



September 12, 2023

The Honorable Mayor Kirk Watson
The Honorable Mayor Pro Tem Paige Ellis
The Honorable Member of the Austin City Council

Dear Mayor Watson, Mayor Pro Tem Ellis, and Council Members,

Save Barton Creek Association urges members of the Austin City Council to support the resolution in Item 80 on the September 14 agenda. This resolution would direct the City Manager to act on behalf of the city in requesting that the Texas Commission on Environmental Quality conduct a contested case hearing on TCEQ Permit Number WRPERM 13524, and to additionally seek affected party status for the city in this hearing. SBCA believes that if TCEQ were to approve this permit, which would allow the construction of a private recreational dam on the South Llano River, it would set a worrying precedent that could be used by TCEQ to justify harmful permits on Barton and Onion Creeks in the future.

The permit application in question would allow Houston oil executive Greg Garland to build a dam on the South Llano River, southwest of the city of Junction. Garland, the former CEO of Phillips 66 and the company's current board chairman, owns an almost 800-acre ranch at this location. Private dams are rare and unusual in Texas. According to a recent KXAN-TV story, only 10 private dams have been constructed in the entire state since 2017.

SBCA has steadily expanded our mission area since our founding in 1979, and we now work to protect all streams in Central Texas. We oppose Garland's application because the South Llano River and Barton Creek share an important characteristic — they're two of the last pristine streams in Texas. This isn't just a general term. Last year, SBCA and other water protection advocates filed the Pristine Streams Petition with TCEQ. This petition asked the Commission to stop issuing new wastewater discharge permits on pristine streams. A total of 22 classified stream segments — including Barton and Onion Creeks in the Austin area, as well as the South Llano River — would have met the proposal's criteria for protection from the discharge of treated wastewater.

While TCEQ's three commissioners denied SBCA's petition on a 2-1 vote, they all agreed that these streams deserve a higher level of protection. Our petition thus helped establish that these 22 rivers and creeks are truly the last pristine streams in the entire state. We believe that they deserve protection from all potential harms that would destroy their pristine nature. That includes the harm from the discharge of treated wastewater, which has already caused out-of-control algae growths on some pristine streams. But it also includes the harm from private dams, which are constructed for the enjoyment of a few people at the expense of the water supply and recreational needs of downstream residents.

SBCA has seen, from our decades of work on TCEQ permits, that the Commission often treats its initial actions as precedents for later actions. After the agency issued the first-ever wastewater discharge permit on Onion Creek, for the Belterra subdivision in 2008, it subsequently approved a discharge permit for the

city of Dripping Springs in 2019, and it was poised to approve a discharge permit on the Long Branch tributary of Barton Creek in 2021.

Barton and Onion Creeks wouldn't necessarily be at risk for dam permits if TCEQ were to approve Greg Garland's permit application for a private recreational dam on the South Llano River. But the Commission's approval of this permit would signal its approval of a previously unthinkable action on a pristine stream. That would in turn endanger all of the state's last few pristine streams, including Barton and Onion Creeks.

SBCA thanks the Austin City Council for the many actions that it has taken over the years to protect all streams in Austin. As we've explained, what happens now on the South Llano River could affect what happens later on Barton and Onion Creeks, because of their shared characteristics. We urge members of the Council to support the resolution in Item 80.

For Save Barton Creek Association:

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