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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 JAN -6 AM 11: 25
CHIEF CLERKS OFFICE

January 3, 2009

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

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BY RY
OPA
JAN 06 2009

VIA FAX, ELECTRONIC SUBMISSION, & U.S. MAIL

RE: Request for Reconsideration and Request for Contested Case Hearing on Proposed Permit No. WQ0014488002, applied for by the City of Dripping Springs

Dear Ms. Castañuela:

Please accept this **request for reconsideration of the Executive Director's decision** from December 5, 2008, and **request for contested case hearing** on the above-referenced proposed permit. This letter will serve as a re-iteration and supplement to our July 22, 2008 request for contested case hearing. The information in our letter regarding the Save Our Springs Alliance, Inc., its members, their interests and injuries as well as the enumerated comments on the proposed permit are hereby incorporated into this request.

The proposed permit seeks authority to build a wastewater treatment plant, storage and disposal facilities for the Scenic Greens Development, located approximately 4.4 miles west of Dripping Springs along US 290 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 250,000 gallons per day via a subsurface drip irrigation system with a minimum area of 57.39 acres.

Standing/Affected Person Information

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

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members who live primarily in Hays and Travis Counties, including in the Onion Creek and Barton Creek watersheds.

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 Blue Creek, Barton Creek, and 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 Blue Creek, Barton Creek, Onion Creek, the Edwards and Trinity Aquifers, 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 Blue Creek, Barton Creek, Onion Creek and Barton Springs. These members will be adversely affected by pollution entering these waters 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 Barton Creek, Onion Creek and Barton Springs.

Individual members of SOS Alliance live adjacent to the proposed facilities. SOS Alliance member Doug Wierman owns property very close to the proposed irrigation fields, at 400 Blue Creek Road, Dripping Springs TX 78620. Mr. Wierman's property is approximately 1800 feet from the proposed irrigation field sites and Blue Creek runs directly through his property. Mr. Wierman's use and enjoyment of his home, property, and Blue Creek is threatened by the proposed facilities from nuisance odors, runoff pollution, water quality degradation, pollution from the development to be served by the property, and devaluation of his property.

Mr. Wierman's and other members' scientific, recreational, environmental and aesthetic interests will be harmed by the increased discharge of nutrients, including nitrogen, toxic chemicals used as pesticides and fertilizers, and sediment from the facility into Blue Creek, Onion Creek, Barton Creek, the Edwards and Trinity Aquifers, and Barton Springs. Degradation in the quality of these waters will injure Mr. Wierman's and other members' use and enjoyment of these resources. It should be noted that the proposed irrigation areas directly overlie the recharge area of 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.

In sum, the organization and its members living near the proposed facility, swimming and recreating in Blue Creek, Barton Creek, Onion Creek and Barton Springs stand to suffer harm different and greater than those of the public at large. The facts demonstrate that Mr. Wierman is an “affected person,” and that, by way of his membership in SOS Alliance and the mission of SOS Alliance, that SOS Alliance has established “affected person” and “associational standing” status. SOS Alliance has participated in numerous contested case hearings in the past.

The factual bases of this dispute include the following: 1) the proposed permit will pollute and degrade the creeks and aquifers discussed above and associated seeps and springs, and does not adequately ensure that there will no discharge of effluent to these waters; 2) the irrigation areas are too close to Blue Creek and other sensitive surface waters and groundwater and do not provide adequate space with soil, vegetation, and other natural features to properly attenuate effluent; 3) the soils are too shallow, rocky, uneven, and lacking in storage capacity to provide adequate filtration and attenuation for irrigation of wastewater; 4) the irrigation areas and facilities are too close to homes and wells in the area, and will cause nuisance odors as well as harm drinking water supplies; 5) loadings of nitrogen, phosphorus, sediment, and toxic chemicals will cause too great a risk of contamination of the creeks and aquifers discussed above, to the detriment of human health and the vitality of the aquatic organisms living in the creeks, aquifers, and nearby critical environmental features; 6) even if the imported soils were adequate, there is no plan for maintaining the artificial soil depth, preventing erosion of imported soil and thus sediment flowing into the creeks and aquifers discussed above, and unabsorbed effluent leaching into the creeks and groundwater; and 7) the proposed permit does not prevent irrigation during rainfall or otherwise incorporate measures designed to prevent supersaturation of the irrigation fields and migration of wastewater; and 8) the proposed permit does not provide adequate soil moisture monitoring and effluent storage capacity.

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Please consider this request for reconsideration and request for contested case hearing. For purposes of this matter, all communications to the Save Our Springs Alliance should be made to:

Andrew Hawkins
Save Our Springs Alliance
PO Box 684881
Austin, Texas 78768
512-477-2320
512-477-6410 fax

If you have questions about these comments or requests, please contact me at 512-477-2320, ext. 16, or at the address listed above. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Hawkins". The signature is written in a cursive style with a large initial "A".

Andrew Hawkins

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Jan. 3. 2009 4:53PM

Received:

Jan 3 2009 04:51pm

No. 0803 P. 5

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Andrew Hawkins

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 1/6/2009 1:18 PM
Subject: Fwd: Public comment on Permit Number WQ0014488002
Place: PUBCOMMENT-OCC2
Attachments: Re-request CCH Scenic Greens.pdf

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>>> PUBCOMMENT-OCC 1/5/2009 8:00 AM >>>

>>> [REDACTED] 1/3/2009 4:50 PM >>>

REGULATED ENTY NAME SCENIC GREENS WWTP
RN NUMBER: RN105330948
PERMIT NUMBER: WQ0014488002
DOCKET NUMBER: Not Found
COUNTY: HAYS
PRINCIPAL NAME: CITY OF DRIPPING SPRINGS
CN NUMBER: CN602491284
FROM
NAME: Andrew Hawkins
E-MAIL: [REDACTED]

COMPANY: Save Our Springs Alliance
ADDRESS: PO BOX 684881
AUSTIN TX78768-4881
PHONE: 512-477-2320
FAX: 512-477-6410
COMMENTS:

MWD



January 3, 2009

La Donna Castañuela
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 Texas Commission on Environmental Quality
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Sincerely,

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PM
OPA
JUL 24 2008
BY KY

2008 JUL 23 PM 3:55
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

July 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

14488-002

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

RE: Comments and request for contested case hearing on Proposed Permit No. WQ00114488002, applied for by the City of Dripping Springs; 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 the Scenic Greens Development, located approximately 4.4 miles west of Dripping Springs along US 290 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 250,000 gallons per day via a subsurface drip irrigation system with a minimum area of 57.39 acres.

Comments:

1. The proposed irrigation sites are located in the Onion Creek watershed, the Barton 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

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segment of the Aquifer. The proposed wastewater treatment plant and on-site irrigation area is very close to the headwaters of Blue Creek, a tributary to Onion Creek. Further investigation should be made as to the exact proximity of the disposal fields to the surrounding water courses. But given the close proximity of the plant and on-site irrigation area to Blue Creek, Barton Creek, and Onion Creek there is a high likelihood that treated wastewater will enter these creeks 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 irrigation site and these sensitive creeks to allow for proper attenuation of effluent to protect the Edwards Aquifer from pollution.

2. It is impossible to tell from the application which irrigation sites will be used, as several sites were considered in excess of the minimum area required by the permit. The actual locations should be determined before evaluating the application.
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 irrigation fields and cause runoff of effluent into Blue Creek, Barton Creek, and Onion Creek.
4. The calculations of wastewater irrigation evaporation and 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. For example, the February 2008 site assessment performed by TCEQ inspectors notes the presence of "very thin, rocky soil" and that "[t]he depth of soil coverage is variable over many of the proposed drip irrigations areas." The permit application does not provide adequate information to fully address these issues nor does it explain how these concerns will be addressed.
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 Blue Creek, Barton Creek, and Onion Creek will cause further degradation of the Barton Springs aquatic habitat.
6. Although soil moisture monitors will be used, these monitors are not failsafe. The Preliminary Engineering Report indicates that each zone will consist of 26,050 square feet, and the proposed permit requires one monitor for each zone. Rainfall could still supersaturate the irrigation fields in an area undetected by a monitor, causing runoff into Blue Creek, Barton Creek, and Onion Creek. The permit and

application do not ensure there will not be runoff of effluent in saturated conditions. The applicant intends to provide only approximately 3 days of effluent storage capacity. This storage capacity is inadequate to ensure irrigation will not occur during saturated conditions.

7. 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.
8. It is also unclear from the applicant's file whether the direction of groundwater flow was ever definitively established. A satisfactory answer should be reached on this issue before proceeding.
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 directly overlie the recharge area of 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.
10. Overall the draft permit does not adequately ensure there will be no discharge of effluent into Blue Creek, Barton Creek and Onion Creek.

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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 the City of Dripping Springs' wastewater treatment plant and irrigation facilities for the Scenic Greens 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



OPA
JUL 23 2008
4 PM
BY ky

2008 JUL 22 PM 4: 59
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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segment of the Aquifer. The proposed wastewater treatment plant and on-site irrigation area is very close to the headwaters of Blue Creek, a tributary to Onion Creek. Further investigation should be made as to the exact proximity of the disposal fields to the surrounding water courses. But given the close proximity of the plant and on-site irrigation area to Blue Creek, Barton Creek, and Onion Creek there is a high likelihood that treated wastewater will enter these creeks 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 irrigation site and these sensitive creeks to allow for proper attenuation of effluent to protect the Edwards Aquifer from pollution.

2. It is impossible to tell from the application which irrigation sites will be used, as several sites were considered in excess of the minimum area required by the permit. The actual locations should be determined before evaluating the application.
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 irrigation fields and cause runoff of effluent into Blue Creek, Barton Creek, and Onion Creek.
4. The calculations of wastewater irrigation evaporation and 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. For example, the February 2008 site assessment performed by TCEQ inspectors notes the presence of "very thin, rocky soil" and that "[t]he depth of soil coverage is variable over many of the proposed drip irrigations areas." The permit application does not provide adequate information to fully address these issues nor does it explain how these concerns will be addressed.
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 Blue Creek, Barton Creek, and Onion Creek will cause further degradation of the Barton Springs aquatic habitat.
6. Although soil moisture monitors will be used, these monitors are not failsafe. The Preliminary Engineering Report indicates that each zone will consist of 26,050 square feet, and the proposed permit requires one monitor for each zone. Rainfall could still supersaturate the irrigation fields in an area undetected by a monitor, causing runoff into Blue Creek, Barton Creek, and Onion Creek. The permit and

application do not ensure there will not be runoff of effluent in saturated conditions. The applicant intends to provide only approximately 3 days of effluent storage capacity. This storage capacity is inadequate to ensure irrigation will not occur during saturated conditions.

7. 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.
8. It is also unclear from the applicant's file whether the direction of groundwater flow was ever definitively established. A satisfactory answer should be reached on this issue before proceeding.
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 directly overlie the recharge area of 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.
10. Overall the draft permit does not adequately ensure there will be no discharge of effluent into Blue Creek, Barton Creek and 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 and Barton Creek watersheds.

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 Blue Creek, Barton Creek, and 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 Blue Creek, Barton Creek, 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 Blue Creek, Barton Creek, Onion Creek and Barton Springs. These members will be adversely affected by pollution entering Blue Creek, Barton Creek, 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 Barton Creek, Onion Creek and Barton Springs.

Individual members of SOS Alliance live adjacent to the proposed facilities. SOS Alliance member Doug Wierman owns property very close to the proposed irrigation fields, at 400 Blue Creek Road, Dripping Springs TX 78620. Mr. Wierman's property is approximately 1800 feet from the proposed irrigation field sites and Blue Creek runs directly through his property. Mr. Wierman's use and enjoyment of his property is threatened by the proposed facilities from nuisance odors, runoff pollution, pollution from the development to be served by the property, and devaluation of his property.

The organization and its members living near the proposed facility, swimming and recreating in Blue Creek, Barton Creek, 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 the City of Dripping Springs' wastewater treatment plant and irrigation facilities for the Scenic Greens 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