



**The following comments are on behalf of Save RGV, regarding Space Explorations Technologies, Inc., (SpaceX) Permit Application No. WQ0016342001.**

**Save RGV is a Texas non-profit corporation that advocates for environmental justice and sustainability and the health and well-being of the Rio Grande Valley Community by promoting the conservation and protection of wildlife habitat and the natural areas of the Rio Grande Valley, including, but not limited to, defending the public's right to access State beaches.**

**We strongly oppose this permit application as written and ask the following:**

- TCEQ must deny any discharge into the waters of South Bay Coastal Preserve, or any adjacent waters/wetlands and tidal flats that affect our Lower Rio Grande National Wildlife Refuge, Lower Laguna Madre, and the Brownsville Ship Channel. The discharge of 200,000 gallons/day of treated wastewater into the Coastal Preserve of South Bay will adversely affect the Laguna Madre, the Brownsville Ship Channel. Impacts will be constant foul odors from the sustained 15-18/ MPH SSE winds, compromised water quality that can affect human health and safety, degradation of sensitive aquatic habitat in South Bay that supports fragile oyster and larval beds, marine nurseries for mammals and other sea life, sea grasses, black mangroves, and all other aquatic and terrestrial**

life that relies on this ecosystem. This area is a major foraging and nesting ground for the Central and Mississippi flyway migratory birds during spring and fall, as well as for year round shorebirds that nest and raise their young. It is critical habitat for the threatened Piping Plover and Red Knot. It is a sanctuary for loggerhead and green sea turtles, also threatened and endangered respectively. The waters here support avian, marine, and land species, many which are threatened and critically endangered, and is a nursery for dolphins and green sea turtles. All would be significantly and adversely impacted by dumping effluent into this Preserve. South Bay and the Laguna Madre are where numerous residents and tourist enjoy fishing, boating, kayaking, and to view and study wildlife. Impacts to the public's health and recreational and sustainable enjoyment of the pursuit of the above mentioned activities must be considered due to highly potential impacts to wildlife and the natural waters of this Bay. Therefore, we urge TCEQ to continue to have SpaceX pump and haul any treated wastewater that is not reused to an offsite facility either in Harlingen, TX as they are doing now, or an equally capable and reputable location.

- We also ask that TCEQ give permanent and second home residents, as well as businesses that are dependent on recreation, tourism, and fishing in South Bay and the Laguna Madre for their livelihoods, an opportunity to put their comments on record at a public meeting, ask questions, and pose concerns. In order to do so, we ask that TCEQ hold at minimum, two public meetings, one in Port Isabel and one in Brownsville, for transparency, accountability, and full disclosure of the scope of this proposed project. If TCEQ is truly a State Commission that exists to serve the public, it is imperative to hold a public meeting. This is a matter that

affects all of Texas, not just Cameron County and it is your duty to hold a public meeting to solicit and answer concerns.

- In order to effectively communicate a public meeting, we ask that TCEQ publish multiple public notices of said public meeting in both English and Spanish in local and state newspapers, with a dedicated phone number for additional information catering to English and Spanish language. ADA accessibility and Spanish language translation must also be made available for and at this public meeting. Hosting a concurrent live streaming public meeting via ZOOM or other applicable platform, is also requested so that people not able to travel to Cameron County can also participate. There are many birders, naturalists, anglers, kayakers, and recreational land and water sporting groups from around the State and the world that congregate, recreate and tour here, as well as out of state property owners, all of whom may not be able to attend an in person meeting.

- We would like to comment and note the difficulty in obtaining a copy of the actual application for this permit and in finding a definitive comment deadline in the first notice of receipt/intent. The referenced location, The Port Isabel Public Library, was closed for three days due to a power outage. They did not have a copy of the application online to view, download or request. This is unacceptable. Once they were in physical receipt of the application, which we were told was dropped off in notebook form by SpaceX only after complaints were received. We also were told we had to pay for our own copies. This is unacceptable. The difficulty in obtaining this application from TCEQ and/or the applicant, and placing the burden of copying a 178 page document, does not hold well for accountability or transparency. We made public information requests, called the Chief Clerk's office, called the TCEQ Public

Information number, called the OPIC, all to no avail. We were also told by OPIC that TCEQ rules do not require this permit application to be posted online. We asked for a copy of said rule and received no response. We were also given several 'possible' or 'assumed' deadline dates for comment. We have an obligation to our citizens in the Rio Grande Valley to inform them of definitive action items and having a firm deadline for comments that significantly affect their health, well being, and quality of life is essential. TCEQ was remiss, if not negligent in handling both the deliverance of the application and statement of a firm deadline for public comment.

- There were several errors and omissions on the Application which require remedying and resubmission to TCEQ and the public:

- The Application does not reference, mention, or make clear that the effluent discharge will be into a National Wildlife Refuge. That is not compatible with the purpose of the Refuge. The Application fails to mention that the area is designated critical habitat for the piping plover and the red knot, both endangered species. South Bay Coastal Preserve and the surrounding tidal flats are a globally unique hyper saline ecosystem, and discharging nutrient-laden freshwater could have significant and adverse impacts to that system and the wildlife it nourishes.

- The Application fails to describe the nature and or exact location of the receiving body of water. E.G. The discharge site is over a mile from South Bay, or that the discharge will be onto wind tidal flats that are often dry but covered with algal mats, and when inundated are covered in only a few inches of hyper-saline water.

- The Application erroneously states on p. 16, that no Permanent School Fund land will be affected. However, the

submerged land of South Bay is owned by the Texas General Land Office. Therefore, permanent school fund land will be affected by any discharge. The ensuing box on p. 17 “... provide the location and foreseeable impacts and effects this application has on the land(s)” should be completed. This is a glaring omission.

- On p. 19 of the Application it states that if 100% reuse cannot be achieved, discharge will be into South Bay. As noted in our comment above, we ask that this permit should allow for 0 discharges.

- The section on Disturbance of Wetlands is blank. This should be checked and be filled out in detail. It is currently blank. This is unacceptable and another glaring omission.

- PP. 41-42 should explain the existing storm water permit by SpaceX and how this additional discharge would affect or be incorporated by that storm water runoff.

- Page 43 says no septic waste will be accepted, yet there is septic waste within the treatment facility boundary, namely from Boca Chica Village and the increasing number of pre-fab houses, trailer parks, and the newest construction site of a multi-family housing project. There are pump trucks seen on Boca Chica Beach (Rio Grande Sewer and Grease Company) that are currently hauling septic waste. Is this Application implying or lying, that none of the current and future septic waste will be treated? This is vague and unclear and needs redefining.

- Why is the technical data on 4 pages subsequent to page 55 missing? If the facility is in operation, technical data should be detailed.

- The Application states that the entire flow will be from “Office building or factory.” However, the facility treatment area includes residential areas, both existing and

under construction, numerous restaurants, and a recreational area. Where is that waste going? This speaks to “G” above. What is not addressed by TCEQ nor the Application is how the extensive and ongoing Starships construction, testing, and explosions are dealing with the industrial wastewater. Where is that wastewater going or being treated and how does that cumulatively affect this particular permit as well as the existing active Storm water permit? The inadequacy of this Application must be rejected by TCEQ.

- The box asking whether sea grasses are ‘in the vicinity’ of the discharge point is checked NO. This is erroneous and misleading. ‘Vicinity of’ must be defined and quantifiable. South Bay is loaded with sea grass, that is one of the very critical reasons it is designated a Coastal Preserve. You can even see the sea grass standing at the housing construction site at SpaceX, along with Mangroves and yuccas and a host of other ecologically vital native plants.

- Page 88 of the Application asks whether a public meeting is warranted. That box is not checked and goes on to state that no public interest is anticipated therefore there is no public involvement plan. This is so offensive, subjective and negligent, that TCEQ must reject this Application. Public participation is greatly warranted as the livelihoods and sustenance of our communities rely on this Bay and the affected surrounding waters of the Lower Laguna Madre.

- Further, Sections 3 and 4 on Page 89 are blank; Section 5 page 90 and Section 6 page 91 are also blank. This is unacceptable. These are very crucial components of the Application that must be addressed in detail for the public to review and comment.

- Finally, we reject the Contingency Plan as stated and reaffirm our stance that this must be a no discharge permit.

We reject any terminology that implies or infers loopholes that would allow the Applicant to discharge under any circumstances to discharge unused treated wastewater. Any effluent that cannot be reused must be hauled away to a proper treatment and disposal plant away from our Refuge, our State Park, our South Bay Coastal Preserve, and our entire Lower Laguna Madre.

In closing, we ask that TCEQ reject the permit application and that the applicant be advised to resubmit a revised application which includes zero discharge and includes the above comments remedied. We also ask that TCEQ take under strict advisement our recommendations to remedy the lack of proper communication, availability of public notices, clear public comment deadlines, and availability of all documents related to this permit that are listed as Action Activities on the CID. We ask that a public meeting be held, again with the above mentioned remedies, and based on the REVISED and RESUBMITTED application as noted here.

Thank you!

