Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 30 PM 4:14
CHIEF CLERKS OFFICE

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

Re: TCEQ Docket No. 2009-0085-MWD
TCEQ TPDES Permit No. WQ0014832001
Application by Hill Country Camp for a New TPDES Permit

Dear Ms. Castañuela:

Enclosed for filing, please find one original and 7 copies of the *Executive Director's Response to Hearing Requests and Requests for Reconsideration.*

Please file stamp these documents and return a file-stamped copy to Timothy J. Reidy, Staff Attorney, Environmental Law Division, MC 173.

If you have any questions, please do not hesitate to contact me at (512) 239-2496.

Sincerely,

James Aldredge
Staff Attorney
Environmental Law Division

cc: Mailing List

MAILING LIST
HILL COUNTRY CAMP
DOCKET NO. 2009-0085-MWD; PERMIT NO. WQ0014832001

FOR THE APPLICANT:
Don Nordin
Hill Country Camp
1319 Harper Road
Kerrville, Texas 78028

Scott Shoemaker
The Terrill Firm, P.C.
810 W. 10th St.
Austin, Texas 78701-2005

Shelly Young, PE
Waterengineers Inc.
17230 Huffmeister Rd.
Cypress, Texas 77429-1643

FOR THE EXECUTIVE DIRECTOR:
Timothy Reidy, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

James Aldredge, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

David Uba Akoma, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division, MC 148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-1444
Fax: (512) 239-4430

FOR PUBLIC INTEREST COUNSEL:
Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:
Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC 108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE RESOLUTION:
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC 222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTORS

Ron Atkins
105 Augusta Circle
Kerville, Texas 78028-6512

Moira Attwell
502 Riverhill Blvd.
Kerrville, Texas 78028-6539

Wendy Barber
P.O. Box 294911
Kerrville, Texas 78029

Wendy Barber
119 McCullough Ranch Road
Kerrville, Texas 78028-1674

Roger B. Borgelt
401 W. 15th Street Ste. 850
Austin, Texas 78701-1670

David Braden, III
115 Westminster Street
Kerrville, Texas 78028-5541

Anne W. Brown
451 McCullough Road
Kerrville, Texas 78028

Mary Jo Browning
600 Overhill Drive
Kerrville, Texas 78028

Raymond L. Buck, Jr.
General Director, Upper Guadalupe River Authority
125 Lehmann Dr., Ste. 100
Kerrville, Texas 78028-6059

Betty Bumgarner
100 Oak Ridge Road, Lot 44
Fredericksburg, Texas 78624-8237

Darci Burchers
540 Camelot Drive
Kerrville, Texas 78028

Barbara Burton
235 Guadalupe Street
Kerrville, Texas 78028-5101

Susan Candy
659 Windy Ridge Road
Fredericksburg, Texas 78624

Anthony S. Corbett
Freeman & Corbett LLP
8500 Bluffstone CV Ste. B104
Austin, Texas 78759-7811

Chris Hughes
105 El Rancho Grande Road
Kerrville, Texas 78028-7605

Elizabeth Ireland
214 Spanish Oak Lane
Kerrville, Texas 78028

Deborah Jascur
1921 Summit Ridge Drive
Kerrville, Texas 78028

John M. Jascur
1921 Summit Ridge Drive
Kerrville, Texas 78028

Paula T. Karl
625 Rock Creek Loop
Kerrville, Texas 78028

Steve Louden
285 Indian Creek Loop
Kerrville, Texas 78028

Marie R. McMillen
1621 Indian Creek Loop
Kerrville, Texas 78028-1767

S. W. McMillen
1621 Indian Creek Loop
Kerrville, Texas 78028-1767

Dennis McNamara
275 Estates Drive
Kerrville, Texas 78028-8374

Nanette & Tom Newbern
515 Scenic Valley Road
Kerrville, Texas 78028

Bonnie Gene Olafson
160 Turkey Run Circle
Kerrville, Texas 78028-1671

Pia & Tommy Olafson
1308 Harper Road
Kerrville, Texas 78028-2982

Tammy Patterson
P.O. Box 560023
Dallas, Texas 75356

Joyce Pelto
127 Terrace Lane
Kerrville, Texas 78028

Jean Reed
243 Indian Creek Loop
Kerrville, Texas 78028

Emily W. Rogers
Bickerstaff Heath Delgado Acosta LLP
816 Congress Ave. Ste. 1700
Austin, Texas 78701-2442

Angela Santagata
719 Jackson Road
Kerrville, Texas 78028-4110

Sherry Secor
2028 Junction Highway
Kerrville, Texas 78028

Randy Simmons
208 Timber Lane
Kerrville, Texas 78028

Barsha Thibodeaux
1424 5th Street
Kerrville, Texas 78028-3611

Bruce Wasinger
Attorney, Bickerstaff Heath Delgado
Acosta LLP
816 Congress Ave. Ste. 1700
Austin, Texas 78701-2442

Arlene A. Wheaton
404 Deer Run Drive
Mountain Home, Texas 78058-5110

Ann Wickham
706 Cardinal Drive
Kerrville, Texas 78028

D. H. Wilson
100 North Crestline
Kerrville, Texas 78028

Mary Ann Young
237 Old Oaks
Kerrville, Texas 78028-4032

The Honorable Harvey Hilderbran
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78768-2910

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 30 PM 4:14
CHIEF CLERKS OFFICE

TCEQ DOCKET NO. 2009-0085-MWD

Application by	§	Before the
	§	
HILL COUNTRY CAMP	§	**TEXAS COMMISSION ON**
	§	
for **TPDES PERMIT No. WQ0014832001**	§	**ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR RECONSIDERATION

I. Introduction

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to Hearing Requests and Requests for Reconsideration (Response) on the application of Hill County Camp (Applicant) for Permit Number WQ0014832001. Wendy Barber, the City of Kerrville, the Upper Guadalupe River Authority, Bonnie Olafson, Tommy and Pia Olafson, James Olafson, and Tammy Patterson timely filed requests for a contested case hearing. Ron Atkins, Moira Attwell, Wendy Barber, David "Patrick" Braden III, Anne W. Brown, Mary Jo Browning, Betty Bumgarner, Darci Burchers, Barbara J. Burton, Susan Candy, Chris Hughes, Elizabeth Ireland, Deborah Jascur, John M. Jascur, Paula T. Karl, Steve Louden, Marie R. McMillen, S. W. McMillen, Dennis McNamara, Nanette Newbern, Tom Newbern, Pia Olafson, Tommy Olafson, Tammy Patterson, Joyce Pelto, Jean Reed, Angela Santagata, Sherry Secor, Randy Simmons, Barsha Thibodeaux, Arlene Wheaton, Ann Wickham, D. H. Wilson, and Mary Ann Young filed timely requests for reconsideration.

Attached for Commission consideration are the following:

Attachment A – Technical Summary and Draft Permit
Attachment B – Executive Director's Response to Public Comment
Attachment C – Compliance History
Attachment D – 2 GIS Maps
Attachment E – Downstream Landowners Map

II. Description of the Facility

The Applicant has applied to the TCEQ for a new permit that would authorize the Applicant to discharge treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day. The treated effluent will be discharged to an unnamed tributary; then to Town Creek; then to the on-channel lakes of Town Creek; then to the Guadalupe River Above Canyon Lake in Segment No. 1806 of the Guadalupe River Basin. The unclassified receiving water uses are no significant aquatic life use for the unnamed tributary and Town Creek, and high aquatic life use

for the on-channel lakes of Town Creek. The designated uses for Segment No. 1806 are exceptional aquatic life use, public water supply, aquifer protection, and contact recreation. The proposed facility will be located at 1319 Harper Road, Kerrville, Kerr County, Texas and will serve Hill Country Camp subdivision.

III. Procedural Background

The permit application was received on July 3, 2007, and declared administratively complete on July 24, 2007. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on July 27, 2007 in *The Kerrville Daily Times*. Notice of a Public Meeting was published on April 29, 2008 in *The Kerrville Daily Times*. A public meeting was held on May 29, 2008, in the Kerr County Courthouse Commissioners Courtroom in Kerrville, Texas. The Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) was published on July 10, 2008 in *The Kerrville Daily Times*. The public comment period ended on August 11, 2008. The Executive Director's Response to Public Comment (RTC) was filed on December 9, 2008. The Executive Director's Final Decision Letter was mailed on December 16, 2008, and the period for filing a Request for Reconsideration or Contested Case Hearing ended on January 15, 2009. 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).

IV. The Evaluation Process for Hearing Requests

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings. For those applications declared administratively complete on or after September 1, 1999, it established new procedures for providing public notice and public comment, and for the Commission's consideration of hearing requests. The Commission implemented House Bill 801 by adopting procedural rules in 30 Texas Administrative Code (30 TAC) Chapters 39, 50, and 55. The application was declared administratively complete on July 24, 2007 therefore it is subject to the procedural requirement of HB 801.

A. Response to Request

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

a) whether the requestor is an affected person;
b) whether issues raised in the hearing request are disputed;
c) whether the dispute involves questions of fact or of law;
d) whether the issues were raised during the public comment period;
e) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
f) whether the issues are relevant and material to the decision on the application; and

g) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements.

> "A request for a contested case hearing by an affected person must be in writing, must be filed with the chief clerk within the time provided...and may not be based on an issue that was raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment."

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

a) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible fax number, who shall be responsible for receiving all official communications and documents for the group;
b) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a matter not common to members of the general public;
c) request a contested case hearing;
d) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's response to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and
e) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected person." Section 55.203 sets out who may be considered an affected person.

a) For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.
b) Governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.
c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
    1) whether the interest claimed is one protected by the law under which the application will be considered;
    2) distance restrictions or other limitations imposed by law on the affected interest;
    3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
    4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
    5) likely impact of the regulated activity on the use of the impacted natural resource by the person; and
    6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 50.203.

D. Referral to the State Office of Administrative Hearings (SOAH)

When the Commission grants a request for a contested case hearing, they are required to issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing. 30 TAC § 50.115(b). Subsection 50.115(c) sets out the test for determining whether an issue may be referred to SOAH. "The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue: 1) involves a disputed question of fact; 2) was raised during the public comment period; and 3) is relevant and material to the decision on the application." 30 TAC § 50.115(c).

V. Analysis of the Requests

A. Analysis of the Hearing Requests

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, who qualifies as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

1. Whether the Requestors Complied with 30 TAC § 55.201

a. Wendy Barber – The public comment period for this permit application ended on August 11, 2008. Ms. Barber provided oral comments at the Public Meeting held on May 29, 2008, in Kerrville, Texas. The period for timely filing a request for a contested case hearing for this permit application ended on January 15, 2009. Ms. Barbers' hearing

request was filed with the Office of the Chief Clerk on January 13, 2009. Ms. Barbers' hearing request raises issues relating to surface water quality, air quality, groundwater quality, odor, impact on wildlife, accidental discharges of untreated wastewater, accuracy of the draft permit buffer zones, the standing of the applicant with the Comptroller of the State of Texas, light pollution, noise pollution, attraction of mosquitoes, and property values. Some of these issues were raised during the public comment period, while others were not.

The Executive Director recommends that the Commission find that Wendy Barber's hearing request substantially complied with the requirements of 30 TAC §§ 55.201(c) and (d), except with regard to Issues 10, 13, 14, 15, and 17 below which were not raised during the public comment period and Issues 12 and 19 below which are not relevant to the Commission's decision on this permit application.

b. City of Kerrville – The period for timely filing a request for a contested case hearing for this permit application ended on January 15, 2009. On August 27, 2007, Bruce Wasinger, of the law firm Bickerstaff Heath Delgado Acosta, L.L.P., filed a contested case hearing request with the Office of the Chief Clerk on behalf of the City of Kerrville. A second contested case hearing request was filed with the Office of the Chief Clerk on the City's behalf by Emily Rogers, also of the law firm of Bickerstaff Heath Delgado Acosta, L.L.P, on July 25, 2008. These hearing requests raised issues related to recreational opportunities in City parks, Town Creek, and the Guadalupe River; effluent limitations; and alternative wastewater treatment methods. These issues were raised during the public comment period.

The Executive Director recommends that the Commission find that the City of Kerrville's hearing requests substantially complied with the requirements of 30 TAC § 55.201(d), except with regard to Issue 18 below which is not relevant to the Commission's decision on this permit application.

c. Upper Guadalupe River Authority (UGRA) – The period for timely filing a request for a contested case hearing for this permit application ended on January 15, 2009. Raymond J. Buck, Jr. filed contested case hearing requests with the Office of the Chief Clerk on behalf of UGRA on August 24, 2007 and July 16, 2008. A third request for a contested case hearing was filed by Anthony Corbett, of the law firm of Freeman & Corbett, on behalf of UGRA on January 15, 2009. These hearing requests raised issues related to water quality, alternative wastewater treatment methods, and effluent limitations. These issues were raised during the public comment period.

The Executive Director recommends that the Commission find that UGRA's hearing requests substantially complied with the requirements of 30 TAC §§ 55.201(c) and (d), except with regard to Issue 18 which is not relevant to the Commission's decision on this permit application.

d. Bonnie Olafson – The public comment period for this permit application ended on August 11, 2008. The period for timely filing a request for a contested case hearing for this permit application ended on January 15, 2009. Bonnie Olafson filed a request for a

contested case hearing with the Office of the Chief Clerk on January 13, 2009. Bonnie Olafson's hearing request raised issues related to water quality, impact on wildlife, groundwater quality, alternative discharge locations, effluent limitations, and TCEQ modeling. Some of these issues were raised during the public comment period, while others were not.

The Executive Director recommends that the Commission find that Bonnie Olafson's hearing request substantially complied with the requirements of 30 TAC §§ 55.201(c) and (d), except with regard to Issues 11 and 20 below which were not raised during the public comment period and Issue 9 below which is not relevant to the Commission's decision on this permit application.

e. Tommy and Pia Olafson – The public comment period for this permit application ended on August 11, 2008. The period for timely filing a request for a contested case hearing for this permit application ended on January 15, 2009. Tommy and Pia Olafson filed their contested case hearing request with the Office of the Chief Clerk on January 13, 2009. Tommy and Pia Olafson's hearing request raised issues related to water quality, impact on wildlife, TCEQ modeling, surrounding property values, accidental discharges of untreated wastewater, alternative facility locations, design and operation of the proposed facility, and groundwater quality. Some of these issues were raised during the public comment period, while others were not.

The Executive Director recommends that the Commission find that Tommy and Pia Olafsons's hearing request substantially complied with the requirements of 30 TAC §§ 55.201(c) and (d), except with regard to Issues 11 and 20 below which were not raised during the public comment period and Issue 19 below which is not relevant to the Commission's decision on this permit application.

f. James Olafson – The public comment period for this permit application ended on August 11, 2008. The period for timely filing a request for a contested case hearing for this permit application ended on January 15, 2009. Roger Borgelt, of the law firm of Potts & Reilly, L.L.P., filed contested case hearing requests with the Office of the Chief Clerk on behalf of James Olafson on May 23, 2008 and January 14, 2009. Mr. Borgelt filed a contested case hearing request with the Office of the Chief Clerk on behalf of the "James Olafson family" on August 11, 2008. These hearing requests raised issues related to water quality, effluent limitations, impact on wildlife, odor, alternative wastewater treatment methods, sludge requirements, surrounding property values, and groundwater quality. These issues were raised during the public comment period.

The Executive Director recommends that the Commission find that James Olafsons's hearing requests substantially complied with the requirements of 30 TAC §§ 55.201(c) and (d), except with regard to Issues 9, 18, and 19 below which are not relevant to the Commission's decision on this permit application.

g. Tammy Patterson – The public comment period for this permit application ended on August 11, 2008. The period for timely filing a request for a contested case hearing for this permit application ended on January 15, 2009. Ms. Patterson filed requests for a

contested case hearing with the Office of the Chief Clerk on September 5, 2007 and January 13, 2009. Tammy Patterson's hearing requests raise issues related to water quality, air quality, groundwater quality, noise pollution, accidental discharge of untreated effluent, alternative facility locations, odor, accuracy of the draft permit buffer zones, operation of the proposed facility, soil pollution, impact on wildlife, recreational activities, surrounding property values, impact on nearby crops, and the standing of the applicant with the Comptroller of the State of Texas. Some of these issues were raised during the public comment period, while others were not.

The Executive Director recommends that the Commission find that Tammy Patterson's hearing requests substantially complied with the requirements of 30 TAC §§ 55.201(c) and (d), except with regard to Issues 10, 11, 13, 14, 16, and 21 below which were not raised during the public comment period and Issues 12 and 19 below which are not relevant to the Commission's decision on this permit application.

2. Whether the Requestors are Affected Persons

a. Wendy Barber – Along with Tammy Patterson, Wendy Barber is listed as the co-trustee of "Tract 2" on the downstream landowners map. Her property appears to be directly across from the point of discharge. Ms. Barber is an affected person due to the likely impact of the regulated activity on the use of her property and its natural resources.

The Executive Director recommends that the Commission find that Ms. Barber is an affected person under 30 TAC § 55.203.

b. City of Kerrville – The proposed discharge takes place 2.2 miles upstream from the City of Kerrville's corporate boundaries; and therefore, 1.2 miles outside of its extraterritorial jurisdiction. The City's July 25, 2008 letter requesting a contested case hearing states that "following a planned annexation to be completed in January 2010, the Applicant's property and discharge point will be within the City's 1 mile extraterritorial jurisdiction." The City's hearing requests raises concerns that the proposed discharge will have an adverse effect on recreational opportunities in City parks, Town Creek, and the Guadalupe River. The City of Kerrville is a governmental entity with the statutory authority over or an interest in issues relevant to the application, namely the protection of the health, safety, and welfare of its citizens, due to the distance between the proposed discharge and the City of Kerrville, it is unlikely that the proposed regulated activity will adversely affect the City's claimed interest. Additionally, because the proposed permitted flow for this facility is limited to 25,000 gallons per day, the likelihood of any potential adverse effect on the City is further diminished.

The Executive Director recommends that the Commission find that the City of Kerrville is not an affected person under 30 TAC § 55.203.

c. Upper Guadalupe River Authority (UGRA) – UGRA is a conservation and reclamation district that was originally created by the Legislature in 1939 under the provisions of Article XVI, Section 59 of the Texas Constitution. *See* Acts 1939, 46th Leg., ch 5, at

1062. The District's boundaries are limited to Kerr County. *Id.* The District has been granted the power to control, store, and preserve, within the boundaries of the District, the waters of the Guadalupe River and its tributaries for any useful purpose or purposes, and to use, distribute and sell the same, within the boundaries of the District, for any such purpose or purposes. *See id.* at 1063. As such, the UGRA is a governmental entity with statutory authority over or interest in issues relevant to the permit application.

The Executive Director recommends that the Commission find that the UGRA is an affected person under 30 TAC § 55.203.

d. Bonnie Olafson – Bonnie Olafson is listed as the owner of "Tract 14" on the downstream landowners map. Her hearing request states that she is an affected person because "the "unnamed tributary" that is described in the application converges with Town Creek and the first on-channel lake inside my property line." Based upon the information provided in her hearing request, Ms. Olafson is an affected person due to the likely impact of the regulated activity on the use of her property and its natural resources.

The Executive Director recommends that the Commission find that Bonnie Olafson is an affected person under 30 TAC § 55.203.

e. Tommy and Pia Olafson – Tommy and Pia Olafson are not identified on the downstream landowners map. However, their hearing request states,

> "Our family property is located across from that of the applicant at a diagonal and is approximately 450 feet from the proposed facility. In addition "the unnamed tributary of Town Creek" that is listed as part of the proposed discharge route runs through our family property for approximately 475 feet before discharging into the first on-channel lake of Town Creek. Our personal dwelling, consisting of our home and our carport/workshop, is located 125 feet from the "unnamed tributary.""

The Olafsons also attached a survey plan to their hearing request, indicating the proposed discharge route relative to their property. Based upon the information provided in their hearing request, Tommy and Pia Olafson are affected persons due to the likely impact of the regulated activity on the use of their property and its natural resources.

The Executive Director recommends that the Commission find that Tommy and Pia Olafson are affected persons under 30 TAC § 55.203.

f. James Olafson – James Olafson is not identified on the downstream landowners map. Mr. Olafson's mailing address is identical to Bonnie Olafson's mailing address. Mr. Olafson's January 14, 2009 hearing request states,

> "Mr. Olafson lives directly downstream from Hill Country Camp, at 160 Turkey Run Circle North, Kerrville, Texas 78028. Mr. Olafson's property is located across from Hill Country Camp at a diagonal and is approximately

450 feet from the proposed facility. The "first lake on Creek below the discharge," as described in Hill Country Camp's application, is located 125 feet from Mr. Olafson's home and carport/workshop and is entirely within his property; it runs through Mr. Olafson's property for approximately 475 feet before it discharges into an on-channel lake of Town Creek."

Based on the information provided in James Olafson's hearing requests, he is an affected person due to the likely impact of the regulated activity on the use of their property and its natural resources.

The Executive Director recommends that the Commission find that James Olafson is an affected person under 30 TAC § 55.203.

g. Tammy Patterson – Along with Wendy Barber, Tammy Patterson is listed as the co-trustee of "Tract 2" on the downstream landowners map. Her property appears to be directly across from the point of discharge. Ms. Patterson is an affected person due to the likely impact of the regulated activity on the use of her property and its natural resources.

The Executive Director recommends that the Commission find that Tammy Patterson is an affected person under 30 TAC § 55.203.

B. Whether the Issues Are Referable to SOAH

In addition to recommending to the Commission those persons who qualify as affected persons, the Executive Director analyzes issues raised in accordance with the regulatory criteria. Unless otherwise noted, the issues discussed below were all raised during the public comment period. None of the issues were raised solely in a comment which has been withdrawn. All the identified issues in the response are considered disputed, unless otherwise noted.

Issue 1: Whether the proposed discharge will be in compliance with regulations that are intended to protect surface water quality.

This issue was raised and addressed in the Executive Director's (RTC) numbers 1, 2, 3, 5, 6, 8, 9, and 14. It is relevant and material to TCEQ's decision on the permit application. The issue involves a question of law and it is relevant and material to the decision on this application.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards. These standards are designed to maintain the quality of water in the state and to be protective of human health and the environment. After conducting the required Tier 1 and Tier 2 antidegradation review, Executive Director staff determined that existing water quality uses will not be impaired by the proposed discharge and that no degradation of waters which exceed fishable/swimmable quality will occur.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 2: Whether the effluent limits contained in the draft permit are adequately protective of the receiving waters and their designated uses.

This issue was addressed in the Executive Director's RTC numbers 1, 2, 3, 5, 6, 8, 9, and 14. It involves a question of fact and it is relevant and material to the decision on this application.

Based upon dissolved oxygen (DO) modeling results, Executive Director staff determined an effluent set of 10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 4 mg/L DO is adequate to ensure that dissolved oxygen levels will be maintained above the criteria for the unnamed tributary, the on-channel lakes of Town Creek, Town Creek, and the Guadalupe River. A 0.5 mg/L phosphorous limit was also added to the draft permit to protect the on-channel lakes of Town Creek.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 3: Whether the proposed discharge will be in compliance with regulations that are intended to protect groundwater quality.

This issue was addressed in the Executive Director's RTC numbers 2 and 4. It involves a question of fact and it is relevant and material to the decision on this application.

The Executive Director has determined that the draft permit has been developed in accordance with the Texas Surface Water Quality Standards, which are designed to maintain the quality of water in the state. If surface water quality is protected, the groundwater quality will not be adversely affected by the proposed discharge.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 4: Whether the proposed discharge will adversely affect human health and safety.

This issue was raised in the Executive Director's RTC numbers 1, 2, 3, 4, 5, 6, 12, 14, and 15. It involves a question of fact and it is relevant and material to the decision on this application.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards. These standards are designed to maintain the quality of water in the state and to be protective of human health and the environment. The Executive Director has determined that the proposed draft permit is protective of the environment, water quality, and human health; and that it meets all applicable TCEQ rules and requirements.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 5: Whether the proposed discharge will adversely impact surrounding wildlife.

This issue was addressed in the Executive Director's RTC numbers 1, 3, and 4. Is involves a question of fact and it is relevant and material to the decision on this application.

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards. These standards are designed to maintain the quality of water in the state and protect both human health and wildlife. As part of the permitting process the TCEQ must determine the uses of the waters receiving the discharge, and based upon those determinations set appropriate effluent limits. Should the permit be issued, provided that the Applicant operates and maintains the facility according to TCEQ rules and the requirements contained in the draft permit, neither aquatic nor terrestrial wildlife should be adversely affected by the proposed discharge.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 6: Whether the proposed wastewater treatment facility will be designed and operated in a manner that minimizes the potential for the accidental discharge of untreated wastewater.

This issue was addressed in the Executive Director's RTC numbers 14 and 16. It involves a question of fact and it is relevant and material to the decision on this application.

Should the draft permit be issued, the Applicant will be required to design and operate its facility in a manner that minimizes the possibility of an accidental discharge of untreated wastewater.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 7: Whether the Applicant has complied with applicable nuisance odor abatement and control requirements.

This issue was addressed in the Executive Director's Response to Public Comment number 5. It is relevant and material to TCEQ's decision on the permit application.

30 TAC § 309.13(e) requires that the Applicant meet one of three options to abate and control nuisance odor. Those options are: (1) owning the buffer zone area, (2) obtaining restrictive easements from adjacent property owners for any portion of the buffer zone area that the Applicant does not own, or (3) providing odor control. According to Other Requirement No. 4 in the draft permit, the Applicant will provide odor control. Prior to constructing the proposed facility, the Applicant will submit a nuisance odor prevention request to the ED for approval.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 8: Whether the proposed discharge will adversely affect the recreational use of Town Creek, the Guadalupe River, and Kerrville City Parks.

This issue was raised and addressed in the Executive Director's RTC number 9. The issue involves a question of fact and it is relevant and material to the decision on this application.

The Executive Director concludes that this issue **is relevant and material** and **recommends that the Commission refer** this issue to SOAH.

Issue 9: Whether the Applicant should be subject to the same sludge requirements as those contained in the City of Kerrville's TPDES permit.

This issue was raised and addressed in the Executive Director's RTC number 10. This issue involves a question of law.

The sludge requirement in the draft permit meets TCEQ's sewage sludge management and disposal requirements. The sludge requirement contained in the City of Kerrville's permit is not relevant to this permit action and is therefore not relevant or material to the Commission's decision on this application.

The Executive Director concludes that this issue **is not relevant and material** and **does not recommend** referral to SOAH.

Issue 10: Whether the buffer zone map provided in the application is accurate.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 11: Whether the site selected for the proposed wastewater treatment facility is appropriate.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 12: Whether the operation of the proposed wastewater treatment facility will adversely impact air quality.

This comment was addressed in the Executive Director's RTC number 12. It involves a question of law. This issue is not relevant and material to the Commission's decision on this application.

The Texas Clean Air Act prohibits any person from discharging "from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare,

animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." 30 TAC § 101.4.

The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of obtaining an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. Wastewater treatment plants have undergone this review, and are permitted by rule so long as the wastewater treatment plant performs only the functions outlined at 30 TAC § 106.532, including but not limited to disinfection, softening, filtration, flocculation, stabilization, taste and odor control, clarification, carbonation, sedimentation, neutralization, chlorine removal, activated sludge treatment, anaerobic treatment, etc. According to the information provided in the application, the Applicant is not required to obtain an air permit for the proposed facility because the proposed facility should not significantly affect air quality.

The Executive Director concludes that this issue **is not relevant and material** and **does not recommend** referral to SOAH.

Issue 13: Whether the Applicant has properly filed all necessary documents with the State Comptroller's Office.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 14: Whether the construction and operation of the proposed wastewater treatment facility will cause noise pollution.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 15: Whether the construction and operation of the proposed wastewater treatment facility will cause light pollution.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 16: Whether the proposed wastewater discharge will cause soil pollution.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 17: Whether the proposed wastewater discharge will attract mosquitoes.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 18: Whether the Applicant should be required to implement an alternative method of wastewater treatment.

This issue was addressed in the Executive Director's RTC number 7. The issue involves a question of law. This issue is not relevant and material to the Commission's decision on this application. The Commission does not have the authority to mandate that an applicant apply for an alternative method of wastewater treatment.

The Executive Director concludes that this issue **is not relevant and material** and **does not recommend** referral to SOAH.

Issue 19: Whether the proposed wastewater treatment facility will adversely impact surrounding property values.

This issue was addressed in the Executive Directors RTC number 13. It involves a question of law. This issue is not relevant and material to the Commission's decision on this application.

The TPDES 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. A proposed facility's potential impact on surrounding property values is outside the scope of the normal evaluations of a wastewater discharge permit application.

The Executive Director concludes that this issue **is not relevant and material** and **does not recommend** referral to SOAH.

Issue 20: Whether the modeling results relied upon by the Executive Director's staff during the application review process were accurate.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

Issue 21: Whether the operation of the proposed wastewater treatment facility will adversely impact nearby crops.

This issue was not timely raised during the public comment period. As such, it is not referable to SOAH under 30 TAC § 55.201(d)(4).

The Executive Director recommends that the Commission **not refer** this issue to SOAH because it was **not timely raised during the comment period.**

VI. Duration of the Contested Case Hearing

Should the Commission decide to refer the case, the Executive Director recommends that the duration for a contested case hearing on this matter between the preliminary hearing and the presentation of a proposal for decision before the Commission, be nine months.

VII. Responses to Requests for Reconsideration

The Office of Chief Clerk received 23 requests for reconsideration of the Executive Director's decision on this application from Maria W. Attwell, Wendy Barber, David Patrick Braden III, Mary Jo Browning, Betty Bumgarner, Darci Burchers, Susan Candy, Elizabeth Ireland, Deborah Jascur, John M. Jascur, Paula T. Karl, Marie R. McMillen, S. W. McMillen, Nanette and Tom Newbern, Tommy and Pia Olafson (accompanied by a petition signed by 470 individuals), Tammy Patterson, Joyce Pelto, Jean Reed, Sherry Secor, Randy Simmons, Arlene A. Wheaton, DH Wilson, and Mary Ann Young. One additional request for reconsideration was received that did not contain a name or contact information for the requestor. These requests did not raise any issues not already addressed by the Executive Director in the review of this application and in the RTC, and did not provide any new facts about those issues. The requests present no new evidence that was not considered by the Executive Director during the comment period. Accordingly, the Executive Director recommends denial of the requests for reconsideration.

Three requests for reconsideration from Ron Atkins, Anne W. Brown, and Ann Whickam raised the issue of whether negative economic impact to the community surrounding the proposed facility from reduced tourism and other sources of income will occur as a result of issuance of this permit. Four requests for reconsideration from Barbara Burton, Steve Louden, Angela Santagata, and Barsha Thibodeaux raised the issue of whether an undesired precedential value of this permit in possible future development in the area near the proposed facility will occur as a result of issuance of this permit. In response to these requests, the Executive Director observes that the TCEQ is tasked by the Texas Legislature with protecting the quality of surface and ground water in the state. Section 26.027 of the Texas Water Code authorizes TCEQ to issue permits, and the permitting process is limited to controlling the discharge of pollutants into state waters and protecting the water quality of the state's rivers, lakes, and coastal waters. The requests raised issues that are outside the scope of the Commission's authority under Section

26.027 of the Texas Water Code. Accordingly, the Executive Director recommends denial of the requests for reconsideration.

Two requests for reconsideration received from Chris Hughes and Dennis McNamara raise the issue of whether possible errors were made in modeling for preparation of the draft permit. Of particular concern to Mr. Hughes was TCEQ labeling of the receiving waters as an "unnamed tributary." The unclassified receiving waters of the discharge route were evaluated and assigned an aquatic life use pursuant to TCEQ rules. Modeling for the draft permit was conducted accordingly. The receiving waters were inspected by TCEQ staff in an on-site visit and are characterized on the U.S. Geological Survey topographic map as a naturally occurring waterway. TCEQ rules allow for discharges into such streams. The requests present no new evidence that was not considered by the Executive Director during the comment period. Accordingly, the Executive Director recommends denial of the requests for reconsideration.

A request for reconsideration from Randy Simmons raised the issue of consideration of alternate locations for the proposed facility. The ED does not have the authority to mandate that an applicant choose an alternate location for its wastewater treatment plant under Section 26.027 of the Texas Water Code. Accordingly, the Executive Director recommends denial of the request for reconsideration.

The Executive Director recommends **denial of all requests for reconsideration.**

VIII. Executive Director's Recommendations

The Executive Director recommends the following actions by the Commission:

a) Find that Wendy Barber, the Upper Guadalupe River Authority, Bonnie Olafson, Tommy and Pia Olafson, James Olafson, and Tammy Patterson are affected persons.

b) Find that the City of Kerrville is not an affected person.

c) Should the Commission find that any of the requestors are affected person, the following issues should be referred to SOAH for a Contested Case Hearing for a duration of nine months:

Issue 1:	Whether the proposed discharge will be in compliance with regulations that are intended to protect surface water quality.
Issue 2	Whether the effluent limits contained in the draft permit are adequately protective of the receiving waters and their designated and existing uses.
Issue 3:	Whether the proposed discharge will be in compliance with regulations that are intended to protect groundwater quality.

Issue 4: Whether the proposed discharge will adversely affect human health and safety.

Issue 5: Whether the proposed discharge will adversely impact surrounding wildlife.

Issue 6: Whether the proposed wastewater treatment facility will be designed and operated in a manner that minimizes the potential for the accidental discharge of untreated wastewater.

Issue 7: Whether the Applicant has complied with applicable nuisance odor abatement and control requirements.

Issue 8: Whether the proposed discharge will adversely affect the recreational use of Town Creek.

d) Deny the Requests for Reconsideration filed by Ron Atkins, Moira Attwell, Wendy Barber, David "Patrick" Braden III, Anne W. Brown, Mary Jo Browning, Betty Bumgarner, Darci Burchers, Barbara J. Burton, Susan Candy, Chris Hughes, Elizabeth Ireland, Deborah Jascur, John M. Jascur, Paula T. Karl, Steve Louden, Marie R. McMillen, S. W. McMillen, Dennis McNamara, Nanette and Tom Newbern, Tommy and Pia Olafson, Tammy Patterson, Joyce Pelto, Jean Reed, Angela Santagata, Sherry Secor, Randy Simmons, Barsha Thibodeaux, Arlene Wheaton, Ann Wickham, D. H. Wilson, and Mary Ann Young.

Respectfully submitted,
Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By _____ for
Timothy J. Reidy, Staff Attorney
Environmental Law Division
State Bar No. 24058069
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0969
REPRESENTING THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By _____
James Aldredge, Staff Attorney
Environmental Law Division
State Bar No. 24058514
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-2496
REPRESENTING THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on March 30, 2009, an original and seven copies of the "Executive Director's Response to Hearing Requests and Requests for Reconsideration" relating to the application of Hill Country Camp for Permit No. WQ0014832001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk, and a complete copy was transmitted by mail, facsimile, or hand-delivery to all persons on the attached mailing list.

James Aldredge, Staff Attorney
Environmental Law Division
State Bar No. 24058514

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 MAR 30 PM 4:14
CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Firoj Vahora, Team Leader
Municipal Permits Team, Wastewater Permitting Section

Date: April 29, 2008

From: David U. Akoma, Municipal Permits Team

APPLICANT: Hill Country Camp
PLANT NAME: Hill Country Camp WWTP
TPDES PERMIT NO: WQ0014832001 EPA ID NO: TX0129828

FILE NAME: I:\WQ\MUNI\David\Permits\13716-001.DOC

Modeling Memo 08/10/07 Standards Memo 08/01/07 & 04/18/08 Pretreatment Memo N/A

Admin Complete Date: 07/24/07 Assign Date: 08/11/07 Tech Complete Date: 08/20/07
RFI Letter on: None Response Letter None

PERMIT TYPE

☐ PUBLIC DOMESTIC
☒ PRIVATE DOMESTIC
☒ Discharge (TPDES)
☐ Land Application (Irrigation)
☒ MINOR (< 1 MGD)
☐ Permitted Sludge Disposal
☐ Water Treatment Plant

PERMIT ACTION

☒ New Permit

PERMIT PACKAGE

YES	NO	
☒	☐	Transmittal letter to applicant
☒	☐	Transmittal letter to EPA
☒	☐	Statement of Basis/Technical Summary and ED Preliminary Decision
☒	☐	Permit Draft
☐	☒	Pretreatment Requirements for POTWs
☒	☐	EPA REVIEW CHECKLIST
☒	☐	FACILITY PROCESS FORM **(saved to I:\wq\muni\tracs forms)**
☒	☐	NOTICE for admin complete on or after 9/1/99
☒	☐	CAPTION (also saved in **I:\EVERYONEwq\CAPTION**)
☐	☒	MAJOR/MINOR DETERMINATION if needed
☐	☒	LOCATED IN THE COASTAL ZONE (if located in coastal zone, include **CMP Threshold Review Sheet**)
☒	☐	SPELLCHECK: DRAFT PERMIT/TECH SUM/SOB/FACT SHEET/NOTICE/LETTER(S)
☒	☐	**SCHEDULE FOR ERC Part A: All major and minor amendments, new applications and permits in Edwards Aquifer area are scheduled for ERC**
☐	☒	Located in the Edwards Aquifer area:
☒	☐	**COMPLIANCE HISTORY:** ***(Prepare CH before finalizing draft permit and edit as needed)***
☐	☒	ENFORCEMENT ORDER(S); ERC Part C on XXXXX.
☐	☒	CHANGES TO THE DRAFT PERMIT based on discussion at ERC

COMMENTS: Hill Country Camp has applied for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014832001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day.

Ms. Shelley Young, P.E.
WaterEngineers, Inc.
17230 Huffmeister Road
Cypress, Texas 77429

Re: Hill Country Camp - Proposed TPDES Permit No. WQ0014832001, EPA ID No. TX0129828 (CN600704647; RN105251102)

Dear Ms. Young:

Enclosed for your review and comment is a copy of a draft proposed permit and statement of basis/technical summary for the above-referenced operation. This draft permit is subject to further staff review and modification; however, we believe it generally includes the terms and conditions that are appropriate to your discharge. **Please read the entire draft carefully and note the following:**

1. The draft permit will be issued to expire February 1, 2013, in accordance with 30 TAC §305.71, Basin Permitting.

2. The draft permit include 0.5 mg/l Total Phosphorous effluent limitation.

Also enclosed for your review and comment is a copy of the draft second notice, the Notice of Application and Preliminary Decision (NAPD), that was prepared for your application. Please review this notice and provide comments if there are any inaccuracies or any information that is not consistent with your application. Please do not publish the notice at this time; after the draft permit is filed with the Office of the Chief Clerk, you will receive instructions for publishing this notice in a newspaper from the Office of the Chief Clerk. Please note that these instructions will not be mailed if the Office of the Chief Clerk has not received the requested proof that the first notice (Notice of Receipt and Intent to Obtain a Permit) has been published. This could cause delays in the processing of your application and the final issuance of the proposed draft permit. When the NAPD notice is received, please publish promptly and submit proof of publication (affidavit and tearsheet) to the Office of the Chief Clerk. Failure to publish notice and submit proof of publication in a timely manner may result in returning of the application and loss of authorization to operate.

Please read the enclosed "Draft Permit Form" and submit your comments prior to the deadline that is indicated on the form. If your comments are not received by the deadline, the draft permit will be transferred to the Office of the Chief Clerk and comments received after this date will not be considered. Please see the enclosed form for further details.

If you have any comments or questions, please contact me at (512) 239-1444 or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,

David U. Akoma, Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC 148)
Water Quality Division
Texas Commission on Environmental Quality

Enclosures

cc: TCEQ Region 13

CERTIFIED MAIL

Ms. Evelyn Rosborough (6WQ-CA)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202

Re: Hill Country Camp
TPDES Draft Permit No. WQ0014832001, EPA ID No. TX0129828
(CN600704647; RN105251102)

Dear Ms. Rosborough:

Enclosed is the draft proposed permit, Technical Summary and Executive Director's Preliminary Decision, and application material for the draft TPDES Permit No. WQ0014832001 as required under the TCEQ/EPA Memorandum of Agreement. Please review and provide any written comments, objections (general or interim) or recommendations with respect to the draft permit within forty-five days from the receipt of this draft permit to me.

If you need additional information or have any questions, please call Mr. David U. Akoma of my staff by telephone at (512) 239-1444, by e-mail at dakoma@tceq.state.tx.us., by fax at 512/239-4430 or if by correspondence, include MC 148 in the letterhead address following his name. Thank you for your cooperation in this matter.

Sincerely,

Firoj Vahora, Team Leader
Municipal Permits Team
Wastewater Permitting Section
Water Quality Division

FV/DUA/mam

Enclosures

ATTACHMENT 1

EPA - REGION 6
NPDES PERMIT CERTIFICATION CHECKLIST

In accordance with the MOA established between the State of Texas and the United States Environmental Protection Agency, Region 6, the Texas Commission on Environmental Quality submits the following draft Texas Pollutant Discharge Elimination System (TPDES) permit for Agency review.

Major ☐ **Minor** ☒ **POTW** ☐ **Private Domestic** ☒ **Non-POTW** ☐

Permittee	Hill Country Camp		
SIC Code	4952		
Regulated Activity	Domestic Wastewater Permit		
EPA ID No.	TX0129828	**TPDES Permit No.**	WQ0014832001
Segment No.	1806	**Basin**	Guadalupe River Basin
Receiving Water	unnamed tributary; thence to the on-channel lakes of Town Creek; thence to Guadalupe River Above Canyon Lake in Segment No. 1806 of the Guadalupe River Basin.		

Permit Action:	**New**	☒
	Renewal WITH changes	☐
	Renewal w/out changes (permit and WQS)	☐
	Major Amendment with renewal	☐
	Amendment/Modification WITHOUT renewal, proceed directly to question 22, below	☐

Answer the following.

		Yes	No	N/A
1.	Are there known or potential interstate water issues associated with this permit?	☐	☒	☐
2.	Is there known or potential third-party interest/environmental concern regarding this permit action?	☐	☒	☐
3.	Does this facility discharge to a 303(d) listed waterbody segment?	☒	☐	☐
	If **YES**, does the facility discharge any of the pollutant(s) of concern identified in the 303(d) listing?	☒	☐	☐
4.	Is this permit consistent with the approved WQMP?	☐	☒	☐
5.	Does the facility discharge to a waterbody segment that has a finalized TMDL?	☐	☒	☐
	If **YES**, does the permit implement the TMDL consistent with the WLAs?	☐	☐	☒
6.	Does the technical summary/statement of basis document the rationale for the inclusion/omission of permit conditions for each 303(d) listed pollutant of concern or TMDL pollutant?	☒	☐	☐
7.	Has a priority watershed of critical concern been identified by the U. S. Fish and Wildlife Service for this segment?	☐	☒	☐

ATTACHMENT 1
EPA – REGION 6
NPDES PERMIT CERTIFICATION CHECKLIST

		Yes	No	N/A
8.	Does this permit authorize ammonia discharges > 4.0 mg/l at the edge of the mixing zone?	☐	☒	☐
9.	Does this permit require testing for Whole Effluent Toxicity in accordance with the state's standard practices and implementation plan?	☐	☒	☐
10.	If this facility has completed and implemented a Toxicity Reduction Evaluation (TRE), has any subsequent toxicity been identified?	☐	☒	☐
11.	Does this permit propose to grant a variance request *(WQS, FDF, etc.)* or does it incorporate a proposed or final approval of a variance request?	☐	☒	☐
12.	If a POTW is ≥ 5 MGD, does it have an approved Pretreatment Program?	☐	☐	☒
13.	Since the last permit issuance, has the POTW had a new Pretreatment Program approved or a Pretreatment Program modification approved?	☐	☒	☐
14.	Does this permit contain authorization for wet weather related peak-flow discharges?	☐	☒	☐
15.	Does this permit include a bypass of any treatment unit or authorize overflows in the system?	☐	☒	☐
16.	Does this permit include provisions for effluent trading?	☐	☒	☐
17.	Does this permit contain specific issues on which EPA and the state are not in agreement regarding the permitting approach?	☐	☒	☐
18.	Is this facility subject to a national effluent limitations guideline? Please specify:	☐	☒	☐
19.	Does this permit contain "first-time" implementation of a new federal guideline, policy, regulation, etc.? Please specify:	☐	☒	☐
20.	Is this a new facility or an expansion of an existing facility?	☒	☐	☐
	For an **EXISTING** facility, if any limits have been removed or are less stringent than those in the previous permit, is it in accordance with the anti-backsliding regulations?	☐	☐	☒
21.	Does this permit incorporate any exceptions to the standards or regulations?	☐	☒	☐
22.	If this is a permit modification/amendment? Please specify:	☐	☒	☐

Name: David U. Akoma **Date:** April 29, 2008

Texas Commission on Environmental Quality

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER NEW

PROPOSED PERMIT NO. WQ0014832001

APPLICATION AND PRELIMINARY DECISION. Hill Country Camp, 1319 Harper Road, Kerrville, Texas 78028, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014832001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day. TCEQ received this application on July 3, 2007.

The facility will be located at 1319 Harper Road in Kerr County, Texas. The treated effluent will be discharged to the unnamed tributary; thence to Town Creek; thence to the on-channel lakes of Town Creek; thence to Guadalupe River Above Canyon Lake in Segment No. 1806 of the Guadalupe River Basin. The unclassified receiving water uses are no significant aquatic life uses for the unnamed tributary and Town Creek and high aquatic life uses for on-channel lakes. The designated uses for Segment No. 1806 are exceptional aquatic life use, public water supply, aquifer protection, and contact recreation.

In accordance with §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 antidegradation review has preliminarily determined that by adding permit requirements for total phosphorus of 0.5 mg/L, there is no expectation that significant degradation of the on-channel lakes of Town Creek, which have been identified as having high aquatic life uses, will occur. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Friends Butt-Holdsworth Memorial Library, 505 Water Street, Kerrville, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments.

Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address, phone; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission will only grant a contested case hearing on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues that were raised in timely filed comments that were not subsequently withdrawn.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 7871-3087 within 30 days from the date of newspaper publication of this notice.

AGENCY CONTACTS AND INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Further information may also be obtained from Hill Country Camp at the address stated above or by calling Ms. Shelley Young, P.E., WaterEngineers, Inc. at (281) 373-0500.

Issuance Date _____

AGENDA CAPTION FOR PERMIT NO. WQ0014832001

Hill Country Camp has applied for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014832001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day. The facility will be located at 1319 Harper Road in Kerr County, Texas.

MUNICIPAL EPA REVIEW CHECKLIST

Permittee Name: Hill Country Camp
Permit Number: TPDES Permit No. WQ0014832001, EPA ID No. TX0129828

PLEASE CHECK ☒ ALL THE APPLICABLE BELOW:

Draft permit authorizes:

YES	NO	
☐	☒	Discharge from a designated major facility
☐	☒	Discharge from a POTW with an approved pretreatment program
☐	☒	Discharge from a facility with a daily/annual average flow >1.0 MGD
☐	☒	Discharge to a critical concern species watershed that requires EPA review
☐	☒	Discharge that includes a request for a water quality variance
☐	☒	Storm water discharge to high priority species watershed
☒	☐	Prior to a final TMDL, new permit, or expanded discharge to an impaired listed 303(d) listed segment, and that has the potential to discharge any pollutant that is causing or contributing to the impairment.
☐	☒	After a final TMDL, new permit or expanded discharge to an impaired listed 303(d) listed segment where the TMDL does not allocate the loadings described in the draft permit
☐	☒	After a final TMDL, a permit with effluent limits that allow loadings in excess of those prescribed by the TMDL for the segment
☐	☒	After a final TMDL, a permit that allows **more** than a 3-year schedule for an existing facility to be in compliance with final effluent limits based on the TMDL allocation (new facilities have to be compliant upon discharge)
☐	☒	Discharge directly to territorial seas of the United States (from the coastline to 3 miles out but not including Bays and Estuaries)
☐	☒	Discharge or sewage sludge management that may affect another state or Mexico. For sewage sludge management, "may affect" means, accepts sewage sludge from another state or Mexico. For discharge, it means a discharge within 3 miles of a boundary with another state or Mexico.
☐	☒	Discharge from a Class I sludge management facility. (A Class I facility is a POTW or combination of POTWs operated by the same authority with a design flow of >5 MGD and that have IUs and are required to have an approved pretreatment program or are subject to pretreatment standards, **OR** any other treatment works treating domestic sewage sludge classified as a Class I sludge management facility by the Regional Administrator in conjunction with the TCEQ.)

If any column is marked "YES", EPA must receive a copy of the full permit package.
If all columns are marked "NO", EPA does not need to review the draft permit.

Permit Writer: David U. Akoma

Date: **April 29, 2008**

TRACS FACILITY EXTENSION - TREATMENT PROCESS
TPDES PERMIT NO. WQ0014832001

PERMITTEE: Hill Country Camp
PLANT NAME: Hill Country Camp WWTP
Application Type: New Permit ☐ **Interim** ☐ **Interim II** ☐ **Interim** ☒ **Final**

WASTEWATER TREATMENT PROCESSES

Primary Treatment
☒01 Pumping raw wastewater
☒02 Preliminary treatment – bar screen
03 Preliminary treatment – grit removal
04 Preliminary treatment – comminutors
05 Preliminary treatment – others
B1 Imhoff tank
06 Scum removal
☒07 Flow equalization basins
08 Preaeration
09 Primary sedimentation
D2 Septic tank
A5 Facultative lagoon

Secondary Treatment
10Trickling filter – rock media
11 Trickling filter – plastic media
12 Trickling filter – redwood slats
13 Trickling filter – other media
14 Activate sludge – conventional
15 Activate sludge – complete mix
16 Activate sludge – contact stabilization
☒17 Activated sludge – extended aeration
18 Pure oxygen activate sludge
19 Bio-Disc (rotating biological filter)
20 Oxidation ditch
21 Clarification using tube settlers
☒22 Secondary clarification
B6 Constructed wetlands
E5 Natural treatment
E6 Overland flow

Advanced Treatment - Biological
23 Biological nitrification – separate stage
☒24 Biological denitrification - combined
25 Biological denitrification
26 Post aeration (reaeration)

Advanced Treatment – Physical/Chemical
27 Microstrainers – primary
28 Microstrainers – secondary
D1 Dunbar Beds
29 Sand filters
30 Mix media filters (sand and coal)
31 Other filtrations
B2 Bubble diffuser (compressor)
32 Activated carbon – granular
B3 Mechanical surface aerator
33 Activated carbon-powered
34 Two stage lime treatment of raw
35 Two stage tertiary lime treatment
36 Single stage lime treatment of raw Wastewater
37 Single state tertiary lime treatment
38 Recarbonation
39 Neutralization
40 Alum addition to primary
41 Alum addition to secondary
42 Alum addition to separate state tertiary
43 Ferri-chloride addition to primary
44 Ferri-chloride addition to secondary
45 Ferri-chloride addition to separate stage tertiary
46 Other chemical additions
47 Ion exchange
48 Breakpoint chlorination
49 Ammonia stripping
50 Dechlorination

Disinfection
☒51 Chlorination for disinfection
52 Ozonation for disinfection
53 Other disinfection
D3 Ultra violet light

Land Treatment
54 Land treatment of primary effluent
55 Land treatment of secondary effluent
56 Land treatment of intermediate effluent (less than secondary)

Other Treatment
57 Stabilization ponds
58 Aerated lagoons
59 Outfall pumping
60 Outfall diffuser
61 Effluent to other plants
☒62 Effluent outfall
63 Other treatment
64 Evapo-transpiration beds
64 Recalcination

Disposal Method
A7 Irrigation – public access
A8 Irrigation – agricultural
B4 Evapo-transpiration beds
B6 Constructed wetlands
C1 Irrigation – pastureland
D4 Pressure dosing system
D5 Percolation system
D8 Other reuse method
E1 Evaporation/plays
☒E2 Discharge only
E3 Discharge and (use other #)
E4 Injection well(s)

SLUDGE TREATMENT PROCESSES
☒65 Aerobic digestion – air
66 Aerobic digestion – oxygen
67 Composting
68 Anaerobic digestion
69 Sludge lagoons
70 Heat treatment – dryer
71 Chlorine oxidation of sludge
72 Lime stabilization
73 Wet air oxidation
74 Dewatering – sludge drying beds, sand
F2 Dewatering – sludge drying bed vacuum assted
75 Dewatering – mechanical-vacuum filter
76 Dewatering – mechanical – centrifuge
77 Dewatering – mechanical – filter press
78 Dewatering – others
79 Gravity thickening
80 Air flotation thickening
D6 Sludge holding tank

Incineration
81 Incineration – multiple hearth
82 Incineration – fluidized beds
83 Incineration – rotary kiln
84 Incineration –others
85 Pyrolysis
86 Co-incineration with solid waste
87 Co-pyrolysis with solid waste
88 Co-incineration - others

SLUDGE DISPOSAL
☒89 Co-disposal landfill
D7 Sludge – only monofill
90 Land application (permitted)
☒91 Commercial land application (register)
92 Trenching
B5 Transport to another WWTP
F3 Transport to Regional compost facility
94 Other sludge handling
95 Digest gas utilization facilities
E7 Commercial land application (permit)
F4 Dedicated land disposal
F5 Marketing and distribution composted
F6 Marketing and distribution non-composted

MISCELLANEOUS
96 Control/lab/maintenance buildings
97 Fully automated using digital control -computer
98 Fully automated using analog control
99 Semi-automated plant
A1 Manually operated and controlled plant
A2 Package plant
A3 Semi-package plant
A4 Custom built plant
A7 Irrigation – public access
A8 Irrigation – agriculture
A9 Effluent storage ponds (irrigation)
C1 Irrigation – pastureland
D8 Other reuse method
D9 Emergency holding ponds
E1 Evaporation or playa
E8 Monitoring wells
E9 Biomonitoring
F7 Stormwater (SSO)
F8 Unconvential

PERMIT WRITER: David U. Akoma
Municipal Permits Team
Water Quality Division Wastewater Permitting Section,
Date: April 29, 2008

STATEMENT OF BASIS/TECHNICAL SUMMARY
AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant:	Hill Country Camp; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014832001, TX0129828
Regulated Activity:	Domestic Wastewater Permit
Type of Application:	New Permit
Request:	New Permit
Authority:	Federal Clean Water Act (CWA) §402; Texas Water Code (TWC) §26.027; 30 TAC Chapters 30, 305, 307, 309, 312, and 319; Commission policies; and EPA guidelines.

EXECUTIVE DIRECTOR RECOMMENDATION

The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The proposed permit includes an expiration date of February 1, 2013 according to 30 TAC §305.71, Basin Permitting.

REASON FOR PROJECT PROPOSED

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.025 million gallons per day. The proposed wastewater treatment facility will serve the Hill Country Camp.

PROJECT DESCRIPTION AND LOCATION

The Hill Country Camp Wastewater Treatment Facility will be an activated sludge process plant operated in the extended aeration mode. Treatment units will include a bar screen, equalization basin, aeration basin, final clarifiers, aerobic digester, and chlorine contact chamber. The facility has not been constructed.

The draft permit authorizes the disposal of sludge at a TCEQ authorized land application site or co-disposal landfill.

The plant site will be located at 1319 Harper Road in Kerr County, Texas. The treated effluent will be discharged to an unnamed tributary; thence to Town Creek; thence to the on-channel lakes of Town Creek; thence to Guadalupe River Above Canyon Lake in Segment No. 1806 of the Guadalupe River Basin. The unclassified receiving water uses are no significant aquatic life use for the unnamed tributary and Town Creek, and high aquatic life use for the on-channel lakes. The designated uses for Segment No. 1806 are exceptional aquatic life use, public water supply, aquifer protection, and contact recreation. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

In accordance with §307.5 and the TCEQ implementation procedures (January 2003) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained.

A Tier 2 antidegradation review has preliminarily determined that by adding permit requirements for total phosphorus of 0.5 mg/L, there is no expectation that significant degradation of the on-channel lakes of Town Creek, which have been identified as having high aquatic life uses, will occur. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations for the conventional effluent parameters (i.e., Biochemical Oxygen Demand or Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality limited streams as established in the Texas Water Quality Standards and the water quality management plan.

The effluent limitations in the draft permit have been reviewed for consistency with the State of Texas Water Quality Management Plan (WQMP). The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update. A Waste Load Evaluation has not been completed for Segment No. 1806.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES, September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Segment No. 1806 is currently listed on the State's inventory of impaired and threatened waters (the CWA §303(d) list). The listing is specifically for elevated bacteria levels from one mile upstream of Flat Rock Dam to the confluence with Camp Meeting Creek and from RR 394 to one mile downstream of that point. A TMDL for bacteria has been completed for Segment No. 1806. The facility is designed to provide adequate disinfection by chlorination, and if operated according to permit provisions, should not contribute to the elevated bacteria levels from one mile upstream of Flat Rock Dam to the confluence with Camp Meeting Creek and from RR 394 to one mile downstream of that point.

SUMMARY OF EFFLUENT DATA

Self-reporting data is not available since the facility is not in operation.

PROPOSED PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at a volume not to exceed a daily average flow of 0.025 million gallons per day.

The effluent limitations in the draft permit, based on a 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3 mg/l NH_3-N, 0.5 mg/l Total Phosphorous, Report colonies per 100 ml E. coli Bacteria and 4.0 mg/l minimum dissolved oxygen (DO). The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The draft permit includes a requirement for the permittee to provide nuisance odor prevention according to 30 TAC §309.13(e)(2).

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal and Transportation.

SUMMARY OF CHANGES FROM APPLICATION

The applicant requested effluent limitations, based on a 30-day average, of 10 mg/l BOD_5, 15 mg/l TSS, 3 mg/l NH_3-N, and 4.0 mg/l minimum dissolved oxygen (DO). However, effluent limitations in the draft permit, based on 30-day average, are 10 mg/l $CBOD_5$, 15 mg/l TSS, 3 mg/l NH_3-N, 0.5 mg/l Total Phosphorous, Report colonies per 100 ml E. coli Bacteria and 4.0 mg/l minimum dissolved oxygen (DO).

SUMMARY OF CHANGES FROM EXISTING PERMIT

New permit.

BASIS FOR PROPOSED DRAFT PERMIT

The following items were considered in developing the proposed permit draft:

1. Application received on July 3, 2007.

2. The effluent limitations and/or conditions in the draft permit comply with the Texas Surface Water Quality Standards, 30 TAC §§307.1 - 307.10.

3. The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Domestic Wastewater Effluent Limitations.

4. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division.

5. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.

6. "Procedures to Implement the Texas Surface Water Quality Standards", Texas Commission on Environmental Quality, January 2003.

7. Texas 2004 Clean Water Act §303(d) List, Texas Commission on Environmental Quality, May 13, 2005; approved by USEPA on May 8, 2006.

8. TNRCC Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's Response to Comments and Final Decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application contact David U. Akoma at (512) 239-1444.

David U. Akoma, Permit Coordinator
Municipal Permits Team
Wastewater Permitting Section (MC 148)

Date

TPDES PERMIT NO. WQ0014832001
[For TCEQ office use only -
EPA I.D. No. TX0129828]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Hill Country Camp

whose mailing address is

1319 Harper Road
Kerrville, Texas 78028

is authorized to treat and discharge wastes from the Hill Country Camp Wastewater Treatment Facility, SIC Code 7032

located at 1319 Harper Road in Kerr County, Texas

to an unnamed tributary; thence to Town Creek; thence to the on-channel lakes of Town Creek; thence to Guadalupe River Above Canyon Lake in Segment No. 1806 of the Guadalupe River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, February 1, 2013.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

   The daily average flow of effluent shall not exceed 0.025 million gallons per day (MGD); nor shall the average discharge during any two-hour period (2-hour peak) exceed 61 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Minimum Self-Monitoring Requirements	
	Daily Avg	7-day Avg	Daily Max	Single Grab	Report Daily Avg. & Max. Single Grab	
	mg/l(lbs/day)	mg/l	mg/l	mg/l	Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Five/week	Instantaneous
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (2.1)	15	25	35	One/week	Grab
Total Suspended Solids	15 (3.1)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (0.63)	6	10	15	One/week	Grab
Total Phosphorous	0.5 (0.10)	1	2	3	One/week	Grab
E. coli Bacteria colonies per 100 ml	Report (Report)	N/A	N/A	Report	One/week	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.

3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.

4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.

5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.

6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC §26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

1. Flow Measurements

   a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder, and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.

   b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

   c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.

   d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.

   e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.

   f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

2. Concentration Measurements

   a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

      i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

      ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

   b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.

   c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.

   d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day.

      The "daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

e. Fecal coliform bacteria concentration - the number of colonies of fecal coliform bacteria per 100 milliliters effluent. The daily average fecal coliform bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of fecal coliform bacteria equaling zero, a substituted value of one shall be made for input into either computation method. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).

g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.

3. Sample Type

a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (b).

b. Grab sample - an individual sample collected in less than 15 minutes.

4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.

5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.

6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

MONITORING AND REPORTING REQUIREMENTS

1. Self-Reporting
Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§319.4 - 319.12. Unless otherwise specified, a monthly effluent report shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge that is described by this permit whether or not a discharge is made for that month. Monitoring results must be reported on an approved self-report form that is signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, the TWC Chapters 26, 27, and 28, and THSC Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures
Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.

3. Records of Results
a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.

c. Records of monitoring activities shall include the following:

i. date, time and place of sample or measurement;
ii. identity of individual who collected the sample or made the measurement.
iii. date and time of analysis;
iv. identity of the individual and laboratory who performed the analysis;
v. the technique or method of analysis; and
vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

4. Additional Monitoring by Permittee
If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

5. Calibration of Instruments
All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports
Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date to the Regional Office No. 0 and the Enforcement Division (MC 224).

7. Noncompliance Notification

a. In accordance with 30 TAC §305.125(9) any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:

i. Unauthorized discharges as defined in Permit Condition 2(g).
ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.

c. In addition to the above, any effluent violation that deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.

d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.

8. In accordance with the procedures described in 30 TAC §§35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.

9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after becoming aware of or having reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. One hundred micrograms per liter (100 µg/L);
ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

i. Five hundred micrograms per liter (500 µg/L);
ii. One milligram per liter (1 mg/L) for antimony;
iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
iv. The level established by the TCEQ.

10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

11. All publicly owned treatment works (POTWs) must provide adequate notice to the Executive Director of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA §301 or §306 if it were directly discharging those pollutants;

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and

c. For the purpose of this paragraph, adequate notice shall include information on:

i. The quality and quantity of effluent introduced into the POTW; and
ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

PERMIT CONDITIONS

1. General

   a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

   b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:

      i. Violation of any terms or conditions of this permit;
      ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
      iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

   c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

2. Compliance

   a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.

   b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.

   c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

   d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.

   e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

   f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§305.62 and 305.66 and TWC §7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

   g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.

   h. In accordance with 30 TAC §305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility that does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.

   i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA §402, or any requirement imposed in a pretreatment program approved under the CWA §§402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

   a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC Chapter 361.

   b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

4. Permit Amendment and/or Renewal

   a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:

      i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC §305.534 (relating to New Sources and New Dischargers);

      ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9; or

      iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.

   c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.

   d. Prior to accepting or generating wastes that are not described in the permit application or that would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.

   e. In accordance with the TWC §26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

   f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA §307(a) for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee

shall comply with effluent standards or prohibitions established under CWA §307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

   a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.

   b. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application or WQMP update).

6. Relationship to Hazardous Waste Activities
   This permit does not authorize any activity of hazardous waste storage, processing, or disposal, which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Relationship to Water Rights
   Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

8. Property Rights
   A permit does not convey any property rights of any sort, or any exclusive privilege.

9. Permit Enforceability
   The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Relationship to Permit Application
    The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

11. Notice of Bankruptcy.

    a. Each permittee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:
       i. the permittee;
       ii. an entity (as that term is defined in 11 USC, §101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
       iii. an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.

    b. This notification must indicate:
       i. the name of the permittee and the permit number(s);
       ii. the bankruptcy court in which the petition for bankruptcy was filed; and
       iii. the date of filing of the petition.

OPERATIONAL REQUIREMENTS

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.

2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§319.21 - 319.29 concerning the discharge of certain hazardous metals.

3. Domestic wastewater treatment facilities shall comply with the following provisions:

   a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.

   b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.

4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.

6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).

7. Documentation

   For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.

   a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility that reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

      If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 149) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

   b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.

c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment or disposal system.

9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.

10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.

11. Facilities that generate industrial solid waste as defined in 30 TAC §335.1 shall comply with these provisions:
    a. Any solid waste, as defined in 30 TAC §335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

    b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.

    c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC §335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

    d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC §335.5.

    e. The term "industrial solid waste management unit" means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.

    f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC Chapter 335 and must include the following, as it pertains to wastewater treatment and discharge:

        i. Volume of waste and date(s) generated from treatment process;
        ii. Volume of waste disposed of on-site or shipped off-site;
        iii. Date(s) of disposal;
        iv. Identity of hauler or transporter;
        v. Location of disposal site; and
        vi. Method of final disposal.

        The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC Chapter 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC Chapter 361.

SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site or co-disposal landfill. **The disposal of sludge by land application on property owned, leased, or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of sludge. This provision does not authorize land application of Class A Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.

2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or leaseholder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.

3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method, that receives the prior approval of the TCEQ for the contaminants listed in Table 1 of 40 CFR §261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 13) within 7 days after failing the TCLP Test.

   The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 13) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceeds the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

Pollutant	Ceiling Concentration (Milligrams per kilogram)*
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following methods to ensure that the sludge meets either the Class A or Class B pathogen requirements.

a. Six alternatives are available to demonstrate compliance with Class A sewage sludge. The first 4 options require either the density of fecal coliform in the sewage sludge be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. Below are the additional requirements necessary to meet the definition of a Class A sludge.

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC §312.82(a)(2)(A) for specific information.

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52° Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50%.

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one plaque-forming unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC §312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC §312.82(a)(2)(C)(iv-vi) for specific information.

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one plaque-forming unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of shall be treated in one of the processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of shall be treated in a process that has been approved by the U. S. Environmental Protection Agency (EPA) as being equivalent to those in Alternative 5.

b. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1 -

i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.

ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;

iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established EPA final guidance;

iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and

v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the EPA so long as all of the following requirements are met by the generator of the sewage sludge.

i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established EPA final guidance;

iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;

iv. The executive director will accept from the EPA a finding of equivalency to the defined PSRP; and

v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the processes to significantly reduce pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition, the following site restrictions must be met if Class B sludge is land applied:

vi. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.

vii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.

viii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.

ix. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.

x. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.

xi. Turf grown on land where sewage sludge is applied shall not be harvested for one year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.

xii. Public access to land with a high potential for public exposure shall be restricted for one year after application of sewage sludge.

xiii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.

xiv. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC §312.44.

4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following alternatives 1 through 10 for Vector Attraction Reduction.

Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.

Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius (C). Volatile solids must be reduced by less than 17% to demonstrate compliance.

Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° C. Volatile solids must be reduced by less than 15% to demonstrate compliance.

Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° C.

Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° C and the average temperature of the sewage sludge shall be higher than 45° C.

Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.

Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are

defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 9 -

i. Sewage sludge shall be injected below the surface of the land.

ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.

iii. When sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

Alternative 10-

i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ii. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

C. Monitoring Requirements

1. Toxicity Characteristic Leaching Procedure (TCLP) Test — once during the term of this permit;

2. PCBs — once during the term of this permit;

3. All metal constituents and Fecal coliform or *Salmonella sp.* bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC §312.46(a)(1):

Amount of sewage sludge (*) metric tons per 365-day period	Monitoring Frequency
0 to less than 290	Once/Year
290 to less than 1,500	Once/Quarter
1,500 to less than 15,000	Once/Two Months
15,000 or greater	Once/Month

(*) *The amount of bulk sewage sludge applied to the land (dry weight basis).*

4. Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC §312.7.

SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3

For those permittees meeting Class A or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

A. Pollutant Limits

Table 2

Pollutant	Cumulative Pollutant Loading Rate (pounds per acre)*
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

Pollutant	Monthly Average Concentration (milligrams per kilogram)*
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

* Dry weight basis

B. Pathogen Control

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A or Class B pathogen reduction requirements as defined above in Section I.B.3.

C. Management Practices

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.

2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner that complies with the Management Requirements in accordance with 30 TAC §312.44.

3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.

4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:

   a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.

   b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.

   c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

D. Notification Requirements

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:

   a. The location, by street address, and specific latitude and longitude, of each land application site.

   b. The approximate time period bulk sewage sludge will be applied to the site.

   c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.

2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

E. Record keeping Requirements

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC §312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.

2. A description of how the pathogen reduction requirements are met (including site restrictions for Class B sludges, if applicable).

3. A description of how the vector attraction reduction requirements are met.

4. A description of how the management practices listed above in Section II.C are being met.

5. The following certification statement:
   "I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC §312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC §312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained.

   The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC §312.47 for persons who land apply.

1. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC §312.47(a)(4)(A)(ii) or 30 TAC §312.47(a)(5)(A)(ii), as applicable, and to the permittee's specific sludge treatment activities.

2. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.

3. The number of acres in each site on which bulk sludge is applied.

4. The date and time sludge is applied to each site.
5. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.

6. The total amount of sludge applied to each site in dry tons.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 1 of each year the following information:

1. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.

2. The frequency of monitoring listed in Section I.C. that applies to the permittee.

3. Toxicity Characteristic Leaching Procedure (TCLP) results.

4. Identity of hauler(s) and TCEQ transporter number.

5. PCB concentration in sludge in mg/kg.

6. Date(s) of disposal.

7. Owner of disposal site(s).

8. Texas Commission on Environmental Quality registration number, if applicable.

9. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.

10. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.

11. Level of pathogen reduction achieved (Class A or Class B).

12. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.

13. Vector attraction reduction alternative used as listed in Section I.B.4.

14. Annual sludge production in dry tons/year.

15. Amount of sludge land applied in dry tons/year.

16. The certification statement listed in either 30 TAC §312.47(a)(4)(A)(ii) or 30 TAC §312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.

17. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.

    a. The location, by street address, and specific latitude and longitude.

b. The number of acres in each site on which bulk sewage sludge is applied.

c. The date and time bulk sewage sludge is applied to each site.

d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.

e. The amount of sewage sludge (i.e., dry tons) applied to each site.

The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL

A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC Chapter 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.

B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a Municipal Solid Waste Landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

D. Sewage sludge shall be tested once during the term of this permit; annually; prior to sludge disposal in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method that receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR §261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division and the Regional Director (MC Region 13) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 13) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year.

E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.

F. Record keeping Requirements

The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.

2. The description (including procedures followed and results) of all TCLP tests performed.

3. The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 13) and Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year the following information:

1. Toxicity Characteristic Leaching Procedure (TCLP) results.

2. Annual sludge production in dry tons/year.

3. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.

4. Amount of sludge transported interstate in dry tons/year.

5. A certification that the sewage sludge meets the requirements of 30 TAC Chapter 330 concerning the quality of

the sludge disposed in a municipal solid waste landfill.

6. Identity of hauler(s) and transporter registration number.
7. Owner of disposal site(s).
8. Location of disposal site(s).
9. Date(s) of disposal.
10. The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

OTHER REQUIREMENTS

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

   This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

2. The facility is not located in the Coastal Management Program boundary.

3. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 1806 of the Guadalupe River Basin and any subsequent updating of the water quality model for Segment No. 1806, in order to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC §305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.

4. The permittee shall provide nuisance odor prevention in accordance with 30 TAC §309.13(e)(2). Prior to construction of the treatment facilities, the permittee shall submit a nuisance odor prevention request for approval by the executive director in care of the TCEQ Wastewater Permitting Section (MC 148). The request for nuisance odor prevention shall be in the form of an engineering report, prepared and sealed by a licensed professional engineer, in support of the request according to the requirements of 30 TAC §309.13(e)(2). The permittee shall comply with the requirements of 30 TAC §309.13(a) through (d). (See Attachment A.)

5. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.

6. Reporting requirements according to 30 TAC Sections 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge, whichever occurs first, from the facility described by this permit. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 13) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first.

7. Prior to construction of the wastewater treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) of the Water Quality Division, a summary submittal letter in accordance with the requirements in 30 TAC Section 317.1. If requested by the Wastewater Permits Section, the permittee shall submit plans, specifications and final engineering design report which comply with 30 TAC Chapter 317, Design Criteria for Sewerage Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations and flow required on Page 2 of the permit.

TCEQ PERMIT NO. WQ0014832001

APPLICATION BY	§	BEFORE THE
	§	
HILL COUNTRY CAMP	§	TEXAS COMMISSION ON
	§	
	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

2008 JUL 23 3:33
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment on the Hill Country Camp (Applicant) application and on the ED's preliminary decision. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the ED prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comment letters and comments at the public meeting.

The following persons provided individual comment letters or provided oral or written comments at the public meeting:

Wendy Barber
Stuart Barron, on behalf of the City of Kerrville
Carol Bayless-Washburn
Roger B. Borgelt, on behalf of the James Olafson Family
Penny Bowman
Raymond L. Buck, Jr. on behalf of the Upper Guadalupe River Authority
Bob Dittmar
Alice Follmar
Robert Follmar
Dean M. Gandy
James Haynie
Patricia S. Hulett, on behalf of the Kerr County Environmental Health Department
Cecil B. Jones
James Olafson
Pia Olafson
Kristine Ondrias, on behalf of the City of Kerrville
Tammy Paterson
William R. Rector, MD
Emily W. Rogers, on behalf of the City of Kerrville
Bruce Wasinger, on behalf of the City of Kerrville

The following persons signed a petition attached to an identical comment letter, and identified themselves as the Aqua Vista Landowners Association and the Tierra Vista Landowners Association. For the purposes of this response, they will be referred to as **Group 1:**

Deann Allen
Corine Baerwah
Jerome E. Baerwah
Donna Brawds

Joseph Brooks
Teruko Brooks
Bub Burson
Carroll Butler
Michele Butler
Jeanne Cecala
Reg and Linore Cleveland, on behalf of the Cleveland Trust
Concerned Citizen 1
Concerned Citizen 2
Concerned Citizen 3
Jim Constante
Rachel Constante
Jenny Crowmor
Barbara Dean Dill
Richard I. Dill
Gerry England
James R. England
Dr. Diane Fitch
J.R. Fitch
Jerry French
Dorothy Gohlke
Marivn H. Gohlke, MD
June Holderness
Tex D. Hood
Chris Hughes
Maeve Hughes
Patsy M. Jackson
Paul Jackson
Kathy B. Johnson
Cecil B. Jones
Marilyn O. Jones
R. Jean Kunz
Sidney Kunz
Regan Land
Stephanie Land
James R. Lane
Bobbie R. Lesser
Allen H. Locher
Joann M. Locher
Daisy L. Murray
Catherine Painter
John Penry
Olive Penry
Joy Putnam
Kenneth R. Robinson
James H. Shanks
Shelly Smart
Steven Smart
Judy Smits
R.K. Smits
Maria Stoffel
Raymond L. Stoffel
Mary V. Stokes
W.M. Stokes
Bettye Sontag
Melanie Vanicek

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.

BACKGROUND

Description of Facility

The Applicant has applied to the TCEQ for a new permit that would authorize the Applicant to discharge treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day.

The treated effluent will be discharged to an unnamed tributary; then to Town Creek; then to the on-channel lakes of Town Creek; then to the Guadalupe River Above Canyon Lake in Segment No. 1806 of the Guadalupe River Basin. The unclassified

receiving water uses are no significant aquatic life use for the unnamed tributary and Town Creek, and high aquatic life use for the on-channel lakes of Town Creek. The designated uses for Segment No. 1806 are exceptional aquatic life use, public water supply, aquifer protection, and contact recreation. The proposed facility will be located at 1319 Harper Road, Kerrville, Texas 78028 in Kerr County, Texas, and will serve Hill Country Camp.

Procedural Background

The permit application was received on July 3, 2007, and declared administratively complete on July 24, 2007. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on July 27, 2007 in *The Kerrville Daily Times*. Notice of a Public Meeting was published on April 29, 2008 in *The Kerrville Daily Times*. A public meeting was held on May 29, 2008, in the Kerrville County Courthouse Commissioners Courtroom in Kerrville, Texas. The Notice of Application and Preliminary Decision for a Water Quality Permit (NAPD) was published on July 10, 2008 in *The Kerrville Daily Times*. The public comment period ended on August 11, 2008. 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: (Water Quality)

Group 1 expressed their concern that the proposed discharge could negatively impact the Guadalupe River, which is the major water supply for Kerrville. Raymond L. Buck, Jr. expressed his concern that the discharge into Town Creek could adversely impact water quality and exacerbate the water quality problem in the impaired area of the Guadalupe River. Roger Borgelt stated that the proposed permit action could adversely impact the health and environment of the Olafson family and property, the City of Kerrville, the City of Kerrville's residents, and many other landowners and users of the upper portion of the Guadalupe River. Mr. Borgelt also expressed his concern that the proposed discharge will enter an already impaired area of the Guadalupe River, Segment 1806, with very recent TMDL restrictions imposed by the TCEQ for bacteria levels. Mr. Borgelt and Emily Rogers also stated that no new wastewater discharge permit should be issued within Stream Segment 1806 above the impaired portions of the Guadalupe River until the TMDL implementation plan is completed and the TCEQ can ensure that the discharge will not exacerbate the existing problem. Tommy Olafson and Pia Olafson commented that the proposed discharge would have a negative effect on the water quality of the first lake on Town Creek below the discharge. Ms. Rogers also commented that the proposed effluent limits in the draft permit are not sufficiently stringent enough to protect the water quality of Town Creek and the Guadalupe River, and will cause the degradation of water quality. William Rector, MD, also expressed general concerns about water quality.

RESPONSE 1:

The proposed draft permit was developed in accordance with the Texas Surface Water Quality Standards. These standards are designed to maintain the quality of water in the state and to be protective of human health and the environment. In accordance with 30 TAC § 307.5, no activities subject to regulatory action shall impair existing uses, i.e., contact recreation (Tier I Antidegradation), or decrease the water quality of waters that exceed fishable/swimmable quality by more than a *de minimis* extent (Tier 2 Antidegradation). Water quality sufficient to protect existing uses must be maintained. Fishable/swimmable waters are defined as waters which have quality sufficient to support propagation of indigenous fish, shellfish, and wildlife and recreation in and on the water. Waters that are assigned an intermediate, high, or exceptional aquatic life use are deemed as exceeding fishable/swimmable quality. A Tier 1 antidegradation review preliminarily determined that existing uses will not be impaired by the proposed permit action. Narrative and numerical criteria to protect existing uses will be maintained. A Tier 2 antidegradation review has preliminarily determined that by adding permit requirements for total phosphorus of 0.5 mg/L, no significant degradation of the on-channel lakes of Town Creek, which have been identified as having high aquatic life uses, will occur. Based on dissolved oxygen (DO) modeling results, the proposed effluent set of 10 mg/L $CBOD_5$, 3 mg/L ammonia-nitrogen (NH_3-N), and 4 mg/L effluent DO is predicted to be adequate to ensure that DO levels will be maintained above the assigned criteria for the unnamed tributary, Town Creek, Town Creek's on-channel lakes, and the Guadalupe River.

Finally, TCEQ's Total Maximum Daily Load (TMDL) Program works to improve water quality in impaired or threatened water bodies in Texas. The program is authorized by, and created to fulfill the requirements of, Section 303(d) of the federal Clean Water Act (CWA). The goal of a TMDL is to restore the full use of a water body that has limited quality in relation to one or more of its uses. The TMDL defines an environmental target, and based on that target the state develops an implementation plan with waste load allocations for point source dischargers. The goal of the implementation plan is to mitigate anthropogenic (human-caused) sources of pollution within the watershed and restore the water body to its full use. The Guadalupe River Above Canyon Lake (Segment No. 1806) was identified as impaired for elevated levels of bacteria in the 2002 *Texas Water Quality Inventory and 303(d) List.* A TMDL was developed for Segment No. 1806, was approved by the Commission and U.S. Environmental Protection Agency (EPA) in 2007, and became part of the Texas Water Quality Management Plan (WQMP). The proposed facility's effluent limitations were included in the January 2008 Update of the WQMP, and, accordingly, a waste load allocation was assigned to this proposed discharge. In its letter dated April 11, 2008, the EPA approved the January 2008 Update of the Texas WQMP. Therefore, both the TCEQ and the EPA have determined that the proposed facility's projected effluent limitations and waste load allocation is consistent with the goal of restoring Segment No. 1806 to its full use.

COMMENT 2: (Town Creek)

Roger Borgelt commented that Town Creek and its tributaries do not have sufficient water volume to handle the proposed discharge. Tommy Olafson, Pia Olafson, James Olafson, and Mr. Borgelt also commented that during the summer months or periods of drought "cesspool-like" conditions could create a human health hazard or cause groundwater contamination. Mr. Borgelt also stated that, due to the high levels of bacteria registered in Town Creek and immediately downstream in the Guadalupe River, it is inappropriate to allow the possible discharge of even more bacteria into the stream. William R. Rector, MD commented that since Town Creek does not flow throughout the year, any effluent discharged into a tributary of Town Creek will likely be highly concentrated and will seep into groundwater reservoirs such as the underlying Trinity Sands. Dr. Rector also stated that these groundwater reservoirs serve as the source of drinking water for residents in Kerr and Gillespie counties as well as the City of Kerrville. Dr. Rector also commented that, due to the small size of Town Creek and the intermittent nature of its flow, the proposed discharge will significantly increase the level of organic material present and change the clarity, desirability, and ecosystem of the stream.

RESPONSE 2:

Surface Water

As previously stated, after conducting the antidegradation review, the ED has preliminarily determined that existing water quality uses will not be impaired by the proposed discharge and that no significant degradation of waters which exceed fishable/swimmable quality will occur. This preliminary determination can be reexamined and may be modified if new information is received.

The Guadalupe River Above Canyon Lake (Segment No. 1806) was identified as impaired for elevated levels of bacteria in the 2002 *Texas Water Quality Inventory and 303(d) List.* A TMDL was developed for Segment No. 1806, was approved by the Commission and U.S. Environmental Protection Agency (EPA) in 2007, and became part of the Texas Water Quality Management Plan (WQMP). The proposed facility's effluent limitations were included in the January 2008 Update of the WQMP, and, accordingly, a waste load allocation was assigned to this proposed discharge. In its letter dated April 11, 2008, the EPA approved the January 2008 Update of the Texas WQMP. Therefore, both the TCEQ and the EPA have determined that the proposed facility's projected effluent limitations and waste load allocation is consistent with the goal of restoring Segment No. 1806 to its full use.

Groundwater

The Water Quality Division has preliminarily determined that the draft permit has been developed in accordance with the Texas Surface Water Quality Standards, which ensure that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The

Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge.

COMMENT 3: (Human Health & Wildlife)

Tammy Patterson commented that the proposed discharge will adversely affect the dense residential population of the area, as well as the local habitat consumption of water, and local habitat quality of life. Roger Borgelt also commented that excessive nitrogen and phosphorus contained in stagnant water, which regularly forms behind Town Creek's dams, creates a hazard to both human health and aquatic life. James Olafson commented that during periods of low flow the dam would become a storage tank for treated sewage, and excessive contaminants would kill aquatic plants and wildlife. Tommy and Pia Olafson commented that the proposed discharge will result in excess nitrogen and phosphorus being introduced to the first lake on Town Creek below the discharge, causing an algal bloom which will be detrimental to fish and aquatic wildlife in the lake. Tommy and Pia Olafson also commented that the proposed discharge would have a negative effect on the aquatic ecosystem of the first lake on Town Creek below the discharge. William R. Rector, MD commented that the discharge of treated effluent into Segment 1806 of the Guadalupe River Basin, an area that has already been shown to contain elevated bacterial levels, will significantly increase the risks of public health hazards. Bonnie Olafson commented that, during periods of low flow in the summer, the proposed discharge would stagnate on her property; and that this stagnant water would cause the fish to be poisoned or at the very least not be fit for human consumption. James Haynie expressed his concern that the proposed discharge could negatively impact the creeks and rivers used as drinking water for the City of Kerrville. Cecil Jones asked if the Applicant would acknowledge its responsibility for any illnesses and deaths that may occur from polluted sediment being blown on downwind property during periods where the discharge route may be dry.

RESPONSE 3:

As previously stated, after conducting the antidegradation review, the ED has preliminarily determined that existing water quality uses will not be impaired by the proposed discharge and that no significant degradation of the on-channel lakes of Town Creek, which have been identified as having high aquatic life uses, will occur. This preliminary determination can be reexamined and may be modified if new information is received.

Pursuant to 30 TAC §307.6(b)(3), water in the state must be maintained to preclude adverse toxic effects on human health resulting from contact recreation, consumption of aquatic organisms, consumption of drinking water, or any combination of the three. Water in the state with sustainable fisheries and/or public drinking water supply uses may not exceed applicable human health toxic criteria. 30 TAC §307.6(b)(4) requires water in the state to be maintained to preclude adverse toxic effects on aquatic life, terrestrial wildlife, livestock, or domestic animals, resulting from contact, consumption of aquatic organisms, consumption of water, or any combination of the

three. Since the proposed discharge is less than one million gallons per day and the Applicant is not conducting manufacturing, commercial, mining, or silvicutural activities, the ED does not anticipate the discharge of toxic effluent from the proposed facility.

COMMENT 4: (Water Table)

William Rector, MD, commented that the proposed discharge will lower the water table of all of the people who live in the area.

RESPONSE 4:

The draft permit does not authorize the withdrawal of groundwater for use at this facility. TCEQ rules do not require applicants for TPDES wastewater discharge permits to provide information on possible water sources for the proposed facility. If the Applicant chooses to use groundwater as an onsite water source, groundwater withdrawal may be regulated by the Headwaters Groundwater Conservation District and/or the TCEQ Public Water Supply Division. The Headwaters Groundwater Conservation District may be reached at (830) 896-4110. The TCEQ Public Water Supply Division may be reached at (512) 239-4691.

COMMENT 5: (Odor)

Group 1 expressed their concern about the proposed facility possibly emitting odor. Bonnie Olafson commented that, during periods of low flow in the summer, the proposed discharge would stagnate on her property; and that this stagnant water would emit odor. Cecil Jones asked, based upon their assessment of the proposed handling of the treated sewage effluent, can Water Engineers, Inc. assure the Commission and the potentially affected community around the Hill Country Camp that there will be no offensive odor or health hazard from the proposed plan.

RESPONSE 5:

30 TAC § 309.13(e) requires that the Applicant meet one of three options to abate and control nuisance odor. Those options are: (1) owning the buffer zone area, (2) obtaining restrictive easements from adjacent property owners for any portion of the buffer zone area that the Applicant does not own, or (3) providing odor control. According to Other Requirement No. 4 of the draft permit, the Applicant will provide odor control. Prior to constructing the proposed facility, the Applicant will submit a nuisance odor prevention request to the ED for approval.

Additionally, the proposed wastewater treatment will be an aerobic biological process. Aerobic biological processes use oxygen from the air to reduce the organic content of the wastewater through biological action. Oxygen turns sulfide compounds (the most common odor-causing compounds) into odorless sulfates. Wastewater without dissolved oxygen can also produce offensive odors. The draft permit requires that the effluent contain a minimum of 4.0 mg/l of dissolved oxygen.

Finally, the issuance of a permit does not limit an adjacent landowner's ability to seek legal remedies against a permittee regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that interfere with the normal use and enjoyment of property.

COMMENT 6: (Effluent Limits and Monitoring)

Roger B. Borgelt, Raymond L. Buck, Jr., Emily Rogers, Kristine Ondrias, Stuart Barron, William Rector, MD, and Bruce Wasinger requested that the proposed facility contain effluent limits and monitoring standards that are at least as stringent as those contained in the City of Kerrville's discharge permit. James Olafson questioned how well the wastewater treatment system would be monitored. James Haynie stated his concern that the proposed facility would not be properly maintained or monitored. Mr. Borgelt also commented that if the permit is granted, it should incorporate long term monitoring of phosphorus and chlorophyll levels immediately downstream, with appropriate triggers for an immediate permit review if excessive phosphorous or chlorophyll is found. Ms. Rogers and Mr. Wasinger also stated that "the effluent discharge parameters should become stricter whenever the flow in the Guadalupe River is below 50 cfs, – 5 ppm BOD, 5 ppm TSS, 0.5 ppm Total Phosphorus, and 1 ppm NH3-N."

RESPONSE 6:

The City of Kerrville's effluent limitations are 5 mg/L $CBOD_5$, 5 mg/L TSS, 2 mg/L NH_3-N, 4 mg/L (minimum) effluent dissolved oxygen (DO), and 1 mg/L total phosphorus when flow in the Guadalupe River exceeds 50 cfs and 5 mg/L $CBOD_5$, 5 mg/L TSS, 1 mg/L NH_3-N, 4 mg/L (minimum) effluent DO, and 0.5 mg/L total phosphorus when flow in the Guadalupe River is less than or equal to 50 cfs. With the exception of the TSS and total phosphorus limits, these very stringent effluent limits are included in the City of Kerrville's permit primarily to ensure that DO levels in the Guadalupe River will be maintained above its designated DO criterion for varying flow conditions. Kerrville's 4.5 million gallons per day discharge to Third Creek is located 2.0 miles upstream of the Guadalupe River. Should the permit be issued, Hill Country Camp's 25,000 gallons per day discharge to a tributary of Town Creek would be located 5.5 miles upstream of the Guadalupe River, and would go through several on-channel lakes on Town Creek prior to reaching the river.

A DO modeling analysis was performed using the proposed flow of 25,000 gallons per day, and the proposed effluent limits of 10 mg/L $CBOD_5$, 3 mg/L NH_3-N, and 4 mg/L effluent DO to ensure that DO levels will be maintained above their assigned criteria for the unnamed tributary, Town Creek, and the on-channel lakes of Town Creek. The $CBOD_5$, NH_3-N, and effluent DO concentrations in Hill Country Camp's treated effluent will have a negligible effect on DO levels in the Guadalupe River at the proposed effluent limits included in the draft permit. The amount of flow in the Guadalupe River does not affect the $CBOD_5$, NH_3-N, or DO effluent limits predicted to be necessary for

the Hill Country Camp discharge in order to be protective of DO levels in the unnamed tributary, Town Creek, the on-channel lakes of Town Creek, or the Guadalupe River.

The proposed discharge will be monitored pursuant to the conditions set out in the "Monitoring and Reporting Requirements" section of the draft permit and 30 TAC Chapter 319. The Executive Director has preliminarily determined that an effluent limit for total phosphorus of 0.5 mg/L will not cause significant degradation of the on-channel lakes of Town Creek. Should additional information be presented to the ED after the issuance of the permit, the ED may initiate and the Commission may order a major amendment, minor amendment, modification, or minor modification to a permit in accordance with 30 TAC § 305.62(d).

COMMENT 7: (Alternative Methods of Wastewater Treatment)

Raymond L. Buck, Jr. suggested that alternative methods of wastewater treatment be considered; including: 1.) onsite sewage facilities, 2.) tertiary treatment from an approved treatment plant, and 3.) surface or subsurface discharge from an approved treatment plant. William R. Rector, MD, and James Olafson commented that the TCEQ should consider requiring the Applicant to deliver its sewage to the City of Kerrville. Dr. Rector and Mr. Olafson stated that alternatives to surface discharge that have been successfully implemented by others in the Hill Country should be considered. Roger Borgelt commented that alternatives to discharging into public waters do not appear to have been considered. Additionally, Mr. Borgelt, Penny Bowman, Bob Dittmar, Emily Rogers, James Haynie, Kristine Ondrias, Stuart Barron, James Olafson, Pia Olafson, and Bruce Wasinger stated that the Applicant should be required to either land apply or reuse its treated effluent. Cecil Jones asked did Water Engineers, Inc. recommend any other treated sewage effluent solutions to the Applicant that would mitigate odor and health hazards associated with an open sewage effluent drain; specifically, was piping the sewage effluent water to Town Creek recommended and rejected by the Applicant.

RESPONSE 7:

Section 26.027 of the Texas Water Code authorizes the Commission to issue permits for the discharge into water in the state. The ED evaluates applications for wastewater treatment plants based on the information provided in the application, and either issues the permit or denies the application because the proposed discharge would not meet the Texas Surface Water Quality Standards. The ED does not have the authority to mandate that an applicant apply for an alternative method of wastewater treatment.

COMMENT 8: (On-Channel Lakes)

Roger Borgelt commented that a dye study should be completed to show the effect of the proposed discharge on aquatic life in the on-channel lakes of Town Creek, rather than relying on default hydraulics to determine that there will be no impairment. Mr. Borgelt also stated that the antidegradation policy of 30 TAC 307.5 would certainly be violated by any discharge into an impoundment that is not flowing.

RESPONSE 8:

The model used by the ED evaluated the potential impact of the proposed facility's discharge on dissolved oxygen (DO) levels in the unnamed tributary, and the first on-channel lake of Town Creek. This model simulated the effect on DO levels in the receiving waters by the oxygen-demanding constituents $CBOD_5$ and NH_3-N in the discharge in combination with the DO concentration of the effluent itself. The DO impact of these parameters is expected to be contained entirely within the unnamed tributary and this first on-channel lake. The proposed effluent limits for a permitted flow of 25,000 gallons per day were predicted to be adequate to ensure that DO levels in the tributary and the lake would be maintained above their assigned criteria. $CBOD_5$, NH_3-N, and DO concentrations at the downstream end of the lake were predicted to be at background (ambient) levels, so the DO modeling analysis was not extended downstream of the lake.

The model incorporates default hydraulic coefficients only in the approximately 1,200 feet of the unnamed tributary (the initial receiving water). The model of the lake was originally developed using lake surface areas measured from aerial imagery and estimated average lake depths. These surface areas and average depth estimates were later refined based on conversations with the owner of the land surrounding the lake (Mr. James Olafson) following the May 29, 2008 public meeting, and the lake was then remodeled for both "full" and "low" conditions. The proposed effluent limits were still predicted to be adequate to ensure that DO levels would be maintained above the assigned criterion for the lake during either of these conditions.

The modeling analysis was further scrutinized following the public meeting because of the public's stated concerns regarding potential buildup of pollutants from the discharge at times when flows into the lake are confined within the lake for extended periods (i.e., no outflow from the lake). Model results indicated that the oxygen-demanding constituents from the discharge are predicted to be almost entirely assimilated within the upper portion of the reservoir under both full-lake and low-lake conditions. These oxygen-demanding constituents are predicted to be at such low levels when they enter the lower portion of the reservoir that they will not accumulate within the lake regardless of whether flow from the proposed discharge is passing through the lake or confined within it for extended periods. The DO model predictions are thus considered valid for periods when flows pass through the lake to Town Creek and also during non-flow-through periods.

A dye study can be used to refine hydraulic assumptions in generally advective (flowing) water bodies, or to help define dispersion characteristics in large lakes. A dye study would not provide sufficient information to make significant refinements to the model of this small, variable-level lake. Performing a dye study to refine the hydraulic coefficients for the short unnamed tributary would not have a significant impact on lake model results. Similarly, since the modeling analysis does not extend beyond the first on-

channel lake, performing a dye study on Town Creek downstream of this lake would not affect oxygen-demanding constituent effluent limit recommendations.

As previously stated, after conducting the antidegradation review, the ED has preliminarily determined that existing water quality uses will not be impaired by the proposed discharge and that no significant degradation of the on-channel lakes of Town Creek, which have been identified as having high aquatic life uses, will occur. This preliminary determination can be reexamined and may be modified if new information is received.

COMMENT 9: (Recreation)

Emily Rogers and Bruce Wasinger commented that the proposed discharge will have an adverse affect upon the recreational opportunities within Louise Hays Park, Lehmann Monroe Park, and Kerrville Schreiner Park, where there is a significant risk of ingestion of water (i.e. contact recreation). Kristine Ondrias stated that the proposed discharge could negatively impact recreational amenities such as Louise Hays Park, Lehman Monroe Park, and Kerrville Schreiner Park, and the future hike and bike trail, which are important to the City of Kerrville and are a continued draw for tourists that come to the community. Ms. Ondrias also commented that the City of Kerrville is concerned that the proposed discharge could endanger recreational users of the river who accidentally ingest the water. Ms. Ondrias also stated the proposed discharge combined with low flow conditions could lessen the water quality to such a degree as to cause the City to prohibit access during the busiest and hottest times of the year. Roger Borgelt stated that the beauty and recreational opportunities provided by the Guadalupe River are the driving force behind the growth of tourism, hunting, fishing, and other economic development in the region; and that the TCEQ should consider whether allowing sewage discharges into these waters is in the long term interests or welfare of anyone. James Olafson and Bonnie Olafson commented that, during periods of low flow in the summer, the proposed discharge would stagnate on their property; and that this stagnant water would prevent them from enjoying wading, swimming, boating, and fishing. Robert Follmar and Alice Follmar stated their concern that the proposed treatment plant would prohibit their children and grandchildren from playing, swimming, and fishing in Town Creek and the Guadalupe River. James Haynie expressed his concern that the proposed discharge would negatively impact the aesthetic beauty of the creeks and river, which would negatively impact the community's economy.

RESPONSE 9:

As previously stated, after conducting the antidegradation review, the ED has preliminarily determined that existing water quality uses will not be impaired by the proposed discharge and that no significant degradation of the on-channel lakes of Town Creek, which have been identified as having high aquatic life uses, will occur. This preliminary determination can be reexamined and may be modified if new information is received.

The legislature has given the TCEQ the responsibility to protect water quality. However, neither the Texas Water Code nor the applicable TCEQ rules authorize the ED to consider a proposed project's potential impact on economic development in the region when reviewing a permit application. Therefore, the ED lacks regulatory authority to consider a proposed project's potential impact on economic development in the region when reviewing wastewater applications and preparing draft permits. Nevertheless, the ED does not expect any impairment of contact recreational use from this proposed discharge.

COMMENT 10: (Sludge)

Roger Borgelt stated that the fact that there are no registered sludge hauling companies in Kerr County could lead to a sludge accumulation issue, which could cause further problems for everyone downstream of the facility. Mr. Borgelt asked who will dispose of the sludge generated at the proposed facility, if the City of Kerrville refuses to accept the proposed facility's sludge. Mr. Borgelt also asked who will be transporting sludge from the proposed facility. Stuart Barron stated that if the Applicant plans on having the City of Kerrville accept the sludge generated at the facility, the draft permit should have the same sludge requirements and limits as the City of Kerrville's wastewater treatment facility.

RESPONSE 10:

The draft permit authorizes the Applicant to dispose of sludge only at a TCEQ authorized land application site or co-disposal landfill. TCEQ rules do not require an applicant to identify or submit any information regarding potential sludge haulers as part of its application for a Texas Pollutant Discharge Elimination System (TPDES) wastewater discharge permit; nor do they require an applicant to identify the method or location of disposal of the proposed facility's sludge. Should the permit be issued, the Applicant will be required to comply with all of its terms.

COMMENT11: (Letter)

Patricia S. Hulett asked that the October 26, 2006 letter from Miguel Arreola, Director of the Kerrville County Environmental Health Department, to L'Oreal Stepney, Director of the Water Quality Division of the TCEQ, be made a part of the record.

RESPONSE 11:

Ms. Hulett timely filed her letter and the October 26, 2006 letter and its attachments with the TCEQ's Office of the Chief Clerk; therefore, the documents are part the administrative record.

COMMENT 12: (Air Quality)

Tammy Patterson commented that the proposed discharge will adversely affect air quality.

RESPONSE 12:

The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health and the environment will be protected. Wastewater treatment plants have undergone this review, and are permitted by rule so long as the wastewater treatment plant only performs those functions listed in 30 TAC § 106.532. The Applicant is not required to obtain an air permit for the proposed facility because the proposed facility should not significantly affect air quality.

COMMENT 13: (Property and Quality of Life)

Tammy Patterson commented that the proposed discharge will adversely affect her property, and her property value, the view, and her quality of life. Wendy Barber commented that the proposed permitted activity will cause her property value to decline. James Olafson commented that if Hill Country Camp discharges 25,000 gallons per day, Mr. Olafson would need to install a culvert or build a bridge to access the back of his property.

RESPONSE 13:

A proposed project's potential impact on surrounding property values is outside the scope of the normal evaluations of a wastewater discharge permit application. 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 costal waters.

The issuance of this permit does not grant the permittee the right to use private or public property to convey wastewater along the discharge route described therein. The issuance of this permit does not authorize any invasion of personal rights, or any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire any property rights that may be necessary to use the discharge route. The issuance of this permit does not limit the ability of nearby landowners to use common law remedies to seek redress for any interference with the use and enjoyment of their property.

COMMENT 14: (Potential Upset)

Tommy and Pia Olafson commented that they were concerned about human health issues associated with elevated fecal coliform counts that may result from malfunctions at the proposed treatment facility, i.e. power failures and broken pipes. Wendy Barber and William Rector, MD, commented that the draft permit requirement that the facility be operated a minimum of five days per week by the licensed chief

operator or an operator holding the required level of license or higher is inadequate to protect from a possible upset.

RESPONSE 14:

Should the draft permit be issued, the Applicant will be required to minimize the possibility of an accidental discharge of untreated wastewater. For example, Operational Requirement No. 4 of the proposed draft permit requires that the permittee maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternative power sources, standby generators, or equipment to retain inadequately treated wastewater. In addition, pursuant to Other Requirement No. 8(b), the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission. Also, Operational Requirement No. 8(a) of the proposed draft permit states that when the flow reaches 75% of the permitted daily average flow for 3 consecutive months, the permittee must initiate engineering and financial planning for expansion or upgrade of the domestic wastewater treatment or collection facilities. When the flow reaches 90% of the permitted daily average flow for three consecutive months, the permittee must obtain authorization from the TCEQ to begin constructing the necessary additional treatment or collection facilities.

Other Requirement No. 1 of the draft permit requires the facility to be operated a minimum of five days per week by the licensed chief operator or an operator holding a Category C license or higher. According to the requirements of 30 TAC § 30.350, activated sludge treatment facilities with a flow of 0.10 million gallons per day (MGD), which contain permit requirements for nutrient reduction are required to have a Category C operator. In its application, the Applicant indicated that the proposed facility will be an activated sludge plant operated in the extended aeration mode. Since the draft permit contains effluent limits for total phosphorus and ammonia nitrogen, the facility will be required to be operated by a Class C operator. 30 TAC § 30.350 also requires that the licensed chief operator or an operator holding the required level of license or higher be available by telephone or pager seven days per week. When shift operation of the wastewater treatment facility is necessary, each shift must be operated by an operator in charge who is licensed at not less that one level below the category of the facility. The TCEQ rules and permit provisions referenced above are designed to prevent the unauthorized discharge of untreated wastewater.

COMMENT 15: (Enforcement)

James Haynie commented that he was concerned about a lack of effective enforcement. Mr. Haynie also stated that the TCEQ would not take swift punitive action in the event of a release of raw sewage.

RESPONSE 15:

Acceptance of the permit by the applicant to whom it is issued constitutes acknowledgement and agreement that the applicant will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission. In accordance with 30 TAC Section 305.125(9), any noncompliance that may endanger human health or safety, or the environment must be reported by the permittee to the TCEQ. This information must be reported orally or by facsimile transmission to the appropriate Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information must also be provided by the permittee to the appropriate Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. The TCEQ conducts periodic inspections of wastewater treatment facilities and also conducts investigations based on complaints received from the public. If a permit is issued and the facility is constructed, to report complaints about the facility please contact the TCEQ at 1-888-777-3186 to reach the appropriate TCEQ Regional Office or by e-mail at cmplaint@TCEQ.state.tx.us. Citizen complaints may also be filed on-line at http://www.tceq.state.tx.us/compliance/complaints. Noncompliance with TCEQ rules or the permit may result in an enforcement action.

COMMENT 16: (Design)

Stuart Barron commented that it would be difficult for the Applicant to maintain the proposed effluent limit of "0.5 ppm phosphorus" if the Applicant installed an anaerobic digester, as indicated in the application.

RESPONSE 16:

The proposed facility will be an activated sludge process plant operated in the extended aeration mode with an aerobic digester, not an anaerobic digester as indicated by Mr. Barrow. Please note that the Applicant plans to remove phosphorus through the introduction of alum and the use of a tertiary clarifier.

COMMENT 17: (Support of the Proposed Project)

Carol Bayless-Washburn commented that she supports the building and operation of the proposed wastewater treatment plant.

RESPONSE 17:

The TCEQ appreciates this comment.

COMMENT 18: (Adequacy of Notice)

Dean Gandy commented that notice of the public meeting was invalid due to the TCEQ's failure to notify entities that either appear to own or have owned an interest in the Applicant's property.

RESPONSE 18:

Notice of a Public Meeting was published on April 29, 2008 in *The Kerrville Daily Times*. A copy of the notice was mailed by the TCEQ's Office of the Chief Clerk to the Applicant and those individuals and agencies contained on the Chief Clerk's mailing list. No applicable statute, rule, or regulation requires the TCEQ to provide individual notice to entities which own or may own an interest in the Applicant's property.

COMMENT 19: (Financial Responsibility)

Dean Gandy commented that the Applicant should be required to show financial responsibility.

RESPONSE 19:

The TCEQ addresses financial responsibility through its Financial Assurance Program, governed by 30 TAC Chapter 37. Chapter 37 requires owners or operators of certain types of facilities to have financial instruments in place to ensure proper closure and, if necessary, timely post-closure care or corrective action. Owners or operators of domestic wastewater treatment facilities are not required to meet the TCEQ's Financial Assurance requirements.

COMMENT 20: (Corporate Status)

Dean Gandy commented that Hill Country Camp is a shell corporation designed to protect the South Texas District Council of the Assemblies of God from liability.

RESPONSE 20:

ED staff checks the Secretary of State and Texas Comptroller records to verify that an applicant has listed the correct entity name, charter number, and tax identification number (if the entity is a company, corporation or partnership) on its permit application. The Applicant's status as a domestic nonprofit corporation was verified with the Secretary of State records before the permit application was declared administratively complete. The water quality 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. Whether the Hill Country Camp is a shell corporation designed to protect the South Texas District Council of the Assemblies of God from liability is outside of the scope of review of the wastewater permitting process.

COMMENT 21: (Population Density)

William Rector, MD, commented that the proposed discharge permit is evidence that the population density of Hill Country Camp has reached a point where it cannot be supported by the property.

RESPONSE 21:

The Applicant has applied for a new permit authorizing the discharge of treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day (gpd). The anticipated maximum flow of the proposed facility is 18,905 gpd, with 6,095 gpd of contingency flow.

Hill Country Camp consists of: (1) the Tabernacle/Event Center (1,000 seats, at an estimated 2,500 gpd); (2) dorms (114 beds, at an estimated 3,420 gpd); (3) cabins (60 beds, at an estimated 1,800 gpd); (4) an office (6 employees, at an estimated 120 gpd); (5) a residence (1 home, at an estimated 315 gpd); (6) a lodge (100 rooms, at an estimated 10,000 gpd); and (7) a recreational vehicle park (25 spaces, at an estimated 750 gpd). The design flow estimate should be sufficient to support the population of Hill Country Camp at maximum capacity.

COMMENT 22: (Reporting Complaints)

William Rector, MD, asked how citizens could report complaints about the proposed facility to the TCEQ.

RESPONSE 22:

The TCEQ conducts periodic inspections of wastewater facilities and also conducts investigations based on complaints received from the public. Should the permit be issued and the proposed facility constructed, to report instances of noncompliance with the permit or TCEQ rules please contact TCEQ's Region 13 Office in San Antonio at (210) 490-3096, or call the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. Complaints phoned in to the toll-free Environmental Complaints Hotline from Kerr County are automatically routed to TCEQ's Region 13 Office in San Antonio. Citizen complaints may also be filed on-line at http://www.tceq.state.tx.us/compliance/complaints, or by e-mail at cmplaint@TCEQ.state.tx.us. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of its permit or TCEQ rules, it will be subject to investigation and possible enforcement action.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

In preparing his response to public comment regarding the water quality in Town Creek, the ED determined that the description of the discharge route needed to be clarified. The ED also corrected an error contained in the draft permit and Statement of Basis/Technical Summary of the Executive Director's Decision regarding the county where the proposed facility will be located.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By _____
Timothy J. Reidy, Staff Attorney
Environmental Law Division
State Bar No. 24058069
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0969
REPRESENTING THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on December 9, 2008 the "Executive Director's Response to Public Comment" for Permit No. WQ0014832001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.

Timothy J. Reidy, Staff Attorney
Environmental Law Division
State Bar No. 24058069

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 DEC -9 PM 3:33
CHIEF CLERKS OFFICE

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600704647	Hill Country Camp	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN105251102	HILL COUNTRY CAMP WASTEWATER TREATMENT PLANT	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	SLUDGE		REGISTRATION	24002
	WASTEWATER		PERMIT	WQ0014832001
	WASTEWATER		EPA ID	TX0129828
Location:	1319 HARPER RD, KERRVILLE, TX, 78028			
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	March 30, 2009			
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.			
Compliance Period:	September 01, 2003 to August 31, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: David Akoma Phone: 239 - 1444

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)?
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

N/A

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

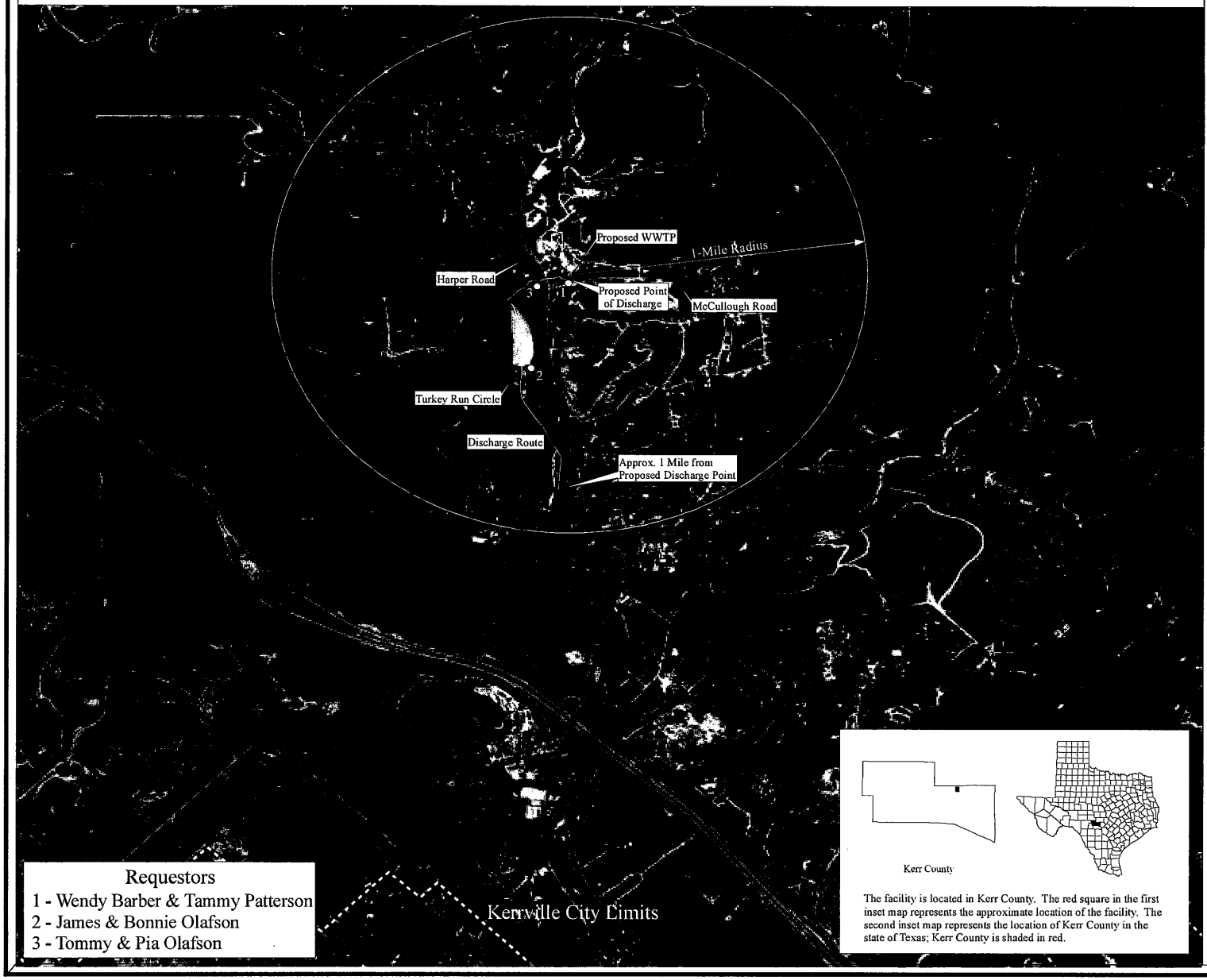
J. Early compliance.

N/A

Sites Outside of Texas

N/A

Hill Country Camp
TPDES Permit No. WQ0014832001
Map Requested by TCEQ Office of Legal Services for Commissioners Agenda



Requestors
1 - Wendy Barber & Tammy Patterson
2 - James & Bonnie Olafson
3 - Tommy & Pia Olafson

The facility is located in Kerr County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Kerr County in the state of Texas; Kerr County is shaded in red.

Protecting Texas by Reducing and Preventing Pollution

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

March 23, 2009

0 1,000 2,000 3,000 4,000 Feet

Projection: Texas Statewide Mapping System (TSMS)
Scale 1:36,000

Legend
- ○ Requestor
- ● Proposed Point of Discharge
- ···· Discharge Route

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requestor information from the applicant. The counties are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR).

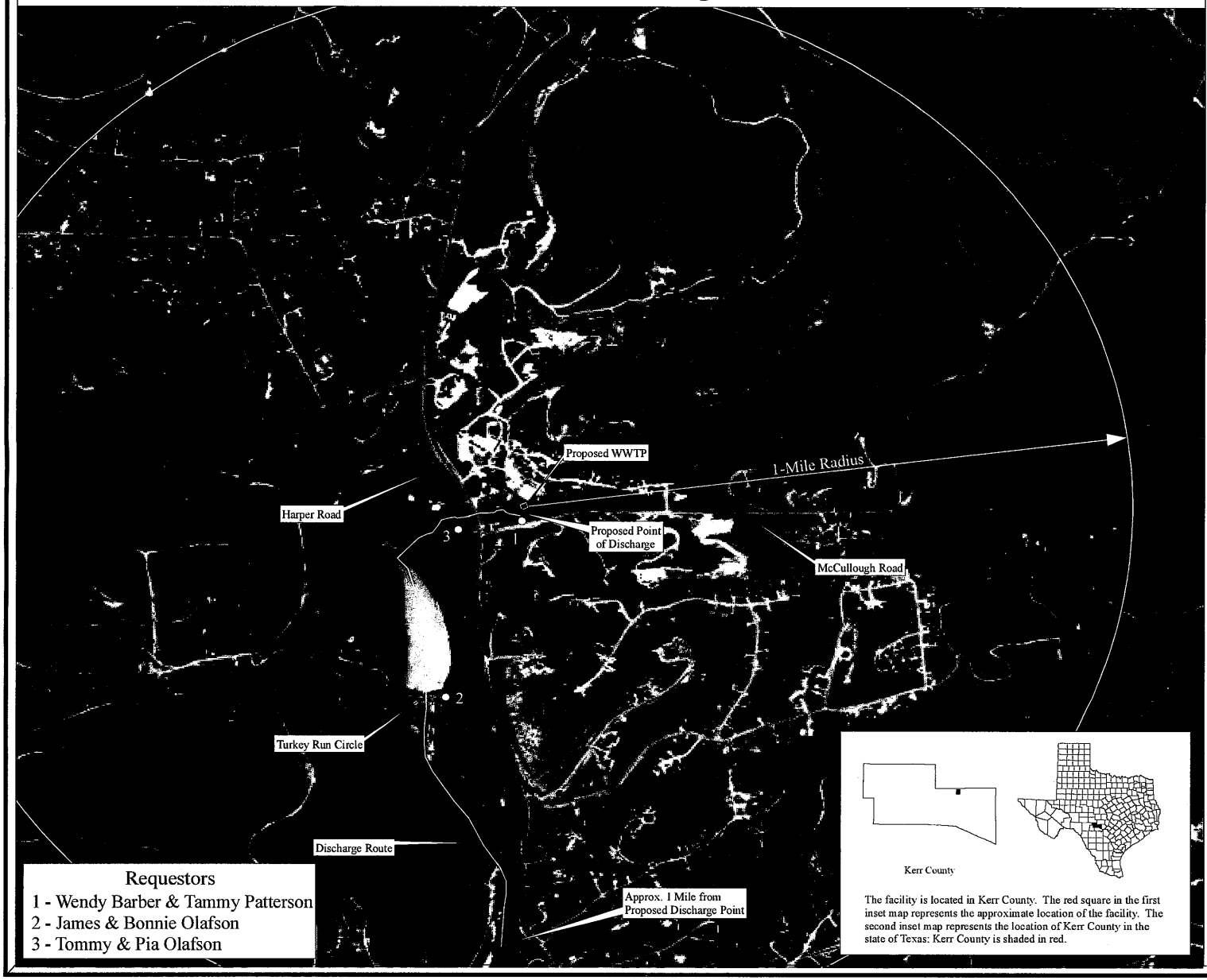
This map depicts the following:
(1) The approximate location of the proposed facility. This is labeled "Proposed WWTP".
(2) Proposed point of discharge. This is labeled "Proposed Point of Discharge".
(3) Requestors. These are labeled with a number that corresponds to the list on the map.
(4) A circle and arrow depicting the 1-mile radius. This is labeled "1-Mile Radius".

N

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

M McDonough CRF-090127009A

Hill Country Camp
TPDES Permit No. WQ0014832001
Map Requested by TCEQ Office of Legal Services for Commissioners Agenda



Requestors
1 - Wendy Barber & Tammy Patterson
2 - James & Bonnie Olafson
3 - Tommy & Pia Olafson

The facility is located in Kerr County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Kerr County in the state of Texas: Kerr County is shaded in red.

Protecting Texas by Reducing and Preventing Pollution

TCEQ

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

March 23, 2009

0 500 1,000 1,500 2,000 Feet

Projection: Texas Statewide Mapping System (TSMS)

Scale 1:17,643

Legend

- Requestor
- Proposed Point of Discharge
- Discharge Route

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requestor information from the applicant. The counties are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR).

This map depicts the following:
(1) The approximate location of the proposed facility. This is labeled "Proposed WWTP".
(2) Proposed point of discharge. This is labeled "Proposed Point of Discharge".
(3) Requestors. These are labeled with a number that corresponds to the list on the map.
(4) A circle and arrow depicting the 1-mile radius. This is labeled "1-Mile Radius".

N

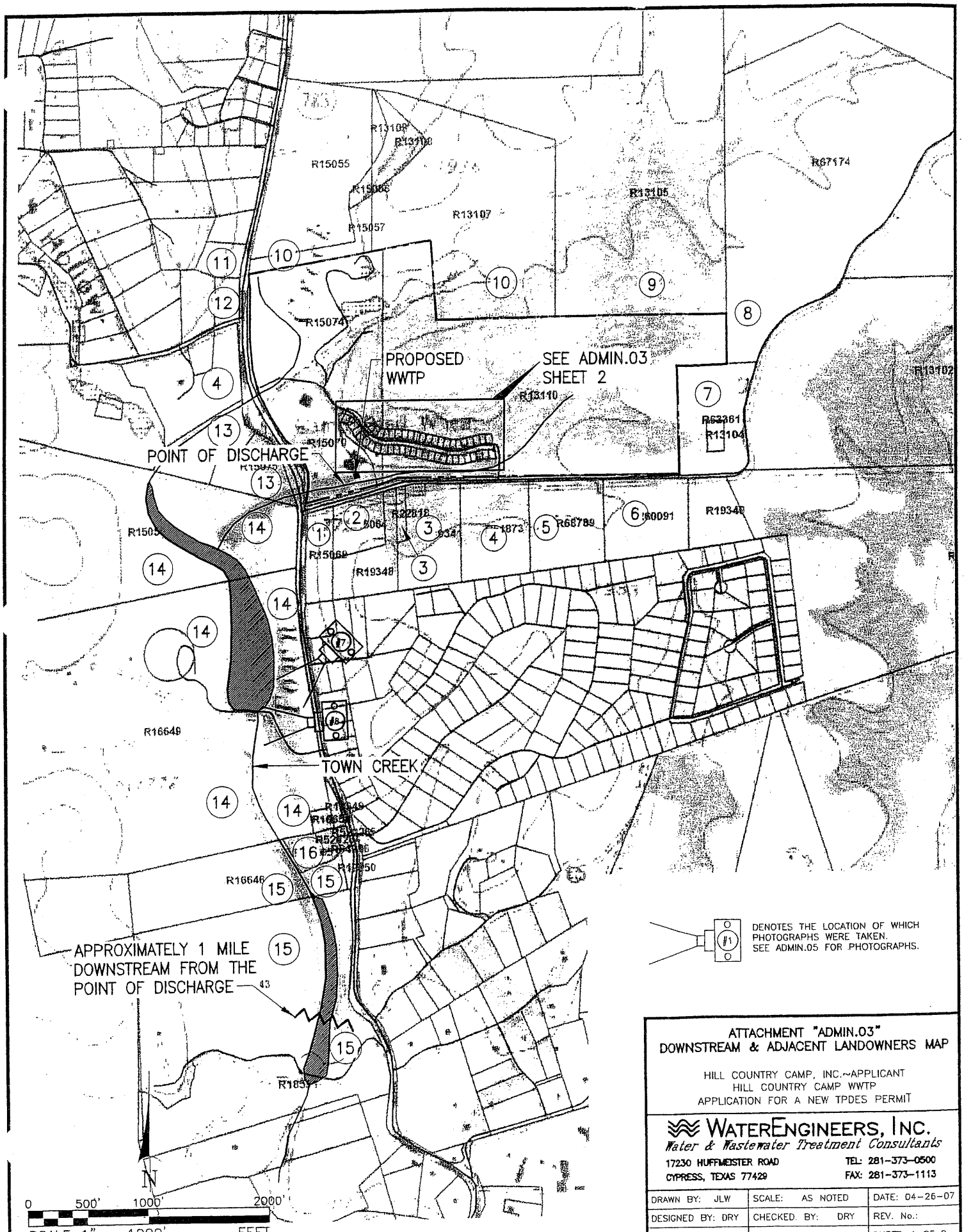
This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

MMcDonough CRF-090127009

ATTACHMENT "ADMIN.03"

Downstream Landowners Map
Downstream Landowners Table
Downstream Landowners Diskette

(Reference Administrative Report Page 12, Question 1)



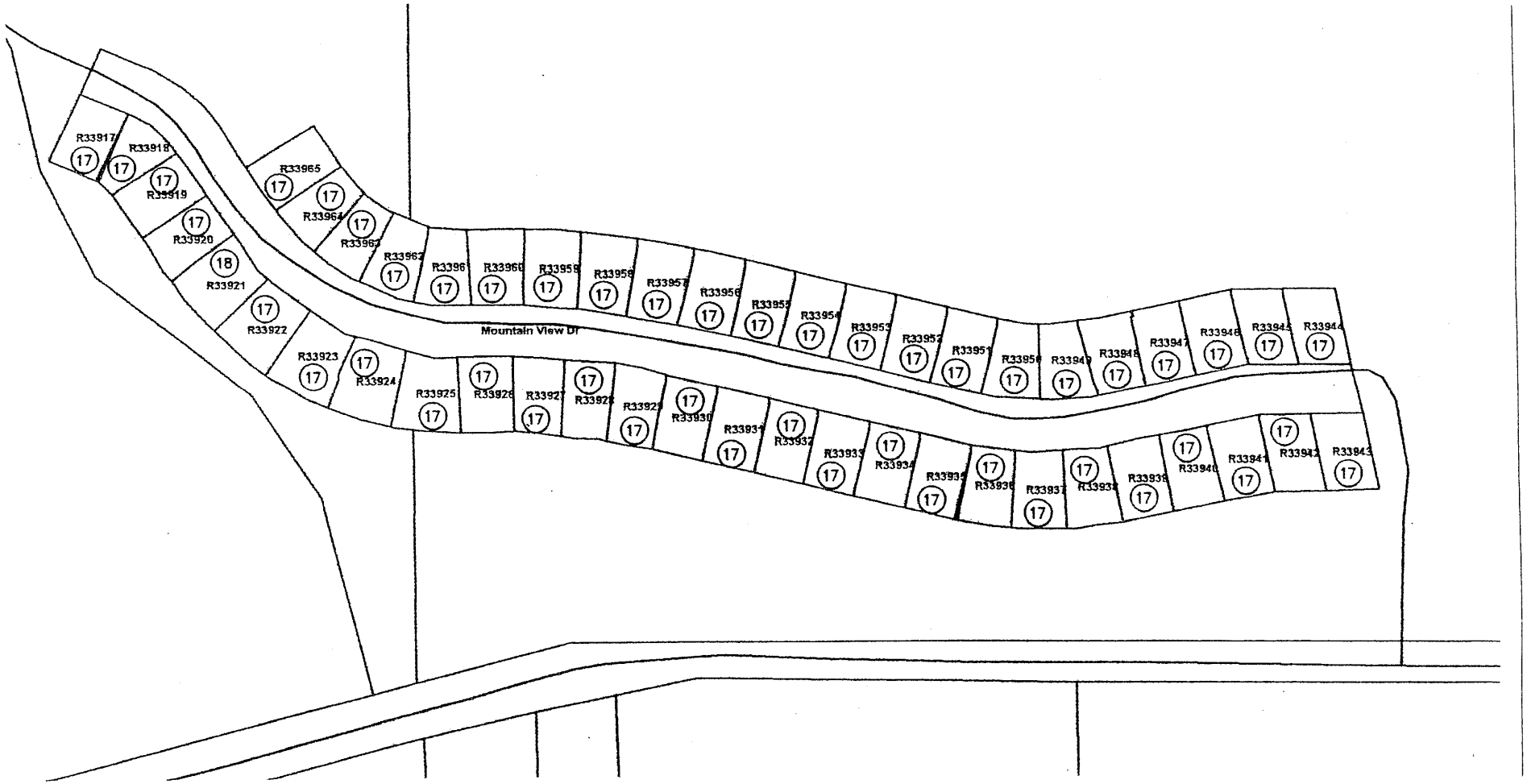
DENOTES THE LOCATION OF WHICH PHOTOGRAPHS WERE TAKEN. SEE ADMIN.05 FOR PHOTOGRAPHS.

ATTACHMENT "ADMIN.03"
DOWNSTREAM & ADJACENT LANDOWNERS MAP

HILL COUNTRY CAMP, INC.~APPLICANT
HILL COUNTRY CAMP WWTP
APPLICATION FOR A NEW TPDES PERMIT

WATERENGINEERS, INC.
Water & Wastewater Treatment Consultants
17230 HUFFMEISTER ROAD
CYPRESS, TEXAS 77429
TEL: 281-373-0500
FAX: 281-373-1113

DRAWN BY: JLW	SCALE: AS NOTED	DATE: 04-26-07
DESIGNED BY: DRY	CHECKED BY: DRY	REV. No.:
APPROVED BY: DRY	JOB No.: 4633.1	SHEET: 1 OF 2



ATTACHMENT "ADMIN.03"
DOWNSTREAM & ADJACENT LANDOWNERS MAP

HILL COUNTRY CAMP, INC.~APPLICANT
HILL COUNTRY CAMP WWTP
APPLICATION FOR A NEW TPDES PERMIT

WATERENGINEERS, INC.
Water & Wastewater Treatment Consultants
17230 HUFFMEISTER ROAD
CYPRESS, TEXAS 77429
TEL: 281-373-0500
FAX: 281-373-1113

DRAWN BY: JLW	SCALE: AS NOTED	DATE: 04-26-07
DESIGNED BY: DRY	CHECKED. BY: DRY	REV. No.:
APPROVED BY: DRY	JOB No.: 4633.1	SHEET: 2 OF 2

ATTACHMENT "ADMIN.03"

Hill Country Camp
Wastewater Treatment Plant
Adjacent & Downstream Land Ownership Table

Source: Kerr County Appraisal District

Tract No.	Title Owner & Address
1	CAROL BAYLESS 1299 HARPER ROAD KERRVILLE TX 78028
2	WENDY BARBER CO TTEE TAMMY PATTERSON CO TTEE P O BOX 560023 DALLAS TX 75356
3	JEFFREY DEGGS ETAL 135 MCCULLOUGH RANCH ROAD KERRVILLE TX 78028
4	MIKE & TAMARA BURROUTHS 108 AQUA VISTA KERRVILLE TX 78028
5	REBECCA & STEVEN FOWLER 15422 SUNDOWNER DRIVE BAYTOWN TX 77820
6	ROBERT & ALICE FOLLMAR 219 MCCULLOUGH RANCH ROAD KERRVILLE TX 78029
7	BILLY THOMAS BOYD FAMILY TRUST 13023 FIVE BROOKS HELOTES TX 78023

June 28, 2007

8	BRIAN & TRISHA KRETZLER 1709 YUCCA LANE CEDAR PARK TX 78613
9	DUGAN SABINS & JEFFREY SABINS 1465 HARPER ROAD KERRVILLE TX 78028
10	WILLIAM & LYNDIA RECTOR 705 WATER STREET KERRVILLE TX 78028
11	ELEANOR ZIRPOLI 803 COOL WATER DRIVE AUSTIN TX 78748
12	SIDNEY KUNZ 103 AQUA VISTA KERRVILLE TX 78028
13	FULTEK, LLC P O BOX 290237 KERRVILLE TX 78029-8029
14	BONNIE GENE OLAFSON 160 TURKEY RUN CIRCLE N KERRVILLE TX 78028
15	JOE & BELINDA PRUNEDA 115 W CEDAR DRIVE KERRVILLE TX 78028
16	HOMER SANTOS 1210 HARPER ROAD KERRVILLE TX 78028
17	SOUTH TEXAS DISTRICT COUNCIL OF THE ASSEMBLIES OF GOD, INC. P.O. BOX 9714 HOUSTON TX 77213
18	JOSEPH & CAROLYN GRANBERRY 5712 SECLUSION STREET HOUSTON TX 77049