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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 JUL 26 AM 10:14
CHIEF CLERK OFFICE

July 26, 2007

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

Via Facsimile: (512) 239-3311, Originals to
to Follow by Fedex

Re: Application of Lerin Hills, Ltd. for TPDES Permit No. WQ0014712001 ("Application");
Comments of Lerin Hills, Ltd. To The Executive Director's Response To Public Comment

Dear Ms. Castanuela:

I represent Lerin Hills, Ltd. ("Lerin"), the Applicant for TPDES Water Quality Permit No. WQ0014712001 ("Permit"). Previously, the Commission staff issued the draft Permit in response to the Application. On June 26, 2007 the Decision of the Executive Director was issued regarding this Permit that concluded this "permit application meets the requirements of applicable law".

Lerin Hills agrees with the Executive Director's Decision and Response to Public Comment ("ED's RTC"), and adds the following comments:

- (1) Lerin intends to beneficially reuse the treated effluent from its plant within its own property boundaries and has filed with TCEQ an application under 30 TAC Ch. 210 for such authorization.
- (2) Lerin accepts the proposed revision to the draft Permit to require dechlorination prior to discharge.
- (3) E. W. Blanch, Jr., the first downstream landowner, has withdrawn his comments and request for a contested case hearing.
- (4) Lerin has reached agreement in principle with Robert Webster, the second downstream landowner, and with John and Patricia Bakke, for the withdrawal of their comments and requests for contested case hearings based on (1) above.
- (5) Lerin has attempted to negotiate with Tapatio in good faith to no avail. Tapatio is not a downstream landowner nor is Tapatio's land located near the proposed treatment plant; therefore, Tapatio does not have a water quality interest in this Application. Tapatio, a private corporation, is in direct competition with Lerin in the real estate development business. Tapatio's comments and request for a contested case hearing are a subterfuge to delay and prevent Lerin from competing in the real estate market in Kendall County.

Thus, in light of the ED's RTC and the comments above, Lerin requests that the TCEQ deny all requests for a contested hearing, and issue the Permit to Lerin Hills as proposed by the Staff.

Ms. Ladonna Castanuela
Office of the Chief Clerk
TCEQ
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Regarding Item (1) above, Lerin has received a draft of the proposed Chapter 210 Authorization to Use Reclaimed Water, which cannot be issued until the TPDES Permit is issued.

Regarding Item (2) above, Lerin prefers the use of chlorination with dechlorination versus an ultraviolet disinfection system because of its intent to reuse the treated effluent. Since the treated effluent will be used beneficially onsite for landscape irrigation, it is very important to maintain a chlorine residual within the purple pipe reclaimed water distribution system. Therefore, even if an ultraviolet disinfection system were installed, Lerin would still need to chlorinate any water for reuse.

Regarding Item (4) above, Lerin believes, based on the meetings and telephone conversations concerning the final written agreements between its representatives and Robert Webster and between Lerin and John and Patricia Bakke, that they are on the verge of finalizing their written agreements and obtaining their actual withdrawals of comments and requests for contested case hearing.

Regarding Item (4) above, we use the term "Tapatio" to refer collectively to Tapatio Springs Service Company and all of its affiliates.

We appreciate all the work that the Commission staff performed in holding the public meeting in Boerne and the subsequent review of and careful response to the public comments received on this Permit.

Please note that my mailing address, my email address, and my fax number have changed as shown above. Please revise the notice list for this Permit showing these changes.

Very truly yours,

Richard E. Kammerman

REK/ccm

cc:

Kathy Humphries
Blas Coy
Keri Dorman and Trey Lary
Lynne Humphries
Teague Harris
Jay Harpole
Abel Godines
Patrick Lindner
Mary Ann Airey