

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
FEB 26 PM 1:34
CHIEF CLERKS OFFICE

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February 26, 2007

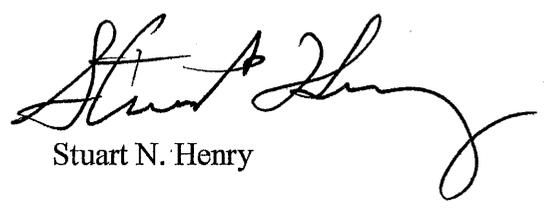
Chief Clerk of the Texas Commission
On Environmental Quality,
ATTN: Agenda Docket Clerk
Mail code 105, TCEQ
P.O.Box 13087
Austin, Texas 78711-3087

RE: Docket No. 2006-1889-MWD
Rancho Del Lago, Inc., Requests
filed on Proposed Permit
WQ0014615001

Dear Ms. Castañeda;
Attached to this letter are an original and eleven copies of Mr. Harris' Reply to the Responses of the ED, Applicant and PIC in the above referenced matter. Copies of the Reply are also today being mailed to the persons on the Mailing List on this matter and John Houchins, the attorney for the Applicant.

Should you have any questions please call me.

Sincerely,



Stuart N. Henry

Copies: Mailing List for Docket No. 2006-1889-MWD
John Houchins
Attorney At Law
13738 Kingsride
Houston, Texas 77079

TCEQ DOCKET NO. 2006-1889-MWD

**IN THE MATTER OF THE
APPLICATION OF RANCHO DEL
LAGO, INC. FOR TCEQ PERMIT NO.
WQ0014615001**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

TEXAS
COMMISSION
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QUALITY
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CHIEF CLERK'S OFFICE

**HARRIS' REPLY TO RESPONSES OF APPLICANT, EXECUTIVE DIRECTOR AND
PUBLIC INTEREST COUNSEL**

COMES NOW, Ron Harris and files this Reply to the Responses of Rancho Del Lago Inc. ("Applicant"), the Executive Director ("ED") of the Commission on Environmental Quality ("TCEQ") and the Public Interest Counsel ("PIC") in the above-referenced matter, and respectfully requests that he be given party status and this matter be referred to the State Office of Administrative Hearings ("SOAH") on all issues raised by him.

I. Reply To Applicant's Response

Applicant misstates the facts surrounding the negotiations it undertook with Ms. Beck. Mr. Bunch and Ms. Baker did not represent Mr. Harris but submitted his concerns and request for a contested case hearing to TCEQ. Nor did Mr. Bunch or Ms. Baker represent Mr. Harris in negotiations with the Applicant. In fact, *the only time he heard about the informal negotiations with the Applicant was when Mr. Bunch called him and told him that Ms. Beck was going to settle her dispute with the Applicant and withdraw her protest.*

All of Mr. Houchins claims that various staff members of TCEQ attempted to contact him by letter or phone appear to be false or at the least, the alleged attempts were ineffective. TCEQ staff members did not contact Mr. Harris and in fact, he only received correspondence or communications from TCEQ within the last 30 days, informing him of his right to file this reply.

Nor did the Applicant contact Mr. Harris. Evidently the Applicant was relying upon TCEQ to do what it failed to do.

Regardless, Mr. Harris' approximate 900 plus acre ranch is immediately adjacent to the proposed sewage treatment plant. The Kentucky Branch Creek of the Upper Blanco River that also bisects Mr. Harris's land bisects the effluent irrigation field or proposed golf course. As set out in his timely filed protest letter, he is concerned about the effect the sewage treatment plant and effluent disposal plans may have on the use and enjoyment he and his family make of the stream and his land.

II. Reply To Executive Director's Response

Mr. Harris obviously agrees with the ED's recommendation that he be given party status and a contested case hearing before SOAH. However, he submits that in addition to the issues the ED says should be referred to SOAH, issues 8, 15, 17 and 18 are relevant and material and should also be referred to SOAH. Issue 8 - whether there should be an alarm to signal the plant or irrigation operator when the effluent holding pond is about to overflow is not a mere design parameter but a system safeguard to prevent the overflow and direct discharge of treated effluent into the stream.

Issue 15 - whether the irrigation delivery system can apply an even, application rate of effluent goes to the essence of whether the system can apply the effluent in a uniform manner and consistent with the variances of the soil and terrain slope, so that the effluent does not run-off or over saturate the soil in some areas and not others, thereby contaminating the perched or underground water under the surface. Issue - 17, whether there is enough land area for adequate application of effluent and the location of same is clearly relevant to the issue of whether the effluent disposal methods will pose unreasonable risks of contamination of ground and surface

waters. Issue – 18, whether the proposed design of the sewage treatment plant (“STP”) is adequate to treat varying incoming flows of effluent is clearly relevant to whether the proposed STP will achieve the proposed effluent set of 10/15/3.

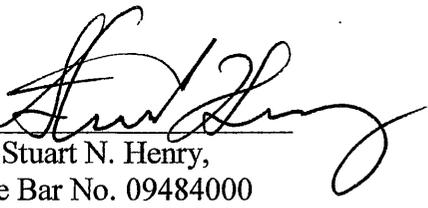
III. Reply To Public Interest Counsel’s Response

Obviously, Mr. Harris agrees with the PIC’s recommendation that he is an affected party and that the case should be referred to SOAH. However, he submits that one additional issue should be referred to SOAH, the issue concerning the specific type of equipment that will be used to apply the effluent. See PIC’s Response at page 8. Whether a center- pivot gun applies the effluent or fixed risers can be critical for the even application of effluent on the irrigation field. If the proposed irrigation field is not uniform in slope, soil depth and has irregular shapes containing watercourses, wells and other site vulnerabilities, which must not receive irrigated effluent, the method of how the effluent is actually applied can be critical. One method will not apply the effluent as discretely or uniformly as the other and if inappropriate equipment is used, contamination of surface and ground water will result through the over application of wastes in some area. The type of irrigation spray and delivery equipment is also critical to prevent a discharge.

IV. Conclusion

Mr. Harris prays that the TCEQ Commissioners grant him party status in this matter and that the case be referred to SOAH on all the issues cited above and the issues recommended by the Ed and PIC. Furthermore, Mr. Harris is willing to see if his concerns can be settled through Alternate Dispute Resolution if the Commissioners so desire.

Respectfully submitted,

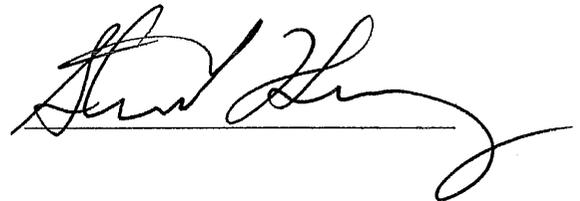
By 
Stuart N. Henry,
State Bar No. 09484000

Henry & Poplin
Attorneys At Law
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Dripping Springs, Tx. 78620

Attorneys For Ron Harris

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2007, the original and eleven true and correct copies of Harris' Reply to Responses of Applicant, Executive Director and Public Interest Counsel were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list by deposit in the U.S. Mail.



MAILING LIST
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DOCKET NO. 2006-1889-MWD; PERMIT NO. WQ0014615001

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REQUESTER:

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Save Our Springs Alliance
Behalf of Shirley Beck & Ron Harris
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