



September 11, 2025 **DRAFT Web Copy**

Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105
P.O. Box 13087
Austin, Texas 78711-3087

VIA ELECTRONIC FILING

**RE: Utilities, Inc. Of Texas., Camp Swift Regional Wastewater Treatment Facility
WQ0013548001 - Integrated Assessments of Segment 1434.**

To Whom it May Concern:

These comments on the above referenced application are submitted on behalf of Environmental Stewardship and its members.

Environmental Stewardship is submitting comments prior to TCEQ's final decision regarding whether to grant the proposed draft permit. Environmental Stewardship reserves its right to a contested case hearing contingent on resolving all issues raised herein resulting from the application and draft permit.

The initial comments of Environmental Stewardship are provided in the attached listing of issues, concerns, and objections. Attachment 1

Environmental Stewardship is a Texas non-profit that works to protect the Colorado River, its tributaries, Matagorda Bay, and the Carrizo-Wilcox Aquifer group in the lower basin. Environmental Stewardship has members who own property near and downriver from the Camp Swift wastewater treatment plant discharge. Environmental Stewardship also has members who have drinking water and/or irrigation wells in the Colorado Alluvial Aquifer and adjacent aquifers downriver from the proposed discharge, who would be adversely affected by the large amount of wastewater being proposed discharge. Moreover, Environmental Stewardship is concerned about the overall ecological health of the Colorado River, its tributaries, and the aquifers of the region.

Environmental Stewardship is concerned that the unnamed tributary to Piney Creek, and Piney Creek have been appropriately evaluated¹ in Tier 1 and Tier 2 studies to determine the assimilative capacity of those tributaries discharging into Colorado River Segment 1434.

¹Have recently measured parameters been used to describe these tributaries or were default parameters used from state-wide averages?

Environmental Stewardship is further concerned that this segment of the Colorado River has been appropriately evaluated for degradation in water quality since November 28, 1975 by comparing the existing water quality with baseline conditions² to determine if degradation has occurred. Is the carrying capacity of Segment 1434 adequate to assimilate this additional loading?

Environmental Stewardship members [this is where you can help Environmental Stewardship establish standing for contesting the Application IF NECESSARY] have particular concerns³ that relate to their use of their property and their location in relationship to Camp Swift Regional WWTP.

For example, member landowners who have certified-organic farms and traditional agriculture adjacent to the Camp Swift Regional WWTP discharge, and who depend on wells in the Colorado Alluvial Aquifer (CAA) to irrigate their crops, are concerned about the impact of the large increase in effluent discharge from the wastewater treatment plant that would likely contaminate the quality of water available for their farming operations.

In relation to this concern, we are also concerned that the large increased flow into the unnamed tributary and Piney Creek will cause erosion of the banks and streambed, leading to further siltation of the river, destruction of the natural streambed, degrading the natural ecology, and thereby also degrading the recreational experience.

Other member residents downstream from the Camp Swift Regional WWTP frequently boat, fish, and recreate on this section of the river already complain that the fishing in the river, and general visual appearance of the water in the river, have degraded over the past several years, and fishing is poor. They are concerned that a large increase in wastewater discharged from the treatment plant will further degrade the aquatic life use of the river and thereby their fishing and recreational use of the river.

² TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (commonly referred to as the "IPs") provide, "Baseline conditions are estimated from existing conditions, as indicated by the latest edition of the Texas Water Quality Inventory or other available information, *unless there is information indicating that degradation in ambient water quality has occurred in the receiving waters since November 28, 1975.*" 30 Tex. Admin. Code § 307.5(c)(2)(B) ("The highest water quality sustained since November 28, 1975 (in accordance with EPA Standards Regulation 40 Code of Federal Regulations Part 131) defines baseline conditions for determinations of degradation.").

³ For Environmental Stewardship to get standing it must have members who have what legally is called "JUSTICABLE INTERESTS", or Affected person--A person who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest. 30 Tex. Admin. Code § 55.103

Other member residents are concerned about potential contamination of their groundwater wells as a result of continuing degradation of the water quality in the river that can result in contamination of shallow aquifers by under-regulated chemical compounds often found in municipal and industrial wastewater known as emerging contaminants.

Other members landowners with downstream from the Camp Swift Regional WWTP are concerned about potential contamination of surface water of the tributaries and the river and the alluvial aquifer as a result of degradation of the water quality in the river due to direct wastewater discharge and emerging contaminants like PFAS, pharmaceuticals, and cosmetic products that will likely result from the proposed permit application.

It has become clear to persons that use and recreate on Piney Creek and this reach of the river that the water quality and ecology of the watershed below the plant have already been degraded. Two segments (1428 and 1434), that have the highest aquatic and recreational use standards in the state, are falling short of meeting the standards set in the 1980's and early '90's, and updated in 2018. (TAC, Title 30, Chapter 307.10(1), Appendix A - pages 29-31.)

Environmental Stewardship *strongly* objects to the statement by TCEQ that Segment No. 1434 of the Colorado River is not currently listed on the State's inventory of impaired and threatened waters (the 2022 CWA § 303(d) list). Contrary to the history of water quality assessments on this section of the river, this statement implies that this segment is not impaired or threatened waters. However, the evidence shows that for more than 20 years concerns have been raised about impairment of fish and macrobenthic communities, but these concerns have not been adequately investigated.

These two paragraphs need to be reviewed relative to the Integrated Reports cited.

Environmental Stewardship asserts that segment 1434 is likely impaired according to the 2020 and 2010, 2008, and 2006 Texas Integrated Reports, and likely should be on the 303(d) list of impaired streams where it would be subject of a management strategy to remedy the impairments.

In reviewing the 2020 Texas Integrated [Assessment] Report⁴ for the Colorado River (Basin 14) it is clear that impaired fish and macrobenthic communities in these segments of the river are not only currently impaired, but many of these impairments are carried forward from the 2006 report "due to inadequate data for this method of assessment".

Environmental Stewardship is requesting that the TCEQ conduct, prior to making a final decision regarding this permit, such biological assessment studies as are necessary to not only adequately assess, but to take remedial actions where needed to reverse the degradation of these segments of the river. To establish a baseline for assessing whether degradation has occurred, Environmental Stewardship suggests that the Bio-West ⁵2004-08 studies be used as a source of field information.

In order that Environmental Stewardship and the public are able to review and evaluate such studies as may have been conducted, we are requesting copies of the anti-degradation reviews on the

⁴ The Texas Integrated Report describes the status of the state's waters, as required by Sections 305(b) and 303(d) of the federal Clean Water Act. It summarizes the condition of the state's surface waters, including concerns for public health, fitness for use by aquatic species and other wildlife, and specific pollutants and their possible sources. <https://www.tceq.texas.gov/waterquality/assessment/20twqi>

⁵ Bio-West, Inc., 2004, 2005, 2006, 2008, Colorado River Flow Relationship to Aquatic Habitat and State Threatened Species: Blue Sucker. Prepared for the Lower Colorado River Authority and the San Antonio Water System.

receiving waters (Tier 1 and 2), and the studies that underlay these reviews. Environmental Stewardship further requests that this determination be reexamined and modified after appropriate studies have been conducted to determine the current status of impaired fish and macrobenthic communities resulting from nitrogen, total phosphates, and other impairments in the segments 1434, including the level of PFAS contamination.

Environmental Stewardship is also asking whether the effluent limitations and conditions of 30 TAC Chapter 311: Watershed Protection; Subchapter E: Colorado River Watershed, have been updated to include best-available technology-based treatment to meet the exceptional aquatic use standard?

Our members are concerned about the planned increases to the service area. Do they include new subdivisions and where are they located? Do they dispose of only treated domestic waste or are they commingled with industrial waste?

Further, PFAS compounds have been detected in 11 of 11 samples within these two segments of the Colorado River and its tributaries. Monitoring for these compounds in the effluent needs to be included in the toxic substances monitoring and reporting requirements. Attachment 3

Finally, Environmental Stewardship and its members questions whether this amendment application should be considered a new permit application. We believe that there is a need for regionalization to reduce the number of fragmented systems that are springing up in this segment of the river.

Moreover, Utilities, Inc. Of Texas) has already been cited by TCEQ, for numerous violations under the original permit. IS THIS TRUE AT THIS PLANT

Environmental Stewardship's overall goal is protection of the exceptionally high-quality waters of the Colorado River in this segment, and groundwater aquifers that exchange water with the river. The draft permit proposed by TCEQ raises many concerns in addition to those raised in these comments. Lacking adequate time and documents, we have limited our comments to those of greatest concern.

Thank you for your consideration. If you have any questions regarding these comments, please feel free to contact me.

Sincerely,

Steve Box
Executive Director
Environmental Stewardship
Steve.Box@envstewardship.org

ATTACHMENT 1 - ISSUES LIST

ATTACHMENT 2 - PFAS SURFACE WATER MONITORING REPORT

THESE CONTACTS NEED TO BE REVIEWED AND UPDATED.

CC:

Environmental Stewardship is a nonprofit organization whose purposes fall under the following categories: Public Policy - Aiming to protect, conserve, restore, and enhance the earth's natural resources in order to meet current and future needs of the environment and humans; Science & Ecology - Gathering and using scientific information to restore and sustain ecological services provided by environmental systems; and Outreach & Education - Providing environmental education and outreach that encourages public stewardship. We are a Texas nonprofit 501(c) (3) charitable organization. For more information visit our website at <http://www.environmental-stewardship.org/>.

ATTACHMENT 1

ISSUES RAISED BY THE COVER LETTER OR EXPLAINED BELOW

- a) Whether the proposed discharge will adversely impact: the environment, fish and other aquatic life, and wildlife, including endangered or threatened species, e.g., excess nutrients, chlorine, and PFAS.
- b) Whether the proposed discharge will adversely impact the health of the members of Environmental Stewardship and their families, as a result of contact with the waters of the Colorado River downstream of the discharge, e.g., exposure during access to the River from Camp Swift Regional WWTP to chemicals in the discharge.
- c) Whether the proposed discharge will adversely impact the health of the members of Environmental Stewardship and their families, as a result of consumption of fish caught in the Colorado River, e.g., exposure to PFAS and other toxic chemical in the discharge.
- d) Whether the proposed discharge will adversely impact the health of the members of Environmental Stewardship and their families or their agricultural operations, e.g., exposure to contaminants that enter the alluvial and related aquifers during times of recharge from the River and subsequent pumping from members wells for drinking water and irrigation.
- e) Whether the treatment facilities and discharge will be operated and maintained to avoid nuisance conditions, e.g., odors from the operations, sludge management or ponding of waste waters at the facilities or in the discharge ditch or ditches or the unnamed stream.
- f) Whether the Application, and all representations contained therein, are complete and accurate and were provide and evaluated by a qualified person, e.g., whether the waste waters will be from municipal sources only given the sources include a park and development with commercial activities are in the expanded service area and the likely agricultural and industrial sources nearby to make the representations.
- g) Whether the Applicant substantially complied with applicable public notice requirements, e.g., whether the landowner list is correct for mailed notice and proper and timely notice was issued in the appropriate newspaper(s)
- h) Whether the evaluation of impacts properly considers current conditions and complies with applicable regulations to ensure the draft permit is protective of water quality, including utilizing accurate assumptions and inputs, e.g., proper evaluation of the current state of pollutants in and impairments of the Colorado River and its tributaries downstream of the discharge in a manner that considers the total loading on the river.
 - a. Whether the impacts of the explosion of gravel mining operations and associated stormwater permits in this segment of the river have been properly considered and enforced relative to the silt load being deposited into the river.
 - b. Whether the large increase in discharge is an appropriate ecological aquatic-life use of the tributary.
- i) Whether the Executive Director's antidegradation review was accurate, e.g., proper evaluation of the current state of pollutants in, and impairments of, the Colorado River downstream of the discharge, proper use of the historic measuring period for evaluation of degradation and proper evaluation of the degradation standard:
 - a. Whether impairments in Segment 1434, AUID: 1434_0 have been timely field studied using biological metrics, monitored, and assessed by TCEQ, based on

TCEQ, TPWD, or LCRA data collected since originally assessed in 2006 to determine if the segment should be on the 303(d) list based on impairment of fish and microbenthic communities, nitrogen, and phosphorus, or whether removal of these causes for impairment were justifiably based on best-available science.

- j) Whether the draft permit includes all appropriate and necessary requirements to comply with Texas law, TCEQ rules and policies, e.g., does the discharge to a watercourse and the permit includes required biomonitoring,
- k) Whether the draft permit includes all appropriate and necessary requirements to protect the public health; and the environment, e.g. .monitoring, record keeping and reporting to allow the Commission and the public to access the data needed to evaluate the impacts over time.
- l) Whether the draft permit includes all appropriate and necessary requirements to assure it can be enforced, e.g., are the facilities, the discharge location and monitoring stations clearly identified so that TCEQ, TPWD, and Bastrop County could inspect and sample the discharge and sources clearly reported to assure proper evaluation of any effluent or impacts.
- m) Whether this amendment application should be considered a new permit application and located where it can serve the regional needs of the community avoiding the trend toward fragmentation of wastewater services in this segment.
 - a. Whether the existing facility will be decommissioned and new technology, plus a sulfur abatement plan mentioned in the permit , will adequately address the issues raised.
 - b. Whether fragmentation of wastewater treatment facilities in the region will be adequately addressed, or whether a new location should be considered.
- n) Whether the burden of proof has rightfully been placed on the Applicant and the Commission to prove that concerns and issues brought up before the Commission are in accordance with the federal laws that have been delegated to the State.
- o) Whether the Commission has been as transparent, as is necessary to provide the public adequately and fully with timely and visible notice of proposed actions and timely and efficiently provided the information and documents necessary for the public interest to be able to review and respond to such proposed actions without delays.