

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 21, 2007

TO: Persons on the attached mailing list.

RE: Turner Crest Village Waste Water Company, LLC  
TPDES Permit No. WQ0014831001

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

### **How To Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
  - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

### **How To Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be in writing and must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

LaDonna Castañuela, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

### **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela  
Chief Clerk

LDC/er

Enclosures

MAILING LIST

for

Turner Crest Village Waste Water Company, LLC

TPDES Permit No. WQ0014831001

FOR THE APPLICANT:

Kelly Kilber, P.E.  
Turner Crest Village Waste Water  
Company, LLC  
100 East San Antonio Street, Suite 103A  
San Marcos, Texas 78666

William T. Manning, Jr., P.E.  
108 South 2<sup>nd</sup> Street  
LaPorte, Texas 77571

PROTESTANTS/INTERESTED PERSONS:

Aaron Arguien  
P.O. Box 145  
Martindale, Texas 78655

H. T. Wright  
Caldwell County  
110 South Main Street  
Lockhart, Texas 78644-2701

Carol Peters  
36 Mill Street  
Maxwell, Texas 78656-4363

FOR THE EXECUTIVE DIRECTOR:

Kathy Humphreys, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division MC-173  
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Austin, Texas 78711-3087

Larry Diamond, Technical Staff  
Texas Commission on Environmental Quality  
Water Quality Division MC-148  
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FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director  
Texas Commission on Environmental Quality  
Office of Public Assistance MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

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

TCEQ PERMIT NO. WQ0014831001

APPLICATION BY  
TURNER CREST VILLAGE  
WASTE WATER COMPANY, LLC

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2007 DEC 17 PM 1:47  
CHIEF CLERK'S OFFICE

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EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on Turner Crest Village Waste Water Company, LLC's (Turner Crest) application and Executive Director's preliminary decision. As required by 30 Texas Administrative Code (TAC) Section 55.156, before a permit is issued, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters from the following persons: Aaron Arguien and H.T. Wright, Caldwell County Judge. This response addresses all such timely public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

**BACKGROUND**

Description of Facility

Turner Crest has applied for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014831001, to authorize the discharge of treated

domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. The proposed wastewater treatment facility will serve the Turner Crest Village development.

The treated effluent will be discharged to an unnamed drainage channel; thence to an unnamed creek; thence to Morrison Creek; thence to the Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water uses are no significant aquatic life use for the unnamed drainage channel and high aquatic life use for the unnamed tributary. The designated uses for Segment No. 1808 are high aquatic life use, public water supply, and contact recreation. The plant site will be located approximately 3.77 miles northeast of the intersection of Highway 80 and Highway 142 and approximately 3,400 feet southeast of Highway 142 in Caldwell County, Texas.

#### Procedural Background

The permit application for a new permit was received on July 2, 2007 and declared administratively complete on August 3, 2007. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on August 16, 2007 in the *Lockhart Post-Register* and the alternative language NORI was published in *El Norte* on August 25, 2007. The Notice of Application and Preliminary Decision (NAPD) for a Water Quality Permit was published on October 25, 2007 in the *Lockhart Post-Register* and the alternative language NAPD was published in *El Norte* on October 25, 2007. The public comment period ended on November 26, 2007. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

## COMMENTS AND RESPONSES

### COMMENT 1:

Aaron Arguien expressed concern that the amount of water that will be discharged from the treatment plant will lead to flooding of Morrison Creek.

### RESPONSE 1:

TCEQ has no jurisdiction to address flooding issues in the wastewater permitting process. The permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state's rivers, lakes and coastal waters. The draft permit includes effluent limits and other requirements that the Turner Crest must meet even during rainfall events and periods of flooding.

In its application, Turner Crested indicated that the facility would be located above the 100-year flood plain. For flooding concerns, please contact the local floodplain administrator for this area. If you need help finding the local floodplain administrator, please call the TCEQ Resource Protection Team at 512/239-4691.

### COMMENT 2:

H.T. Wright expressed the support of the Commissioners Court of Caldwell County for the Turner Crest draft permit.

### RESPONSE 2:

The Executive Director notes the comment.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

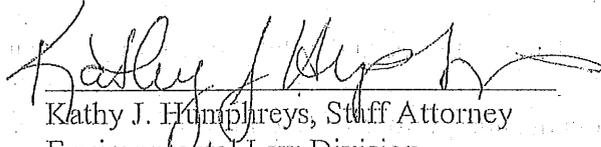
No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle  
Executive Director

Robert Martinez, Director  
Environmental Law Division



Kathy J. Humphreys, Staff Attorney  
Environmental Law Division

State Bar No. 24006911

P.O. Box 13087, MC 173

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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY