, Statutes, and Records

- Secretary of State web site for all Texas administrative rules: www.sos.state.tx.us
- TCEQ rules in title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac (select "View the current *Texas Administrative Code*" on the right, then "Title 30 Environmental Quality")
- Texas statutes: www.statutes.legis.state.tx.us
- TCEQ web site: www.tceq.texas.gov (for downloadable rules in Adobe portable document format, select "Rules," then "Download TCEQ Rules")
- Federal rules in title 40 of the Code of Federal Regulations: www.ecfr.gov
- Federal environmental laws: www2.epa.gov/laws-regulations

Commission records for this application are available for viewing and copying at the TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, First Floor (Office of

the Chief Clerk), until the TCEQ takes final action on the application. The application, proposed permit, and Fact Sheet and ED's Preliminary Decision are also available for viewing and copying at Marion City Hall, 303 South Center Street, Marion, Texas.

If you would like to file a complaint about the facility concerning its compliance with provisions of its permit or TCEQ rules, you may call the TCEQ Environmental Complaints Hot Line at 1-888-777-3186 or the TCEQ Region 13 Office directly at 1-210-490-3096. Citizen complaints may also be filed by sending an e-mail to cmplaint@tceq.texas.gov or online at the TCEQ web site (select "Reporting," then "Make an Environmental Complaint"). If the facility is found to be out of compliance, it may be subject to enforcement action.

II. COMMENTS AND RESPONSES

Comment 1

CCMA commented that Green Valley SUD's application violates title 30, chapter 351, subchapter F of the Texas Administrative Code because Green Valley SUD seeks to obtain a permit to discharge domestic wastewater effluent within area where only CCMA is authorized to obtain a permit related to discharging domestic wastewater effluent. The cities of Cibolo and Schertz supported this comment, noting that they are purchasers of wholesale sewer service from CCMA and cities named in title 30, section 351.62 of the Texas Administrative Code. The City of Cibolo commented that CCMA should remain the sewer service provider in the area. CCMA asked why the TCEQ issued the proposed permit if the TCEQ cannot issue a TPDES permit for a service area that overlaps a regional wastewater provider's service area, and the application includes CCMA's service area.

Response 1

When the Texas Legislature created the Texas Water Code in 1971, it included the state's regionalization policy in what is today known as chapter 26, subchapter C of the Texas Water Code.¹ As part of that policy, the TCEQ has the authority to conduct a hearing to determine if a regional waste collection, treatment, or disposal system is necessary "to prevent pollution or maintain and enhance the quality of the water in the state" based on the existing or reasonably foreseeable residential, commercial, industrial, recreational, or other economic development in the area.² This authority exists within any standard metropolitan statistical area in the state.³ After a hearing, if the TCEQ determines it should designate a system as a regional provider, it can enter an order making the designation.⁴ After issuing that order, the TCEQ can enter an order requiring a person "discharging or proposing to discharge waste into or adjacent

¹ Until 1977, the regionalization statutes were sections 21.201 through 21.205 of the Texas Water Code. The statutes were readopted in 1977 as sections 26.081 through 26.086, which is how they are still numbered today. (Section 26.087 was created as section 21.206 in 1977 and renumbered in 1985.) For simplicity's sake, the ED will refer to the current statutes.

² TEX. WATER CODE § 26.082(a) (Vernon 2008).

³ *Id.* § 26.081(b).

⁴ *Id.* § 26.083(c).

to the water in the state in an area” defined in a section 26.082 order to use the regional system; refuse to grant any permit for the discharge of waste in an area defined in a section 26.082 order; or cancel, suspend, or amend any permit which authorizes the discharge of waste in an area defined in a section 26.082 order.⁵

On March 27, 1970, the Texas Water Quality Board (TWQB), a TCEQ predecessor, considered three applications at its agenda: SARA’s application to establish a regional wastewater system in the vicinity of Cibolo Creek and the cities of Schertz and Universal City and Schertz’s and Universal City’s separate applications to amend their wastewater discharge permits.⁶ A hearing had been conducted regarding the three applications, and the hearing commissioner recommended denying Schertz’s and Universal City’s applications and granting SARA’s application.⁷ Both Schertz and Universal City opposed designating SARA as the regional provider, and Schertz expressed an intention to combine Schertz’s and Universal City’s systems.⁸ Ultimately, TWQB agreed with the hearing commissioner. It denied Schertz’s and Universal City’s applications and issued Order No. 70-0327-2 designating SARA as the regional provider for the area known today as the Cibolo Creek regional area.⁹

Following the designation of SARA as the regional provider, Schertz and Universal City continued to oppose receiving service from SARA, and SARA was not able to construct a regional facility without their financial assistance.¹⁰ The Texas Legislature created CCMA in 1971 to provide service to the two cities.¹¹ On November 29, 1971, a hearing commission conducted a hearing to determine if TWQB should grant CCMA a discharge permit, as well as SARA’s regional area.¹² The hearing commission recommended granting the discharge permit, replacing SARA with CCMA as the regional provider, and requiring the cities of Cibolo and Selma to connect to the regional system whenever they built collection systems.¹³ TWQB considered CCMA’s application at its February 17 and March 15, 1972, agendas. The issue of water quality was discussed at both agendas, including whether the stream standards would be met.¹⁴ On March 15, 1972, TWQB issued an order granting CCMA a discharge permit and amending its March 1970 order to designate CCMA as the regional provider in place of SARA.¹⁵ The order, which refers to the area “in the vicinity of the cities of Cibolo, Schertz, Universal City, Selma, Bracken, and Randolph Air Force Base,” indicated that the designation was, in part, for water quality protection, stating, “The

⁵ *Id.* § 26.084(a).

⁶ TWQB, Minutes of the Meeting of March 27, 1970, at 5-6.

⁷ *Id.* at 6.

⁸ *Id.* at 6-7.

⁹ *Id.* at 7; Hearing Comm’n Report, TWQB (Feb. 8, 1972) (application from CCMA for a new discharge permit); 30 TEX. ADMIN. CODE §§ 351.61(2), .65 (West 2016).

¹⁰ Hearing Commission Report 3 (Feb. 8, 1972) (application from CCMA for a new discharge permit).

¹¹ *Id.* 3; H.B. 1339, 62nd Leg., R.S. (Tex. 1971).

¹² Hearing Commission Report 1 (Feb. 8, 1972) (application from CCMA for a new discharge permit).

¹³ *Id.* 4-5.

¹⁴ TWQB, Minutes of the Meeting of February 17, 1972, at 3; TWQB, Minutes of the Meeting of March 15, 1972, at 6.

¹⁵ TWQB, Minutes of the Meeting of March 15, 1972, at 6; *Cibolo Creek Mun. Auth. v. City of Universal City*, 568 S.W.2d 699, 700-01 (Tex. Civ. App.—San Antonio 1978, writ ref’d n.r.e.).

Board finds that a regional system is necessary and desirable to protect the waters of this portion of Cibolo Creek, which is within a standard metropolitan statistical area as defined by the Texas Water Code, Section 21.201 through 21.204.”¹⁶ TWQB also instructed board staff to look into the evidence and report back regarding whether the discharge would meet stream standards.¹⁷

TWQB conducted a water survey on Cibolo Creek from just downstream of the Edwards Aquifer recharge zone to where the creek meets the San Antonio River in June 1974.¹⁸ The survey report indicated that the creek’s flow below the recharge zone was composed almost entirely of effluent from Schertz, Universal City, and Randolph Air Force Base and that dissolved oxygen problems and high standing crops of phytoplankton commonly occurred.¹⁹ The report also noted that CCMA planned to divert all flow from the Universal City plant once a new plant in Schertz was completed.²⁰ In February 1978, the Texas Water Development Board, successor of TWQB, adopted what is known today as title 30, chapter 351, subchapter F of the Texas Administrative Code.²¹ This subchapter contains the rules that define the Cibolo Creek regional area as “[t]hat portion of the Cibolo Creek Watershed lying in the vicinity of the cities of Cibolo, Schertz, Universal City, Selma, Bracken, and Randolph Air Force Base.”²² CCMA is designated as the regional wastewater system developer in the Cibolo Creek regional area, and the TCEQ can only grant new or amended permits “pertaining to discharges of domestic wastewater effluent within the Cibolo Creek regional area” to CCMA.²³ Comparing the March 1972 order with chapter 351, the Texas Water Development Board essentially incorporated the order into its rules.

CCMA’s questions regarding the proposed permit suggest that if a facility’s service area overlaps its own service area, then chapter 351 applies. Assuming what CCMA refers to as its service area is the Cibolo Creek regional area as that area is defined in chapter 351, the ED disagrees that the service area’s location is the appropriate method for determining if chapter 351 applies. As stated above, one of the purposes of the regionalization policy is “to prevent pollution and maintain and enhance the quality of the water in the state.”²⁴ Section 26.084(a) lists the ways in which the TCEQ can fulfill this purpose once it designates a regional area and system, including “requiring any person discharging or proposing to discharge waste *into* or adjacent to the water in the state in” the regional area to use the regional system, and refusing to grant a discharge permit to anyone who seeks to discharge waste “*in* [a

¹⁶ Order 1 (Mar. 15, 1972). The ED located the order as part of the attachments for the March 15, 1972, agenda. While the order is not signed, the ED believes it is the final order because TWQB had ordered that the order be redrafted when it originally considered CCMA’s application at the February 17, 1972, agenda. Because the order the ED found as part of the attachments for the February 17 agenda is different in appearance from the March 15 order, the ED believes the March 15 order is the redrafted, and final, version.

¹⁷ TWQB, Minutes of the Meeting of March 15, 1972, at 6.

¹⁸ TWQB, Intensive Surface Water Monitoring Survey for Segment 1902: Cibolo Creek, Report No. IMS 38, at 2, 4.

¹⁹ *Id.* at 2, 4.

²⁰ *Id.* at 4.

²¹ 3 TEX. REG. 595 (Feb. 14, 1978).

²² 30 TEX. ADMIN. CODE § 351.61(2) (West 2016).

²³ *Id.* § 351.62, .65.

²⁴ TEX. WATER CODE § 26.081(a) (Vernon 2008).

regional area].”²⁵ Looking at the rules, title 30, section 351.65 of the Texas Administrative Code requires the TCEQ to issue new and amended discharge permits only to CCMA for discharges “*within* the Cibolo Creek regional area.” These laws discuss regulating discharges that occur *in* a regional area. Therefore, the location of the discharge point is what determines if chapter 351 applies, not the location of the proposed service area.

In chapter 351, subchapter F, the water in the state that is being protected is Cibolo Creek in the vicinity of the cities and areas listed in section 351.61(2), which is at least part of Mid Cibolo Creek, Segment No. 1913 of the San Antonio River Basin. Green Valley SUD intends to discharge into Santa Clara Creek, not Mid Cibolo Creek. Therefore, chapter 351, subchapter F does not apply to this application. This position is further supported by the regional area’s history related above, which shows that the regional system was intended to replace Schertz’s and Universal City’s wastewater treatment facilities, which were causing the portion of Cibolo Creek just below the Edwards Aquifer recharge zone to experience water quality issues. This is reflected in the 1972 draft order, which lists “protecting this portion of Cibolo Creek” as a reason for establishing the Cibolo Creek regional area.²⁶ The ED notes that discharging into Santa Clara Creek will protect the regional area by keeping Green Valley SUD’s effluent from entering Mid Cibolo Creek and, thereby, the regional area.

Comment 2

CCMA commented that the application is incomplete because Green Valley SUD did not provide justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the City of Marion’s wastewater treatment facility versus the cost of the proposed facility in response to question 1(c)(1) in Domestic Technical Report 1.1. Green Valley SUD was required to provide this information because Marion said it could provide the district with service. The City of Cibolo asked whether Marion’s facility should have been considered in furtherance of the TCEQ’s regionalization policy, as the facility is located about three miles from the proposed facility. It also asked whether the City of Santa Clara should be served by Marion’s facility instead of the proposed facility, as Santa Clara is located over four miles from the proposed facility. It would require five to six million dollars’ worth of pipeline for the proposed facility to serve Santa Clara.

Response 2

Question 1(c) in Domestic Technical Report 1.1 of the TCEQ’s domestic wastewater discharge permit application asks a series of questions related to regionalization. For example, the application asks whether any portion of the applicant’s proposed service area is located in an incorporated city. If so, the applicant must provide correspondence from the city that shows whether the city is willing to provide the applicant with service. In its application, Green Valley SUD indicated that part of its service area would be within the cities of Marion and Santa Clara. With regard to Marion, Green Valley SUD did contact Marion as required and provided the

²⁵ *Id.* § 26.084(a)(1)-(2) (emphasis added).

²⁶ Order 1 (Mar. 15, 1972).

city's response as part of the application. The letter dated March 2, 2015, from the Honorable Glenn Hild, the city's mayor, indicated that Marion supported Green Valley SUD's efforts to develop a collection system and wastewater treatment facility. The letter did not indicate that Marion could accept all the proposed flows in the Green Valley SUD application but rather stated it could accommodate Green Valley SUD's immediate needs only until the district has a collection system and treatment plant in place. Because the letter did not indicate that Marion could provide long-term service for any of the proposed flows, the applicant was not asked to provide a cost-benefit analysis for connecting to the plant.

The ED is not aware of any legal requirement for customers in the City of Santa Clara to connect to Marion's facility rather than Green Valley SUD's facility based on the fact that Marion's facility is closer, nor is the ED aware of any desire on Marion's part to take on Santa Clara's residents as customers. Marion's letter to Green Valley SUD suggests otherwise, as Marion expressed its support for Green Valley SUD's proposed system and listed Santa Clara as one of the cities that would be served by that system. The cost for customers in Santa Clara to connect to the proposed facility is not part of this application process.

Comment 3

CCMA and the City of Cibolo asked for the TCEQ's regionalization policy. CCMA and the cities of Cibolo and Schertz commented that the proposed facility may violate state law and the TCEQ's regionalization policy because other facilities may have the capacity to provide service in the area. The cities commented that the other facilities include both the commenting city and CCMA. The cities and CCMA commented that the TCEQ is required to adhere to its regionalization policy under sections 26.003, 26.0282, and 26.081 of the Texas Water Code.

Response 3

The TCEQ's regionalization policy comes from section 26.081 of the Texas Water Code, which implements "the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state." The idea of encouraging and promoting regional systems is also found in section 26.003 of the Texas Water Code. Section 26.0282 of the Texas Water Code further provides that, "[i]n considering the issuance, amendment, or renewal of a permit to discharge waste, the commission may deny or alter the terms and conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as such by commission order This section is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater."

To exercise this policy, question 1(c) in Domestic Technical Report 1.1 of the TCEQ's domestic wastewater discharge permit application requires the applicant for a new permit to provide information concerning other wastewater treatment facilities

that exist near the applicant's proposed facility. In addition to the municipality information that was discussed in Response 2, the applicant is required to state whether its proposed service area is located within another utility's certificate of convenience and necessity (CCN) area. The applicant must also review a three-mile area surrounding the proposed facility to determine if there is a wastewater treatment facility or sewer collection lines within that area.

As noted above, Green Valley SUD complied with the regionalization requirements in the application with respect to the City of Marion. Green Valley SUD listed one other city located in its proposed service area, the City of Santa Clara, and provided a letter from Santa Clara in which the city supported Green Valley SUD's proposed system. Please see Response 5 for additional information regarding Green Valley SUD's response to question 1(c)(1). For question 1(c)(2) and (3), respectively, the district indicated its proposed service area does not overlap another CCN area, and there are no wastewater treatment facilities or collection systems located within three miles of the proposed facility.

It was noted at the public meeting held on March 29, 2016, that the cities of Cibolo and Schertz and CCMA have discussed sharing a regional system with Green Valley SUD in the past. The Executive Director encourages continued discussion amongst the respective parties if they are all agreeable to it.

Comment 4

The cities of Cibolo and Schertz commented that Green Valley SUD either has not provided a map in response to question 4 of Domestic Technical Report 1.0 or has provided an insufficient map, titled Green Valley SUD Wastewater System Regional Planning Santa Clara Creek Watershed, because the map does not sufficiently depict the district's planned service area. It is unclear whether the district's entire sewer CCN area will also be the district's service area. Schertz asked whether the district has completely described the service area and whether the area includes all the district's sewer CCN area. It also asked whether the service area includes area within the corporate limits of the cities of Schertz, Cibolo, Santa Clara, Marion, Universal City, Selma, and Garden Ridge and any portion of Joint Base San Antonio. Cibolo also asked whether the service area includes area within Cibolo's corporate limits.

Response 4

As stated in the comment, Green Valley SUD provided a map titled Green Valley SUD Wastewater System Regional Planning Santa Clara Creek Watershed as part of its application. From this map, it was the ED's understanding that Green Valley SUD planned to serve its sewer CCN area with the proposed facility. The district has confirmed this understanding on two occasions. First, based on its review of the draft permit, Green Valley SUD provided a letter dated August 31, 2015, which commented on two parts of the permit. One of those comments regarded why Green Valley SUD believes it needs a Final phase of 5.0 MGD in its permit. In that comment, Green Valley SUD explained that it needs "assurance that the 5.0 mgd phase can be obtained for orderly growth of their CCN No. 20973." It also noted that its CCN area encompasses 76,257.23 acres and provided Exhibit-1, Green Valley SUD Land Use Map, which

included an outline of its CCN area and the locations where it expects residential, commercial; and industrial development will occur within the CCN area. Second, Green Valley SUD stated at the public meeting held on March 29, 2016, that it intends to serve its sewer CCN area. Therefore, it is the ED's understanding that Green Valley SUD intends to serve its sewer CCN area with the proposed facility.

According to Green Valley SUD's response to question 1(c)(1) in Domestic Technical Report 1.1 of the application, the proposed service area overlaps the corporate limits of the cities of Marion and Santa Clara. Based on the aforementioned map from the application and information provided by the cities of Cibolo and Schertz, it appears that small portions of those two cities are also present in the proposed service area. The cities of Universal City, Selma, and Garden Ridge and Joint Base San Antonio do not appear to overlap the proposed service area.

Comment 5

The City of Cibolo commented that if Green Valley SUD's service area is the district sewer CCN area or all of Santa Clara Creek within the CCN area, then part of that area is located within the city's corporate boundaries. That means Cibolo should have been included in the district's response to question 1(c)(1) in Domestic Technical Report 1.1. There is nothing in the application that shows that the district requested service from the city, nor did the district provide cost analyses of connecting to the city's system to prove that a regional option was not feasible. CCMA also made these comments and added that the regionalization information related to Cibolo should have also been provided in relation to the City of Schertz, which is located in part within Green Valley SUD's sewer CCN area. Schertz also commented that it should have been listed in Green Valley SUD's response to question 1(c)(1). Green Valley SUD should have requested service from Schertz, and there is no evidence that it did request service or provide the necessary cost analyses. Therefore, Green Valley SUD has not shown that a regional option is not available.

Response 5

Based on information provided by the cities of Cibolo and Schertz and Green Valley SUD, it appears that small portions of Green Valley SUD's service area do overlap with Cibolo's and Schertz's municipal boundaries. If that is the case, Green Valley SUD should have listed those cities in the application in response to question 1(c)(1). However, this omission on Green Valley SUD's part does not impact the ED's recommendation to grant the application, as neither Cibolo nor Schertz owned a wastewater treatment facility at which it could provide Green Valley SUD with capacity. In other words, even if Green Valley SUD had corresponded with the cities, neither had capacity to offer to Green Valley SUD. Therefore, neither city was a regional option for wastewater treatment for the district.

Comment 6

The City of Cibolo commented that Green Valley SUD did not demonstrate a need for its facility when CCMA has a regional facility located less than five miles from the proposed facility site. CCMA has the necessary expertise to provide service. Also,

Cibolo, the City of Schertz, and Green Valley SUD would have lower capital and operational costs if Green Valley SUD had agreed to participate in the planned Regional South Wastewater Facility in Schertz. Schertz also noted that partnering with CCMA, Cibolo, and Schertz (or New Braunfels Utilities) would save costs as opposed to Green Valley SUD installing a separate collection system, and stressed the feasibility of the partnership due to reduced costs, the distance between the two proposed facility sites, and affordability. Cibolo, Schertz, and CCMA commented that Green Valley SUD should have requested service from CCMA to satisfy the TCEQ's regionalization requirements. There is nothing in the application that shows that the district requested service from CCMA, nor did the district provide cost analyses of connecting to CCMA's system to prove that a regional option was not available/feasible. CCMA asked whether the TCEQ conducted a regionalization analysis with CCMA as a possible wholesale wastewater provider and, if so, whether it is available for review. Jennifer Schultes commented that, as a Green Valley SUD ratepayer, she would like the SUD to be part of the CCMA plant. CCMA noted the resources it has to serve the proposed service area, including operators, finances, and a discharge permit. It stated it has made a written offer to provide wholesale service to Green Valley SUD. In accordance with the TCEQ's regionalization policy, the TCEQ should have considered CCMA's offer to provide Green Valley SUD with service.

Response 6

As stated in Response 3, Green Valley SUD did not identify any utility whose CCN area is located within its proposed service area or that has a wastewater treatment facility or collection lines located within three miles of its proposed wastewater treatment facility. CCMA has not provided any information that suggests it should have been listed in response to either of those questions. As CCMA is also not an incorporated city, there was no reason for Green Valley SUD to list CCMA in its responses to the regionalization questions in Domestic Technical Report 1.1, contact CCMA, or provide a cost-benefit analysis in relation to service from CCMA. Please see Response 3 for additional information regarding the TCEQ's regionalization policy.

Comment 7

The City of Cibolo commented that areas annexed by the city, areas located within its extraterritorial jurisdiction, and areas subject to annexation agreements with the city are located close to the proposed facility site. The city's residents and residents within the extraterritorial jurisdiction will be affected by nuisance odors from the facility. CCMA commented that under title 30, section 309.13(e) of the Texas Administrative Code, Green Valley SUD must demonstrate that it will take sufficient measures to prevent nuisance odors. It is not in the public interest to authorize a new facility that may produce nuisance odors when regionalized wastewater service is available.

Response 7

Title 30, section 309.13(e) of the Texas Administrative Code requires domestic wastewater treatment facilities to meet buffer zone requirements for the abatement and control of nuisance odor. The rule provides three ways in which the buffer zone

requirement can be met: ownership of the buffer-zone property, submittal of a nuisance odor prevention request, and legal restrictions that prohibit residential structures within the part of the buffer zone not owned by the applicant. According to the application, Green Valley SUD intends to fulfill the buffer zone requirement by ownership of the buffer-zone property. The applicable buffer zone distance for the proposed facility is 150 feet from any treatment unit to the nearest property line. According to the application, no treatment unit will be built closer than 150 feet to any neighboring property line. Nuisance odor is not expected to occur as a result of the permitted activities at the facility if Green Valley SUD operates the facility in compliance with the TCEQ's rules and the proposed permit.

Comment 8

The cities of Cibolo and Schertz commented that the application lacks evidence that Green Valley SUD needs a 5.0 MGD facility. According to the application, the district will need to discharge 2.5 MGD by the year 2020 and 5.0 MGD by 2045. As the proposed permit expires in 2020, it is unclear why a 5.0 MGD facility would be authorized at this time. CCMA also questioned why the TCEQ would authorize a capacity beyond thirty years of need, as 2.5 MGD would enable the facility to provide service through 2044. Cibolo and Schertz commented that they have provided the district with notices under section 13.255 of the Texas Water Code that they intend to provide service in the portions of the district's sewer CCN area that are also within the cities' corporate boundaries. They argued that the cities' notices to the district further lessens the district's need for a 5.0 MGD facility; CCMA made this same comment with regard to Cibolo. Cibolo noted that once its request is granted, it will remove 5,800 acres from Green Valley SUD's sewer CCN. CCMA commented that a significant portion of the area Green Valley SUD intends to serve is already served by other regional providers and located within the extraterritorial jurisdictions of the cities of Cibolo, New Braunfels, San Antonio, Schertz, and Seguin. CCMA pointed out that Green Valley SUD indicated they have requests for 1,000 acres, which roughly translates to a need for 1.0 MGD of treatment capacity. The Interim II phase in the proposed permit provides sufficient capacity for that acreage. Cibolo and Schertz commented that if the TCEQ does not deny the application, it should at least limit the authorized effluent flow to 2.5 MGD. Cibolo also commented that Green Valley SUD has not identified any potential users of the 5.0 MGD capacity.

Response 8

Green Valley SUD submitted its permit application for a 5.0 MGD facility. The ED mailed a draft permit to Green Valley SUD on August 20, 2015. In that draft permit, the 5.0 MGD phase was not included because information in the original application indicated that 2.5 MGD would be a sufficient capacity for the initial permit term. In its August 31, 2015, response to the draft permit, Green Valley SUD stated that its projected flows provided in the application were based on historic water connection growth, but since it submitted the application, it had received increased interest in centralized sewer service for future developments. The district stated it will need sufficient permitted capacity to be able to contract with developers for wastewater service for each development. Green Valley SUD noted that at the time of the letter, it was in discussions with three developers that involved a total of 1,050 acres. Assuming

the acreage will be subdivided into quarter-acre lots (4,200 equivalent dwelling units (EDUs)), and each lot will use 245 gallons per day (1.029 MGD total), a 2.5 MGD facility would already be at 41% capacity just for those three developments. Green Valley SUD further stated that its certificated area encompasses 76,256 acres of land, with various land uses throughout.²⁷ Ultimately, the district wants assurance that the 5.0 MGD phase can be obtained to facilitate the orderly growth of CCN No. 20973, i.e., its proposed service area, on a tract-by-tract basis. Based on this information, the ED added the 5.0 MGD phase to the draft permit.

The ED notes that in the information Green Valley SUD provided on May 4, 2015, that is discussed in Response 23, Green Valley SUD used an EDU of approximately 240 gallons per day. The ED does not know why that number changed, but the impact on the percent-capacity calculation is miniscule (40% with 240 gallons per day versus 41% with 245 gallons per day).

Comment 9

The cities of Cibolo and Schertz and CCMA commented that Green Valley SUD did not provide a complete response to question 10 in Domestic Technical Report 1.0, noting that Green Valley SUD even admitted it had not selected a disposal site or hauler for its sludge. This included not providing a contract with a disposal site. This is an application deficiency and indicates that the district's facility will not comply with federal and state requirements. CCMA also commented that this deficiency could cause odor issues associated with the sludge.

Response 9

Green Valley SUD indicated on page 12 of Domestic Technical Report 1.0 in its application that its sludge disposal method was yet to be determined. However, it indicated that sludge would be taken to a permitted landfill, land application site for beneficial use authorized in the wastewater permit, or another permitted wastewater treatment plant or sludge processing facility. In documentation provided to the TCEQ on May 4, 2015, Green Valley SUD indicated it was no longer seeking to land apply sludge for beneficial use under its permit. It also noted it intends to use a TCEQ-permitted site and hauler and that, prior to taking sludge to a permitted wastewater treatment facility or sludge processing facility, it will provide a written statement and/or copy of the contractual agreement to the TCEQ.

Green Valley SUD's response is common for an applicant for a new TPDES permit. The ED recognizes that, at the time a permit application is submitted for an unbuilt facility, contractual agreements for sludge disposal and transport may not have been entered into or finalized. It is not the ED's practice to deny applications when a disposal site or transporter has not yet been identified, as the same requirements for sludge transportation and disposal apply to the permittee whether or not a site and transporter have been chosen. It should be further noted that permittees are allowed to change disposal sites and transporters during the permit's term as long as the applicable permit requirements are followed. There is no reason to believe the

²⁷ Even with the City of Cibolo's 5,800 acres removed, CCN No. 20973 will still contain over 70,000 acres.

wastewater treatment facility would experience odor issues because the district intends to select a transporter and disposal site in the future.

As stated on page 2 of the Fact Sheet and Executive Director's Preliminary Decision, the proposed permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility. The proposed permit also contains Sludge Provisions on pages 17 through 33 that describe the various sludge transportation and disposal options and requirements.

Comment 10

The cities of Cibolo and Schertz and CCMA commented that the application is subject to the TCEQ's antidegradation policy in title 30, section 307.5 of the Texas Administrative Code for Tiers 1 and 2. Segment No. 1902 is on the 303(d) list for bacteria, and the proposed discharge may unnecessarily downgrade the segment's water quality in violation of statutory and regulatory antidegradation requirements and stream standards.

Response 10

The confluence between Santa Clara Creek and Segment No. 1902 is approximately 4.58 miles from the proposed discharge point. As discussed on page 6 of the Fact Sheet and Executive Director's Preliminary Decision for this application, ED staff conducted Tier 1 and 2 antidegradation reviews for Santa Clara Creek. The review was limited to Santa Clara Creek because, under the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010) (IPs), the TCEQ assigns aquatic life uses and performs an antidegradation review for water bodies along the discharge route up to 3.2 miles from the discharge point for a facility that will discharge a maximum of 5.0 MGD.²⁸ Because the effluent will travel through Santa Clara Creek for more than 3.2 miles before reaching another water body, only Santa Clara Creek was assessed for antidegradation purposes.

Having said this, the proposed permit is protective of the receiving waters with regard to bacteria. Segment No. 1902 is on the 2012 Clean Water Act Section 303(d) list for a bacterial impairment, which exists from the segment's lower boundary up to its confluence with Clifton Branch (Assessment Units 1902_01, 1902_02, and 1902_03). Based on information provided by Green Valley SUD as part of its application, the proposed facility will be designed to provide adequate disinfection and, when operated properly, should not add to Segment No. 1902's bacterial impairment. In addition, to ensure the effluent will meet the stream bacteria standards, the proposed permit contains an effluent limit for bacteria, based on a thirty-day average, of 126 CFU or MPN of *E. coli* per 100 mL. This limit is equal to Segment No. 1902's water quality criterion for bacteria for contact recreation, which is located in title 30, section 307.10(1) of the Texas Administrative Code, and should also prevent Green Valley SUD's effluent from contributing to the bacterial impairment in Segment No. 1902. The ED notes that the closest impaired assessment unit, 1902_03, is over thirty miles from the discharge point.

²⁸ TCEQ, PROCEDURES TO IMPLEMENT THE TEXAS SURFACE WATER QUALITY STANDARDS 16-17, 56 (2010).

Comment 11

CCMA commented that Green Valley SUD did not provide a complete response to question 9 in Domestic Technical Report 1.0, noting that the district has not identified an operator. This is an application deficiency and does not ensure that the district's facility will be operated and maintained in accordance with federal and state requirements.

Response 11

Other Requirement No. 1 on page 34 of the proposed permit has specific wastewater treatment operator requirements. It states, "The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 [Texas Administrative Code] Chapter 30, Occupational Licenses and Registrations, and, in particular, 30 [Texas Administrative Code] Chapter 30, Subchapter J, Wastewater Operators and Operations Companies." The provision goes on to describe the level of supervision required for the operator.

Green Valley SUD's wastewater treatment facility will be a Category C facility in the Interim I phase and a Category B facility in the Interim II and Final phases. This means the Interim I-phase facility must be operated by an operator holding a Category C license or higher, and the Interim II- and Final-phase facilities must be operated by an operator holding a Category B license or higher. Green Valley SUD noted on page 12 of its application that it had not yet determined who the operator will be. Whether or not it had chosen a wastewater treatment facility operator by the time it filed its application, Green Valley SUD must still comply with Other Requirement No. 1 and title 30, chapter 30 of the Texas Administrative Code. Those requirements will also apply, for example, if Green Valley SUD selects an operator but later changes the operator during the permit's term. As Green Valley SUD will have other steps it needs to take if it obtains a TPDES permit before it begins discharging, including constructing the wastewater treatment facility and collection system, the district will have time to select an operator before it discharges effluent.

Comment 12

CCMA commented that the district has no experience operating a wastewater treatment facility. It also does not have experience operating a water treatment facility, as it purchases all its treated water from wholesale providers. Due to the complexity of operating a wastewater treatment facility, including required compliance with reporting and testing procedures, the proposed permit should contain additional measures regarding the proper operation of the facility to ensure the effluent is properly disinfected. The district's lack of both an operator and experience may pose a threat to the human health and safety of residents near the facility, pose a threat to the safety of livestock near the facility, degrade water quality, cause odor and nuisance conditions, and result in untreated or partially treated waste spilling into nearby streams. CCMA also commented that Green Valley SUD's lack of experience and a sludge disposal method pose a threat to nearby groundwater and private water wells. The City of Cibolo also pointed out Green Valley SUD's lack of experience, including a

lack of in-house expertise. The City of Schertz also noted Green Valley SUD's lack of experience, which was especially a concern because the Interim I-phase facility will be a very small plant, which is more difficult to operate and maintain to state standards.

Response 12

The level of an applicant's experience operating a wastewater treatment facility is beyond the scope of the ED's review of a wastewater discharge permit application. Anyone who seeks to operate a wastewater treatment facility for the first time has a lack of experience; the only way to gain experience is to operate a wastewater treatment facility. A permittee must comply with the TCEQ's operation requirements whether they are operating their first facility or their tenth facility, or whether they are operating a 0.05 MGD facility or a 5.0 MGD facility. For example, Response 11 discussed Other Requirement No. 1 in the proposed permit, which sets out the wastewater treatment facility operator requirements for each of the proposed permit phases. The Effluent Limitations and Monitoring Requirements section of the proposed permit (pages 2-2b) requires Green Valley SUD to monitor plant performance by sampling its effluent and then report the results. Green Valley SUD must comply with these and all other operation requirements that apply to its facility.

Green Valley SUD will also be subject to both announced and unannounced enforcement investigations. Permit Condition No. 3(b) of the proposed permit (page 10) states, "The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission." As a U.S. Environmental Protection Agency-classified major facility, the wastewater treatment facility will be inspected by TCEQ Region 13 staff every other year. Regional staff also have the authority to conduct unscheduled investigations at the facility. In fact, Region 13 staff routinely conduct unannounced investigations in response to complaints. The response time can vary depending upon staffing availability, but the response time is often within twenty-four hours of receiving the complaint.

If you experience any suspected incidents of noncompliance with the proposed permit or TCEQ rules, they may be reported to the TCEQ by using the contact information listed in section I(C) above. If Green Valley SUD fails to comply with all requirements of its permit, it may be subject to enforcement action. The proposed permit also does not limit the ability of an individual to seek legal remedies against Green Valley SUD regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

Please see Response 9 for the ED's discussion regarding the need to identify a sludge hauler and disposal site in a wastewater discharge permit application.

Comment 13

CCMA commented that effluent from the facility that is not treated properly could negatively impact human health through recreational contact, groundwater used as drinking water, and consuming crops irrigated with receiving stream water. The City of Cibolo commented that areas annexed by the city, areas located with its extraterritorial jurisdiction, and areas subject to annexation agreements with the city are located close to the proposed facility site. Any sewage spills at the facility will create hazards to those residents' health and welfare. Guadalupe County expressed concern that Lower Cibolo Creek will still be safe for people. Douglas Jones asked whether Santa Clara Creek will be safe to swim or wade in. He also asked whether the fish will still be edible.

Response 13

Effluent discharged into water in the state from a facility regulated under the TPDES is required to meet the Texas Surface Water Quality Standards. The TCEQ sets and implements the standards to maintain, and improve where necessary, the quality of water in the state. According to section 307.6(b)(3) of the standards, "Water in the state must be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water or any combination of the three."²⁹ Additionally, section 307.6(b)(4) states, "Water in the state must be maintained to preclude adverse toxic effects on aquatic life, terrestrial life, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the three."³⁰ The ED uses the standards' narrative and numerical requirements when drafting a discharge permit to ensure the permit will protect the receiving waters.

As part of the permit application process, the ED uses the Texas Surface Water Quality Standards to identify or assign the receiving waters' uses and set effluent limits in the permit that are protective of those uses. The designated uses for Segment No. 1902 are high aquatic life use and primary contact recreation.³¹ Santa Clara Creek's uses are also high aquatic life use and primary contact recreation. The effluent limits in the proposed permit, including the thirty-day average limits described in section I(A) above, are limits for the pollutants that will most likely be present in Green Valley SUD's effluent. They have been designed to maintain and protect Segment No. 1902's uses as well as ensure that the district's discharges will not violate the standards. Section 8(C) of the Fact Sheet and Executive Director's Preliminary Decision for this application provides a detailed description of how the limits were calculated. Additionally, because the proposed permit contains two phases with an annual average flow of 1.0 MGD or greater, Green Valley SUD is required to complete and submit the TPDES application's Worksheet 4.0 within 120 day of plant startup (see Other Requirement No. 8 on page 35 of the proposed permit). The ED will screen the results of this submission to determine if any pollutant was present in the effluent at a concentration that exceeds 70% of the daily average value that is protective of aquatic

²⁹ 30 TEX. ADMIN. CODE § 307.6(b)(3) (West 2016).

³⁰ *Id.* § 307.6(b)(4).

³¹ Primary contact recreation consists of activities that involve a significant risk of ingesting water, such as wading and swimming. 30 TEX. ADMIN. CODE § 307.3(47) (West 2014).

life in the receiving waters and human health. If any concentration exceeds 70%, the ED may require four retests depending on the number of samples Green Valley SUD had tested. Either way, based on the test results, effluent reporting requirements will be added to the permit if the average concentration exceeds 70% of a calculated daily average value, and effluent limits will be added if the average concentration exceeds 85% of a calculated daily average value. This calculation is discussed in greater detail on pages 168-169 of the IPs.

Based on the ED's technical review of the application and drafting of the proposed permit, the ED has determined that the proposed permit meets the requirements of the Texas Surface Water Quality Standards and other applicable TCEQ rules and will protect human health, whether directly or by consuming aquatic organisms, if Green Valley SUD operates and maintains its facility as required by the proposed permit and applicable rules. Discharging effluent outside the permit's parameters would be a permit violation and may subject Green Valley SUD to enforcement action. This includes unauthorized discharges, which Permit Condition No. 2(g) in the proposed permit (page 9) defines as "any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit." Under Monitoring and Reporting Requirement No. 7(a) and (b) of the proposed permit (page 7), Green Valley SUD will be required to report any unauthorized discharge to the TCEQ within twenty-four hours. If it fails to do so, it will be subject to potential enforcement action for failure to comply with the permit. Once the TCEQ learns of an unauthorized discharge, it and other local governmental entities will determine if nearby residents need to be notified of any leak or runoff based on the severity and potential health impact of the discharge.

Green Valley SUD will be required to take certain steps to minimize the possibility of an accidental discharge of untreated wastewater. For example, Operational Requirement No. 4 of the proposed permit (page 13) requires the district to maintain "adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater." The district is also required to comply with the requirements for emergency backup power found in title 30, section 217.36 of the Texas Administrative Code. To ensure proper facility design, the district must comply with the TCEQ's design submittal requirements for its wastewater collection system and treatment facility in accordance with title 30, section 217.6 of the Texas Administrative Code. Also, Operational Requirement No. 8(a) of the proposed permit (page 14) states that when the flow reaches 75% of the permitted daily or annual average flow for three consecutive months, the district must initiate engineering and financial planning for any expansion or upgrade of the treatment and collection facilities needed to provide sufficient capacity. When the flow reaches 90% of the permitted daily or annual average flow for three consecutive months, the district must obtain authorization from the TCEQ to begin constructing the necessary additional treatment and collection facilities.

If any unauthorized discharge or other permit violation is observed, the violation can be reported to the TCEQ's Region 13 Office using the contact information listed in section I(C) above. Citizens may also gather data to show that Green Valley,

SUD is not in compliance with TCEQ rules. For more information regarding citizen-collected evidence, please visit the TCEQ's web page on the subject at www.tceq.texas.gov/complaints/protocols/evi_proto.html. Also, the proposed permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects to human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

Comment 14

CCMA commented that the effluent could negatively impact cattle and wildlife that may come into contact with it. Guadalupe County expressed concern that Lower Cibolo Creek will still be safe for animals.

Response 14

The proposed permit was drafted in accordance with the Texas Surface Water Quality Standards and IPs. Under section 307.6(b)(4) of the standards, discharged effluent cannot make water in the state toxic to aquatic or terrestrial organisms.³² While the standards and IPs do not specifically designate criteria for the protection of livestock or terrestrial wildlife, they do designate criteria for the protection of aquatic life and human health. As discussed in Response 13, both Santa Clara Creek and Lower Cibolo Creek, Segment No. 1902, have uses of high aquatic life use and primary contact recreation. The effluent limits in the proposed permit have been calculated to maintain and protect these existing instream uses. Section 8(C) of the Fact Sheet and Executive Director's Preliminary Decision for this application provides a detailed description of how the limits were calculated. The limits and enhanced secondary treatment levels with nitrification that apply to the proposed discharge are expected to provide water quality that is safe for aquatic wildlife and human health, the latter of which was discussed in Response 13. If the proposed permit will protect aquatic life and human health, it should also protect livestock and terrestrial wildlife that drink water in the state that contains effluent. Therefore, the TCEQ does not expect the treated effluent to adversely affect livestock or aquatic or terrestrial wildlife.

Comment 15

John E. Bierschwale asked how the proposed permit will protect water quality in Lower Cibolo Creek. Guadalupe County asked whether the TCEQ monitors water quality in Lower Cibolo Creek independently from the entities that discharge into the creek.

Response 15

For domestic wastewater discharges, the TCEQ protects water quality primarily through the implementation of the Texas Surface Water Quality Standards, as described in the IPs. The standards enable the TCEQ to protect surface water quality,

³² 30 TEX. ADMIN. CODE § 307.6(b)(4) (West 2016).

groundwater, human health, aquatic life, and the receiving waters' designated uses. They include numeric and narrative water quality criteria used to protect the designated and assigned uses of receiving waters. For example, based on the determined aquatic life use subcategory, classified segments are assigned a numeric dissolved oxygen criterion that must be met to support the aquatic life use. The TCEQ's Water Quality Assessment Team then performs a dissolved oxygen modeling analysis to ensure that the permit's effluent limits and other requirements will support the dissolved oxygen criterion and, therefore, protect the aquatic life use. For this application, a dissolved oxygen modeling analysis was performed for the immediate receiving stream, Santa Clara Creek, as well as Lower Cibolo Creek, and the effluent limits in the proposed permit reflect treatment levels necessary to comply with the applicable dissolved oxygen criterion for Lower Cibolo Creek, which is 5.0 mg/L.

The Texas Surface Water Quality Standards also state that surface water must not be toxic to humans from ingesting water, consuming aquatic organisms, or contacting skin.³³ It must also not be toxic to terrestrial or aquatic life.³⁴ To support these narrative criteria, the standards list numeric criteria for specific toxic pollutants.³⁵ TPDES permits are screened using these criteria to ensure that proposed discharges will not have toxic effects on human health or aquatic life. As discussed in Response 13, Green Valley SUD's effluent data will be screened once it submits that data in accordance with Other Requirement No. 8 in the proposed permit.

As described in the 2014 Texas Integrated Report of Surface Water Quality - Water Bodies Evaluated, there are at least seven surface water quality monitoring stations on Lower Cibolo Creek. Water quality monitoring results reported in the Integrated Report include stations that are monitored by the TCEQ and/or partner agencies. The TCEQ performs periodic water quality monitoring in Lower Cibolo Creek to assess water quality trends and the creek's general health. These data can be obtained from the TCEQ or accessed online at www.tceq.texas.gov/waterquality/monitoring/index.html.³⁶

Comment 16

Douglas Jones asked how much Santa Clara Creek will rise due to Green Valley SUD's discharge. He also provided several comments regarding how the water level rise could impact his property, including his residence and stock tank, and that he would seek compensation for loss of property use or replacing property features, such as a dirt road next to the creek and easy access over the creek between the two halves of his property.

Response 16

The TCEQ does not have jurisdiction to address a discharge's impact on the

³³ *Id.* § 307.6(b)(3).

³⁴ *Id.* § 307.6(b)(4).

³⁵ *Id.* § 307.6.

³⁶ To properly view the data, the ED recommends saving the .txt file and then importing it into an Excel spreadsheet. Clicking on the Help icon on the Surface Water Quality Web Reporting Tool web page provides more information about this process.

water level of the receiving waters, including flooding issues, as part of the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting those waters' quality. For flooding concerns, please contact the local floodplain administrator for this area, the Guadalupe County Environmental Health Department, at 830-303-8858 or visit its web site at www.co.guadalupe.tx.us/eh/eh.php. Additionally, the Federal Emergency Management Agency has programs that are designed to mitigate damage caused by flooding.

The ED will note that the discharge's effect on the water level during a storm event should be minimal because it is likely the storm would create a flow of hundreds or thousands of cubic feet per second (cfs) in Santa Clara Creek during those conditions. In contrast, operating in the Final 5.0 MGD phase at 100% capacity, Green Valley SUD's wastewater treatment facility would produce a flow of 7.7 cfs. A TCEQ receiving water assessment conducted on July 28-30, 2015, for Santa Clara Creek showed that the creek is intermittent with perennial pools. This means water flows in the creek for part of the year, but there are always pools present. For example, during the assessment, ED staff observed pools but no flowing water at two different locations along the creek. When the creek's flow is low or nonexistent, the wastewater treatment facility would contribute all or a proportionately larger amount of the flow in Santa Clara Creek, but as noted above, the maximum amount would be 7.7 cfs. The amount that the discharge would raise the water level at any particular time and place would depend on several factors, such as stream width and bank height at that point in the stream; the distance downstream from the discharge point, which affects how much evaporation would have occurred; and stream slope, which affects water velocity.

As noted in Response 13, the proposed permit does not limit the ability of nearby landowners to use common law remedies for trespass, nuisance, or other causes of action in response to activities that may or actually do result in injury or adverse effects to human health or welfare, animal life, vegetation, or property, or that may or actually do interfere with the normal use and enjoyment of animal life, vegetation, or property.

Comment 17

Douglas Jones asked whether the discharge will cause aquatic life or grasses to overtake Santa Clara Creek's surface.

Response 17

As part of the antidegradation review for this permit application, ED staff performed a nutrient screening. The screening's purpose was to assess the potential effects of the proposed discharge in relation to nutrient criteria for the receiving waters, which are intended to prevent excessive aquatic vegetation growth. Based on the nutrient screening, ED staff recommended a daily average effluent limit of 0.5 mg/L for total phosphorus to prevent aquatic vegetation from growing excessively as a result of the proposed discharge.

Comment 18

CCMA asked whether the treated effluent will flow into Segment No. 1902.

Response 18

The discharge route for the proposed discharge includes Lower Cibolo Creek, Segment No. 1902. The effluent will be discharged into Santa Clara Creek, then flow approximately 4.5 miles before entering Segment No. 1902. The extent to which the effluent from this facility will actually reach Segment No. 1902 will depend on various factors, such as the amount of water discharged, evaporation, seepage, and water diversions.

Comment 19

CCMA asked whether the proposed facility site is located in a floodway or floodplain. The City of Cibolo asked whether the lift station and plant site are located within the 100-year floodplain. If so, it asked whether the TCEQ can allow the lift station to be constructed in the floodplain and what type of protection Green Valley SUD will provide to protect the lift station from a 100-year flood. It asked whether the TCEQ requires discharge permit applicants to show floodways on their site plans and whether the TCEQ would approve an application where the sludge disposal site will be located in a 100-year floodplain or floodway. It also asked whether the TCEQ and Federal Emergency Management Agency allow a lift station to protrude aboveground, which is how Green Valley SUD is planning to install its Interim I-phase lift station.

Response 19

According to Green Valley SUD's response to question 2(c) in Domestic Administrative Report 1.1 of the application, the proposed facility will comply with the TCEQ's siting requirements, which are found in title 30, section 309.13(a)-(d) of the Texas Administrative Code. The siting requirements do not allow wastewater treatment plant units, including on-site lift stations, to be located in a 100-year floodplain unless the unit is protected from inundation and damage that may occur during that type of flood event. In response to question 5(a) in Domestic Technical Report 1.1 of the application, Green Valley SUD indicated that the wastewater treatment facility, which includes the on-site lift station, will be above the 100-year floodplain. Green Valley SUD is not requesting a sludge disposal site as part of its permit application.

A TPDES applicant is not required to submit its full plans, specifications, and engineering design report for its wastewater treatment facility and collection system to obtain a TPDES permit.³⁷ If the TCEQ issues the proposed permit, Green Valley SUD will be required to submit a summary transmittal letter before constructing all phases of its wastewater treatment facility in accordance with Other Requirement No. 9 in the permit and title 30, section 217.6(d) of the Texas Administrative Code. The ED can then request plans, specifications, and a final engineering report. According to title 30, section 217.10(g)(2)(C) of the Texas Administrative Code, the final engineering report

³⁷ 30 TEX. ADMIN. CODE § 217.6(a).

must include a map of the wastewater treatment facility site, including the 100-year floodplain, with supporting documentation of compliance with the 100-year floodplain restrictions specified in title 30, section 309.13 of the Texas Administrative Code.

Title 30, section 217.59(c) of the Texas Administrative Code states, "The design of a lift station, including all electrical and mechanical equipment, must be designed to withstand and operate during a 100-year flood event, including wave action." Title 30, section 217.60(d)(1)(E) of the Texas Administrative Code requires all vent outlets to be at least one foot above a 100-year floodplain elevation. Green Valley SUD will need to comply with these requirements and any others in chapter 217 that apply to its lift stations. If Green Valley SUD wants to vary its design from chapter 217's requirements, it must provide information regarding the variance in accordance with sections 217.4 and 217.6. All variances are subject to ED approval. There is no state or federal prohibition against a lift station protruding aboveground.

Comment 20

CCMA had several questions regarding the facility's design. First, it asked why a peaking factor ratio of 3:1 was used to set the two-hour peak flow in the proposed permit rather than the 4:1 peaking factor ratio that is required by title 30, chapter 217 of the Texas Administrative Code when there is no existing flow data to support a different ratio. Second, it asked whether there will still be an influent equalization basin and, if so, what will be the basin's volume and how that volume relates to the peaking factor ratio. Third, it asked how the fine screen will be protected when there is no coarse bar screen, which is required by chapter 217, in the design calculations. CCMA noted that the hydraulic calculations are for flow through a manual or coarse screen rather than a fine screen. Finally, it asked whether Green Valley SUD will be using a sequencing batch reactor or aeration basin and final clarifier in the Interim I phase, as the sludge management plan says it is the former but the design calculations say it is the latter.

Response 20

On May 20, 2016, Green Valley SUD provided the ED with additional information related to the facility design information provided in the application. With regard to the 3:1 peaking factor ratio and the equalization basin, the district included the equalization basin in the design for the Interim I phase to bring the ratio below 3:1, but the clarifier and chlorine contact basin volumes in the design calculations could handle a 4:1 ratio. With regard to the fine and coarse screens, the district will use both screen types in all three phases. A fine screen was not included in the design calculations because fine screen head loss varies between screen manufacturers. That information will be part of the final facility design. With regard to whether the district will be using a sequencing batch reactor or aeration basin in the Interim I phase, there appears to be a typographical error in the sludge management plan for the nomenclature used, not the calculations. The district will use an aeration basin and final clarifier in the Interim I phase and sequencing batch reactors in the Interim II and Final phases.

As discussed in greater detail in Response 19, a TPDES applicant is not required to provide its full plans, specifications, and engineering design report as part of the

TPDES application.³⁸ Green Valley SUD will have to provide its summary transmittal letter for its facility design at a later date in accordance with Other Requirement No. 9 of the proposed permit and section 217.6 of the TCEQ's rules, including information regarding any requested variances. The district provided the flow diagrams, treatment unit dimensions, treatment process descriptions, sewage sludge management plan, and design calculations it was required to provide as part of its application.

Comment 21

CCMA commented that the belt presses are designed to exceed 100% of peak sludge capacity and asked whether Green Valley SUD will be accepting sludge from other facilities for processing.

Response 21

In response to question 7(f)(1) in Domestic Technical Report 1.0 of the application (page 9), Green Valley SUD indicated it will not be accepting sludge from other wastewater treatment facilities.

Comment 22

The City of Cibolo asked whether the subject of when Green Valley SUD will need 0.25 MGD, 2.5 MGD, and 5.0 MGD of wastewater treatment capacity was addressed in the application. If so, it asked for those time frames.

Response 22

In response to an ED request for additional information, Green Valley SUD provided amended and supplemental application materials on May 4, 2015. As part of those materials, it provided an amended page 1 of Domestic Technical Report 1.0. According to its responses to question 1 on that page, it provided an estimated construction start date of January 2016 and estimated waste disposal start date of August 2016 for the Interim I phase (0.25 MGD), an estimated construction start date of January 2019 and estimated waste disposal start date of January 2020 for the Interim II phase (2.5 MGD), and an estimated construction start date of January 2044 and estimated waste disposal start date of January 2045 for the Final phase (5.0 MGD).

Comment 23

The City of Cibolo asked how many connections can be served by a 0.25 MGD, 2.5 MGD, and 5.0 MGD facility and how many gallons per day are assumed for each connection.

Response 23

In the amended and supplemental application information Green Valley SUD provided on May 4, 2015, it provided flow estimates based on the projected number of

³⁸ *Id.* § 217.6(a).

residential, commercial, and industrial customers it will serve, which it expressed as EDUs. The projections appear to assume that each EDU will produce approximately 240 gallons per day. According to the projections, the 0.25 MGD phase will serve an estimated 952 EDUs by 2019, the 2.5 MGD phase will serve an estimated 10,309 EDUs by 2044, and the 5.0 MGD phase will serve an estimated 22,099 EDUs by 2052.

Comment 24

SARA commented that Segment No. 1902 is in the San Antonio River Basin. The Notice of Application and Preliminary Decision and the Fact Sheet incorrectly stated that the segment is located in the Guadalupe River Basin.

Response 24

The ED agrees with this comment and has corrected the Fact Sheet and proposed permit accordingly.

Comment 25

The City of Santa Clara commented that it does not want or plan to get into the sewer or water business and that it relies on Green Valley SUD to plan for the city's and its residents' future service needs. The plant design needs to consider the final projected capacity so the plant does not have to be reworked before it can grow. The plan for this facility will support potential future growth based on the forecasted schedule.

Response 25

The ED acknowledges the City of Santa Clara's comments.

Comment 26

The City of Cibolo stated that the application did not evaluate downstream impacts on residents who live adjacent to the Santa Clara and Cibolo creeks and did not satisfy water quality, antidegradation, and stream standard requirements. It also commented that CCMA expanded its service territory at Green Valley SUD's request, and CCMA now must protest the application because Green Valley SUD seeks to provide service in CCMA's service territory. In relation to its section 13.255 decertification notice, Cibolo stated that its notice provides additional support for requiring the district to show that a regional option is not feasible.

Response 26

It is unclear what downstream impacts the City of Cibolo is referring to or how Cibolo believes the application failed to satisfy water quality, antidegradation, and stream standard requirements. It is also unclear what Cibolo meant when it said that CCMA expanded its service territory, and how Cibolo's decertification notice impacts the regional option issue. Without clarification, the ED cannot respond to these comments specifically. For information regarding water quality in Lower Cibolo Creek

and the ED's antidegradation review for this application, please see Responses 15 and 17. For information regarding CCMA as a service provider, please see Response 6. For information regarding Cibolo as a service provider and plant capacity, please see Responses 5 and 8.

Comment 27

Commenters provided comments and questions regarding the following subjects:

- John E. Bierschwale – the possible financial impacts on Green Valley SUD's rate payers, particularly his family, and how those impact could affect the growth of the local economy
- CCMA - increased traffic in the area; whether the parts of the proposed service area identified in the application that are located within three miles of CCMA's collection lines are also in CCMA's wholesale service area
- City of Cibolo – the age of Green Valley SUD's wastewater master plan and how it does not call for a wastewater facility at the proposed site; the possible financial impacts on Green Valley SUD's rate payers, Cibolo taxpayers, and the local economy; whether Green Valley SUD provided appropriate public notice or conducted open meetings to ensure its customers were given an opportunity to learn about the district entering the wastewater treatment business; whether the subject of how much it will cost to construct the 0.25 MGD, 2.5 MGD, and 5.0 MGD facilities was addressed in the application and, if so, what those costs would be
- City of Schertz – Green Valley SUD's current lack of sewer customers, in terms of how it impacts water customers; actual cost of operations; and cost and kind of debt

Response 27

Green Valley SUD was not required to address the subjects raised in these comments in the application, as they are not part of the TPDES permit application requirements. Therefore, the ED acknowledges the comments but does not have a response to them.

Comment 28

The commenters asked various questions that appear to be directed at Green Valley SUD. They are as follows:

- City of Cibolo – why Green Valley SUD did not want to participate with CCMA in its regional facility; whether Green Valley SUD considered partnering with the City of Marion; questions regarding the process used and followed by Green Valley SUD's board, and the board's authority, to adopt its policy decision to enter into the wastewater treatment business (page 4 and exhibit A of Cibolo's March 29, 2016, letter and oral comments from Robert Herrera at the public meeting)
- City of Schertz – whether Green Valley SUD has a wastewater master plan;

whether Green Valley SUD currently charges impact fees or plans to charge them for its wastewater treatment program; whether the service area includes area Green Valley SUD asked CCMA to serve with CCMA's new wastewater treatment facility

Response 28

This Response to Public Comment is from the ED, not Green Valley SUD. For information regarding these subjects, please contact the district. For information regarding the regulation of districts at the TCEQ, including impact fee authorizations, please contact the TCEQ's Water Supply Division at (512) 239-4691 or plandist@tceq.texas.gov.

III. CHANGES MADE TO THE PROPOSED PERMIT IN RESPONSE TO COMMENT

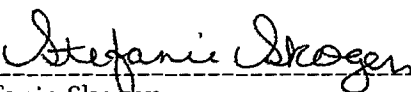
The ED corrected the river basin's name in the discharge route, changing it from the Guadalupe River Basin to the San Antonio River Basin.

Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

Richard A. Hyde, P.E., Executive Director

Robert Martinez, Director
Environmental Law Division

By: 

Stefanie Skogen
Staff Attorney
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MC-173, P.O. Box 13087
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Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 22, 2016

TO: Persons on the attached mailing list.

RE: Green Valley Special Utility District
TPDES Permit No. WQ0015360001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Marion City Hall, 303 South Center Street, Marion, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and

- (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received** by the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.texas.gov/goto/comments> or by mail to the following address:

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Bridget C. Bohac
Chief Clerk

BCB/ms

Enclosure

MAILING LIST
for
Green Valley Special Utility District
TPDES Permit No. WQ0015360001

FOR THE APPLICANT:

Pat Allen
Green Valley Special Utility District
P.O. Box 99
Marion, Texas 78124

Mark H. Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759

Garry Montgomery, P.E.
River City Engineering, PLLC
1011 West County Line Road
New Braunfels, Texas 78130

PROTESTANTS/INTERESTED
PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program MC-108
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic McWherter, Attorney
Texas Commission on Environmental
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Public Interest Counsel MC-103
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FOR THE CHIEF CLERK
via electronic mail:

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental
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Office of Chief Clerk MC-105
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330 NOTCH LEAF
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HOOKS , JAMES
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KUEMPEL , THE HONORABLE JOHN
TEXAS HOUSE OF REPRESENTATIVES
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MILLS , JASON
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RADTKE , OTTO
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RAMOS , HUMBERTO
850 LAKESIDE PASS
NEW BRAUNFELS TX 78130-8282

REEVES , REBECCA
PO BOX 839980
SAN ANTONIO TX 78283-3980

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224 BRUSH TRAIL BND
CIBOLO TX 78108-4225

SCHULTES , JENNIFER
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CIBOLO TX 78108-2256

STREY , MR MELVIN
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LA VERNIA TX 78121-3501

WAIT , DUDLEY
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SCHERTZ TX 78154-1634

WEBER , GLENN
360 WAGON WHEEL WAY
CIBOLO TX 78108-3772



Garry Montgomery, P.E., CFM
Project Manager

1011 W. County Line Rd
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(830) 626-3588 Ext. 153

PROFESSIONAL LICENSES

- P.E. License, TX #114438
- Surveyor In Training
- Certified Floodplain Manager
#2247-12N

EDUCATION

- B.S., Civil Engineering,
UT at San Antonio, 2007

PROFESSIONAL ORGANIZATIONS

- Texas Floodplain Managers
Association

QUALIFICATION SUMMARY

Mr. Montgomery has completed multiple municipal projects of varying size and complexity in Central and South Texas. Garry has 8 years' experience in Civil Engineering Design, from planning, regulatory compliance and funding documentation to water, wastewater and drainage projects. He has coordinated planning and design efforts for multiple municipal and governmental projects from preliminary planning stages through construction. Garry has also coordinated and completed the construction administration for multiple projects, a combined total in excess of \$40 million while with RCE. This work includes processing regulatory documents, planning, mapping, report generation and cost estimating.

RELEVANT CAREER EXPERIENCE

GREEN VALLEY SUD, MARION, TX

❖ WATER MASTER PLAN

Coordinated and completed the study and report phases for the December 2014 Water Master Plan for the District. Over \$83MM in Capital Improvement Projects were identified in the study. Since that time, RCE has been authorized to prepare a Bond Application Report for financing of \$15MM in improvements identified in the plan. The plan also included Impact Fee and Water Acquisition Fee studies as well as a thorough review of existing rates.

❖ TPDES PERMIT APPLICATION

Coordinated and completed the application for GVSUD's pending discharge permit on the Santa Clara Creek in Guadalupe County. This project included site acquisition, surveying, schematic design and permitting. The permit is pending approval with the TCEQ at this time.

❖ CITY OF SCHERTZ AND CITY OF CIBOLO 13.255 APPRAISALS

Collaborated with appraisers and staff to provide historical information regarding the service area and previous planning efforts of the District.

❖ 2011 TWDB BOND PROJECTS

Coordinated survey, design, easement acquisition and construction administration for the following projects:

- Weil Road Booster Pump Station
- FM 725 Zipp Road to Union Wine 16-inch waterline
- Union Wine Waterline
- Gin Road Waterline

❖ GVSUD — CITY OF MARION INTERLOCAL AGREEMENT

As Engineer for the District we negotiated an interlocal agreement with the City of Marion for wholesale wastewater service for the portion of GVSUD's CCN that borders the City of Marion and is nearby their current wastewater treatment facility. This agreement will allow GVSUD to offer retail service to a development that is currently under construction and is scheduled to be completed soon.

❖ HEATHER'S ESTATES AND HUNTERS WAY DEVELOPMENT

As Engineer for the District we attended multiple meetings and completed a feasibility study for two developments near 1518 and Abbott Road in GVSUD's water and wastewater CCN. This development will include over 850 connections for the water and wastewater system in this area. The development is currently negotiating the contract for service with GVSUD.

GUADALUPE-BLANCO RIVER AUTHORITY - SEGUIN, TX

❖ NORTHERN GUADALUPE COUNTY WASTEWATER MASTER PLAN

Coordinated the master plan preparation for an area of Guadalupe County that is currently not served by wastewater service and is not within any other provider's certificate of convenience and necessity. The master plan is currently under review with the GBRA and is scheduled for completion by December 2016.

CITY OF GARDEN RIDGE, GARDEN RIDGE, TX

❖ 2016 WASTEWATER SERVICE PLANNING

Completed a detailed service plan for approximately 450 acres identified in the City's Comprehensive Master Plan as Commercial and Industrial land uses. The City currently does not offer sanitary sewer services. The identified study area is limited in land use and impervious cover limits due to the necessity of onsite septic facilities. The City is evaluating the study and exploring options for financing the connection with the Cibolo Creek Municipal Authority at this time. RCE recently completed the master planning phase which included an impact fee study and financing options to provide reliable service to the area.

