S.O.S.
SAVE OUR SPRINGS ALLIANCE

OPA
PM AUG 25 2008
BY KY
MWD
59854

2008 AUG 25 AM 10:04
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 22, 2008

La Donna Castañuela
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: (512) 239-3311

VIA FACSIMILE; ORIGINAL TO FOLLOW BY U.S. MAIL

14824-001

RE: Comments and request for contested case hearing on Proposed Permit No. WQ0014842001, applied for by Forestar (USA) Real Estate Group, Inc.; request for placement on mailing to receive future public notices concerning this matter.

Dear Ms. Castañuela:

Please accept these **comments, request for a public meeting, and request for contested case hearing** on the above-referenced proposed permit. **We also ask that we receive all notices on any future actions or proposed actions concerning this proposed permit** at: Save Our Springs Alliance, P.O. Box 684881, Austin, Texas 78768. The contact person is Andrew Hawkins, Save Our Springs Alliance, 221 E. 9th st., ste. 300, Austin, TX 78701, (512) 477-2320 fax (512) 477-6410.

The proposed permit seeks authority to build a wastewater treatment plant, storage and disposal facilities for Arrowhead Ranch at 2303 West Highway 290, Dripping Springs, in Hays County, Texas. At Final Phase, the permittee is authorized to treat domestic wastewater and dispose of effluent at a daily average flow not to exceed 125,000 gallons per day via a public access subsurface drip irrigation system with a minimum area 29 acres.

Comments:

1. The proposed irrigation sites are located in the Onion Creek watershed and the Contributing Zone for the Barton Springs segment of the Edwards Aquifer. The quality of water leaving the Contributing Zone affects the quality of water that enters the Aquifer in the Recharge Zone. In the Recharge Zone Onion Creek recharges the Edwards Aquifer at several points, one of which, Antioch Cave, is the largest individual recharge feature for the Barton Springs segment of the

MW

Aquifer. The proposed wastewater treatment plant and drip fields are very close to the bank of Onion Creek. Given the close proximity of the plant and fields to Onion Creek there is a high likelihood that treated wastewater will enter this creek and subsequently recharge the Aquifer causing pollution in Barton Springs and the Colorado River. There is inadequate space with soil, vegetation, and other natural features between the proposed drip fields and this sensitive creek to allow for proper attenuation of effluent to protect the Edwards Aquifer from pollution.

2. During administrative review, TCEQ asked the applicant to confirm that it owned the effluent disposal site. Forestar provided a non-binding letter of intent from the Fellers Ranch discussing the lease or purchase of 27 acres from the Fellers Ranch for use as a drip field.

   The letter clearly states that no binding agreement is being entered into, and thus the applicant has failed to provide evidence of a long term lease agreement. In addition, the letter does not even discuss the length of time for any proposed lease, thus failing the requirement to provide a long term lease agreement of 6 years or more.

   The Fellers indicate in the letter that they expect as terms and conditions, among other things, 1) 20 LUE's of wastewater treatment plant capacity to be reserved for future development by the Fellers, with treated wastewater delivery lines that would cross Boiling Creek, and 2) continued use of the property by the Fellers for agricultural and recreational uses. TCEQ should not be permitting a TLAP system where, on the one hand, the applicant's ownership and control of the property is unclear, and, on the other hand, there is a third party that is not being permitted but who is reserving capacity in the system and will continue to use the property where the drip fields are to be situated.

   In sum, the applicant has not demonstrated ownership of the effluent disposal site, a long term lease agreement, or sufficient control of the site that would ensure that the system is operated responsibly and without interference.

3. Although efforts may be made to reduce or avoid irrigation during wet weather, it is impossible to predict with precision the timing, amount and rate of rainfall that will occur on the proposed sites. Rainfall could supersaturate the drip fields and cause runoff of effluent into Onion Creek. The applicant's file indicates the presence of steep slopes and canyons near Onion Creek that further increase the likelihood of runoff reaching the creek.

4. The calculations of wastewater nutrient loadings appears to assume uniform application when, in reality, distribution is uneven as is uptake of water and nutrients. Irrigation is uneven due to design limitations of drip irrigation, clogging, and intentional operation (desiring greener turf in certain areas or during certain events or times of year). Uptake is uneven due to slope, exposure to sunlight, depth and makeup of soil, temperature and other factors.

5. Research by the City of Austin and others has shown that Barton Springs is already suffering from elevated levels of nitrogen and phosphorous (causing excess algae growth) and that sediments of Barton Springs are at times found to contain hydro-phobic chemicals at levels toxic to aquatic life. Nitrogen and phosphorous entering the Edwards Aquifer and Barton Springs through Onion Creek will cause further degradation of the Barton Springs aquatic habitat.

6. The Administrative Report indicates that the applicant will pump effluent a half mile northwest of the treatment plant to the effluent disposal site. The attachments provided are vague and do not adequately explain this routing or routing to other proposed drip fields that are depicted on maps provided by the applicant.

7. The applicant intends to provide only 3 days of effluent storage capacity and to contract for hauling of the effluent created beyond the storage capacity. This storage capacity is inadequate to ensure irrigation will not occur during saturated conditions and prolonged rain events.

8. It is unclear from the application whether there will be a procedure in place for prohibiting use of the irrigation fields during irrigation with effluent.

9. The proposed facilities are located extremely close to nearby homes. Homeowners and their families will be exposed to nuisance odors from the facilities and may suffer noise and visual pollution as well. The proposed irrigation areas also overlie the Trinity Aquifer, the largest source of potable water for western Hays County. Homes dependent on well water from the Trinity Aquifer are vulnerable to pollution of their wells from the facilities. The treatment plant and irrigation areas are very close to wells and springs. Groundwater seepage on the property could lead to contamination of wells or springs, and preventative measures will be difficult to achieve with infrequent monitoring of groundwater and the unpredictability of flowpaths.

10. Overall the draft permit does not adequately ensure there will be no discharge of effluent into Onion Creek.

The Save Our Springs Alliance is a non-profit public interest corporation committed to protecting the Edwards Aquifer, its springs and contributing streams, and the natural and cultural heritage of its Hill Country watersheds, with special emphasis on the Barton Springs Edwards Aquifer. The Save Our Springs Alliance has over 3000 members who live primarily in Hays and Travis Counties, including in the Onion Creek watershed.

The Save Our Springs Alliance has members who live adjacent to and downstream from the proposed facilities. SOS Alliance has members who live and play in the immediate vicinity of the proposed facilities, as well as in downstream areas of

Onion Creek. Those members and the organization will likely be harmed by the pollution generated by the proposed facilities and from developments to be served by the proposed facilities. Such harm will result from adverse odors, visual impacts, increased traffic to the proposed facility and the development it will serve, and pollution of Onion Creek, the Edwards Aquifer, and Barton Springs by nutrients and other pollutants coming from the proposed facility and development it will serve.

Many of our members regularly swim in and recreate in Onion Creek and Barton Springs. These members will be adversely affected by pollution entering Onion Creek and Barton Springs from construction and operation of the proposed facilities. The Save Our Springs Alliance also has members who research and enjoy the presence of the endangered Barton Springs Salamander. These members' scientific, recreational and aesthetic interests will be harmed by the increased discharge of nutrients and toxic chemicals into Barton Springs as that pollution affects the salamander habitat. Colin Clark is an SOS Alliance member that regularly swims in Barton Springs pool. Mr. Clark enjoys attempting to observe the endangered Barton Springs salamander and other aquatic life in Barton Springs pool. Mr. Clark also enjoys swimming in Barton Creek at the many publicly accessible swimming holes along the creek. Mr. Clark's interests are harmed by wastewater effluent polluting Onion Creek and Barton Springs.

The organization and its members living near the proposed facility, swimming and recreating in Onion Creek and Barton Springs stand to suffer harm different and greater than those of the public at large. The Save Our Springs Alliance has participated in numerous contested case hearings with predecessor TCEQ agencies.

Water quality in the contributing creeks to Barton Springs has been an issue of significance in Travis and Hays Counties for decades. Wastewater treatment and disposal is one of the leading causes of degradation of water quality in Barton Springs. Water quality in Barton Springs and its contributing creeks is frequently reported on in the Austin American-Statesman (paper of largest circulation in Hays County) and other media outlets. Because of the significant public interest in the potential impacts of this facility to water quality a public meeting should be held in order that the interested public may ask questions and comment on the proposal.

For the reasons enumerated above, and the imminent injuries that threaten our members if Forestar's wastewater treatment plant and irrigation facilities for the Arrowhead Ranch development are approved, Save Our Springs Alliance requests a public meeting and contested case hearing on the proposed permit. If there are any questions please contact me at (512) 477-2320.

Sincerely,

Andrew Hawkins

S.O.S.

SAVE OUR SPRINGS ALLIANCE

H OPA
PM AUG 25 2008
BY Ky

MWD
59854

2008 AUG 22 PM 3:55
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 22, 2008

La Donna Castañuela
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: (512) 239-3311

VIA FACSIMILE; ORIGINAL TO FOLLOW BY U.S. MAIL

14824-001

RE: **Comments and request for contested case hearing on Proposed Permit No. WQ0014842001, applied for by Forestar (USA) Real Estate Group, Inc.; request for placement on mailing to receive future public notices concerning this matter.**

Dear Ms. Castañuela:

Please accept these **comments, request for a public meeting, and request for contested case hearing** on the above-referenced proposed permit. **We also ask that we receive all notices on any future actions or proposed actions concerning this proposed permit** at: Save Our Springs Alliance, P.O. Box 684881, Austin, Texas 78768. The contact person is Andrew Hawkins, Save Our Springs Alliance, 221 E. 9th st., ste. 300, Austin, TX 78701, (512) 477-2320 fax (512) 477-6410.

The proposed permit seeks authority to build a wastewater treatment plant, storage and disposal facilities for Arrowhead Ranch at 2303 West Highway 290, Dripping Springs, in Hays County, Texas. At Final Phase, the permittee is authorized to treat domestic wastewater and dispose of effluent at a daily average flow not to exceed 125,000 gallons per day via a public access subsurface drip irrigation system with a minimum area 29 acres.

Comments:

1. The proposed irrigation sites are located in the Onion Creek watershed and the Contributing Zone for the Barton Springs segment of the Edwards Aquifer. The quality of water leaving the Contributing Zone affects the quality of water that enters the Aquifer in the Recharge Zone. In the Recharge Zone Onion Creek recharges the Edwards Aquifer at several points, one of which, Antioch Cave, is the largest individual recharge feature for the Barton Springs segment of the

MW

Save Our Springs Alliance
P.O. Box 684881 • Austin, Texas 78768
221 East 9th Street, Suite 300 • Austin, Texas 78701
(512) 477-2320 voice
(512) 477-6410 fax
http://www.sosalliance.org
email: sosinfo@sosalliance.org

Aquifer. The proposed wastewater treatment plant and drip fields are very close to the bank of Onion Creek. Given the close proximity of the plant and fields to Onion Creek there is a high likelihood that treated wastewater will enter this creek and subsequently recharge the Aquifer causing pollution in Barton Springs and the Colorado River. There is inadequate space with soil, vegetation, and other natural features between the proposed drip fields and this sensitive creek to allow for proper attenuation of effluent to protect the Edwards Aquifer from pollution.

2. During administrative review, TCEQ asked the applicant to confirm that it owned the effluent disposal site. Forestar provided a non-binding letter of intent from the Fellers Ranch discussing the lease or purchase of 27 acres from the Fellers Ranch for use as a drip field.

   The letter clearly states that no binding agreement is being entered into, and thus the applicant has failed to provide evidence of a long term lease agreement. In addition, the letter does not even discuss the length of time for any proposed lease, thus failing the requirement to provide a long term lease agreement of 6 years or more.

   The Fellers indicate in the letter that they expect as terms and conditions, among other things, 1) 20 LUE's of wastewater treatment plant capacity to be reserved for future development by the Fellers, with treated wastewater delivery lines that would cross Boiling Creek, and 2) continued use of the property by the Fellers for agricultural and recreational uses. TCEQ should not be permitting a TLAP system where, on the one hand, the applicant's ownership and control of the property is unclear, and, on the other hand, there is a third party that is not being permitted but who is reserving capacity in the system and will continue to use the property where the drip fields are to be situated.

   In sum, the applicant has not demonstrated ownership of the effluent disposal site, a long term lease agreement, or sufficient control of the site that would ensure that the system is operated responsibly and without interference.

3. Although efforts may be made to reduce or avoid irrigation during wet weather, it is impossible to predict with precision the timing, amount and rate of rainfall that will occur on the proposed sites. Rainfall could supersaturate the drip fields and cause runoff of effluent into Onion Creek. The applicant's file indicates the presence of steep slopes and canyons near Onion Creek that further increase the likelihood of runoff reaching the creek.

4. The calculations of wastewater nutrient loadings appears to assume uniform application when, in reality, distribution is uneven as is uptake of water and nutrients. Irrigation is uneven due to design limitations of drip irrigation, clogging, and intentional operation (desiring greener turf in certain areas or during certain events or times of year). Uptake is uneven due to slope, exposure to sunlight, depth and makeup of soil, temperature and other factors.

5. Research by the City of Austin and others has shown that Barton Springs is already suffering from elevated levels of nitrogen and phosphorous (causing excess algae growth) and that sediments of Barton Springs are at times found to contain hydro-phobic chemicals at levels toxic to aquatic life. Nitrogen and phosphorous entering the Edwards Aquifer and Barton Springs through Onion Creek will cause further degradation of the Barton Springs aquatic habitat.

6. The Administrative Report indicates that the applicant will pump effluent a half mile northwest of the treatment plant to the effluent disposal site. The attachments provided are vague and do not adequately explain this routing or routing to other proposed drip fields that are depicted on maps provided by the applicant.

7. The applicant intends to provide only 3 days of effluent storage capacity and to contract for hauling of the effluent created beyond the storage capacity. This storage capacity is inadequate to ensure irrigation will not occur during saturated conditions and prolonged rain events.

8. It is unclear from the application whether there will be a procedure in place for prohibiting use of the irrigation fields during irrigation with effluent.

9. The proposed facilities are located extremely close to nearby homes. Homeowners and their families will be exposed to nuisance odors from the facilities and may suffer noise and visual pollution as well. The proposed irrigation areas also overlie the Trinity Aquifer, the largest source of potable water for western Hays County. Homes dependent on well water from the Trinity Aquifer are vulnerable to pollution of their wells from the facilities. The treatment plant and irrigation areas are very close to wells and springs. Groundwater seepage on the property could lead to contamination of wells or springs, and preventative measures will be difficult to achieve with infrequent monitoring of groundwater and the unpredictability of flowpaths.

10. Overall the draft permit does not adequately ensure there will be no discharge of effluent into Onion Creek.

The Save Our Springs Alliance is a non-profit public interest corporation committed to protecting the Edwards Aquifer, its springs and contributing streams, and the natural and cultural heritage of its Hill Country watersheds, with special emphasis on the Barton Springs Edwards Aquifer. The Save Our Springs Alliance has over 3000 members who live primarily in Hays and Travis Counties, including in the Onion Creek watershed.

The Save Our Springs Alliance has members who live adjacent to and downstream from the proposed facilities. SOS Alliance has members who live and play in the immediate vicinity of the proposed facilities, as well as in downstream areas of

Onion Creek. Those members and the organization will likely be harmed by the pollution generated by the proposed facilities and from developments to be served by the proposed facilities. Such harm will result from adverse odors, visual impacts, increased traffic to the proposed facility and the development it will serve, and pollution of Onion Creek, the Edwards Aquifer, and Barton Springs by nutrients and other pollutants coming from the proposed facility and development it will serve.

Many of our members regularly swim in and recreate in Onion Creek and Barton Springs. These members will be adversely affected by pollution entering Onion Creek and Barton Springs from construction and operation of the proposed facilities. The Save Our Springs Alliance also has members who research and enjoy the presence of the endangered Barton Springs Salamander. These members' scientific, recreational and aesthetic interests will be harmed by the increased discharge of nutrients and toxic chemicals into Barton Springs as that pollution affects the salamander habitat. Colin Clark is an SOS Alliance member that regularly swims in Barton Springs pool. Mr. Clark enjoys attempting to observe the endangered Barton Springs salamander and other aquatic life in Barton Springs pool. Mr. Clark also enjoys swimming in Barton Creek at the many publicly accessible swimming holes along the creek. Mr. Clark's interests are harmed by wastewater effluent polluting Onion Creek and Barton Springs.

The organization and its members living near the proposed facility, swimming and recreating in Onion Creek and Barton Springs stand to suffer harm different and greater than those of the public at large. The Save Our Springs Alliance has participated in numerous contested case hearings with predecessor TCEQ agencies.

Water quality in the contributing creeks to Barton Springs has been an issue of significance in Travis and Hays Counties for decades. Wastewater treatment and disposal is one of the leading causes of degradation of water quality in Barton Springs. Water quality in Barton Springs and its contributing creeks is frequently reported on in the Austin American-Statesman (paper of largest circulation in Hays County) and other media outlets. Because of the significant public interest in the potential impacts of this facility to water quality a public meeting should be held in order that the interested public may ask questions and comment on the proposal.

For the reasons enumerated above, and the imminent injuries that threaten our members if Forestar's wastewater treatment plant and irrigation facilities for the Arrowhead Ranch development are approved, Save Our Springs Alliance requests a public meeting and contested case hearing on the proposed permit. If there are any questions please contact me at (512) 477-2320.

Sincerely,

Andrew Hawkins

S.O.S.

SAVE OUR SPRINGS ALLIANCE

OPA
AUG 25 2008
BY KY

MWD
59881

2008 AUG 25 AM 10:48
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

August 25, 2008

La Donna Castañuela
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: (512) 239-3311

VIA FAX

RE: Clarification of Comments and Request for Contested Case Hearing Faxed on August 22, 2008; Please File Those Comments and Request Under Permit No. WQ0014824001, Which is the Correct Permit Number

Dear Ms. Castañuela:

I just noticed that the comments and request for contested case hearing that I faxed and mailed on August 22, 2008 had a minor error in the referenced permit number.

The permit number in those comments and request for contested case hearing should read "WQ0014824001" and NOT "WQ0014842001." Everything else is correct.

If you could please attach this clarification letter to the front of my comments and request for contested case hearing I would greatly appreciate it. Or, I have attached a substitute first page if that is easier.

Please also attach this clarification or substitute first page for the comments and request that come by mail (postmarked August 22), or simply disregard the mailed copy if these faxed comments and request are adequate for your file.

Thank you for your help.

Sincerely,

Andrew Hawkins

Enclosure (1)

MW

Save Our Springs Alliance
P.O. Box 684881 • Austin, Texas 78768
221 East 9th Street, Suite 300 • Austin, Texas 78701
(512) 477-2320 voice
(512) 477-6410 fax
http://www.sosalliance.org
email: sosinfo@sosalliance.org

S.O.S.

SAVE OUR SPRINGS ALLIANCE

August 22, 2008

La Donna Castañuela
Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: (512) 239-3311

VIA FACSIMILE; ORIGINAL TO FOLLOW BY U.S. MAIL

RE: Comments and request for contested case hearing on Proposed Permit No. WQ0014824001, applied for by Forestar (USA) Real Estate Group, Inc.; request for placement on mailing to receive future public notices concerning this matter.

Dear Ms. Castañuela:

Please accept these **comments, request for a public meeting, and request for contested case hearing** on the above-referenced proposed permit. **We also ask that we receive all notices on any future actions or proposed actions concerning this proposed permit** at: Save Our Springs Alliance, P.O. Box 684881, Austin, Texas 78768. The contact person is Andrew Hawkins, Save Our Springs Alliance, 221 E. 9th st., ste. 300, Austin, TX 78701, (512) 477-2320 fax (512) 477-6410.

The proposed permit seeks authority to build a wastewater treatment plant, storage and disposal facilities for Arrowhead Ranch at 2303 West Highway 290, Dripping Springs, in Hays County, Texas. At Final Phase, the permittee is authorized to treat domestic wastewater and dispose of effluent at a daily average flow not to exceed 125,000 gallons per day via a public access subsurface drip irrigation system with a minimum area 29 acres.

Comments:

1. The proposed irrigation sites are located in the Onion Creek watershed and the Contributing Zone for the Barton Springs segment of the Edwards Aquifer. The quality of water leaving the Contributing Zone affects the quality of water that enters the Aquifer in the Recharge Zone. In the Recharge Zone Onion Creek recharges the Edwards Aquifer at several points, one of which, Antioch Cave, is the largest individual recharge feature for the Barton Springs segment of the