Date: November 20, 2025

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

From: Elizabeth Ann Toepperwein
21082 Sams Ranch Road
Helotes, Texas 78023

Re: Motion for Rehearing – TPDES Permit No. WQ0016171001 (Guajolote Ranch)

Dear Commissioners,

My name is Elizabeth Ann Toepperwein, and my property directly borders the proposed Lennar development at Guajolote Ranch. The treated sewage water authorized under this permit would discharge directly into the creek on my land. As such, I am a person of standing with a direct and substantial interest in this matter.

My family has lived on this land for over 140 years. My great-grandfather, William B. Krempkau, purchased this property in the late 19th century, specifically because it included the headwaters of Helotes Creek. I know this land intimately. The portion of Helotes Creek claimed by Lennar and TCEQ is not the true creek; it has always been floodwater runoff. In my 80 years, I have never seen active water there other than what originates on my property. Even in the past year, with as little as five inches of rain, our springs have opened twice – just shows how quickly the water enters the groundwater.

I have videos documenting this and I will be more than happy to show you the videos.

I am deeply saddened that TCEQ has failed to uphold its own mission statement: *"to protect our state's public health and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste."*

Your agency philosophy further promises to:

- Base decisions on law, common sense, sound science, and fiscal responsibility;
- Ensure regulations are necessary, effective, and current;
- Apply regulations clearly and consistently;
- Enforce environmental laws in a consistent, just, and timely manner;
- Ensure meaningful public participation in decision-making; and
- Protect public health and natural resources.

I don't believe the decision you made follows any of your agency's mission or philosophies.

- Clean Water: The permit does not ensure clean water. Even "state-of-the-art" facilities fail and approving this permit gambles with the safety of my well, my family's wells, and the drinking water of all who rely on the Trinity-Glen Rose and Edwards Aquifers. The Trinity-Glen Rose aquifer is the immediate water source for a vast area in our

community, and it provides up to 15% of the recharge into Edwards Aquifer. The Edwards being the primary source of clean water for around 2.5 million Texans.

- Public Health: My husband and I are elderly. Each day is precious. Treated sewage in our drinking water is not a hypothetical risk – it is an eventual certainty. Water is life, and contaminated water threatens lives. We perform wildlife management on our property; therefore, we provide food/water year around and we also harvest these animals. We are concerned that PFAs, hormones and other containments will not only affect the animals' health but our own health. Not only are the deer and hogs we harvest a valued food source our family, but it also helps to manage the wildlife populations. Will the harvested meat be safe to eat?
- Sound Science: The applicant failed to prove scientifically that there is no threat. Southwest Research Institute's study clearly concluded that additional development would negatively impact the Helotes Creek watershed. What science did TCEQ rely upon to contradict this?
- Current Regulations: The permit ignores contaminants of emerging concern such as PFAS and pharmaceuticals. Regulations must evolve with science. We no longer use asbestos or lead paint because we learned they are harmful. PFAS and pharmaceuticals are harmful too, yet they were disregarded.
- Consistency: Regulations appear applied loosely, seem to be more for the benefit of developers (out of state developer in this case) rather than the citizens of this great state. Groundwater impacts seemed to have been overlooked in your decision, despite clear evidence that surface water and groundwater are linked in this karst area.
- Enforcement: TCEQ's enforcement record is weak. Even when violations are found, penalties are minimal and damage irreversible.
- Public Participation: Hundreds of citizens, local leaders, and even TCEQ's own OPIC office opposed this permit. Yet the only voices supporting approval were the applicant's counsel and TCEQ's Executive Director. At public meetings, questions were avoided, and my daughter was told "we don't have to" conduct studies. That is not meaningful public participation.

Request

As a person of standing, a citizen of Texas, and a human being whose family has stewarded this land for generations, I respectfully ask the Commission to reconsider its decision.

I urge you to:

1. Grant the Motion for Rehearing;
2. Reopen the contested case to admit suppressed evidence and incorporate authoritative science; and
3. Deny or revoke the permit unless and until it can be demonstrated – with sound science and transparent process – that our water, our health, and our aquifers will be protected.

Water is precious. Lives are precious. The responsibility to protect them rests in your hands.

Respectfully,

Elizabeth Ann Toepperwein