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April 13, 2009

**Via Facsimile: 512/239-3311 and First Class Mail**

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

2009 APR 13 PM 1:50  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**Re: Proposed Permit No. WQ0014832001, Hill Country Camp, 1319 Harper Road, Kerrville, Texas 78028: Replies to Responses to Hearing Requests and Requests for Reconsideration**

Dear Sir/Madam:

I represent the James Olafson family. The Olafsons own a neighboring property immediately downstream of the proposed discharge facility. This letter is a reply to the various responses filed on March 30, 2009.

**Reply to the Executive Director's Response to Hearing Requests and Requests for Reconsideration:**

**Issue No. 9: Whether the Applicant should be subject to the same sludge requirements as those contained in the City of Kerrville's TPDES permit.** The issue of relevance of the proposed sludge requirements for the Applicant as compared to those required of the City of Kerrville should not be so easily dismissed. Both operators will be within a few miles of each other in the Guadalupe River watershed. The City of Kerrville has been subjected to far more restrictive sludge disposal requirements to protect existing water quality. Because the Applicant's discharges could ultimately end up in the same river, it does not make sense to allow them to operate less restrictively than the City with respect to sludge disposal requirements.

**Issue No. 19: Whether the proposed wastewater treatment facility will adversely impact surrounding property values.** We simply note that the Commission has found nuisance odor control to be relevant and referable to SOAH. Because nuisance odor is directly relevant to property values, the Executive Director has effectively already found this issue to be relevant.

**City of Kerrville:** The City of Kerrville has been required to comply with numerous very strict requirements on its discharges to protect the water quality of the Guadalupe River. Because

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the Applicant's proposed discharge is into the Guadalupe River watershed, upstream of the City of Kerrville's treatment plant, it could very likely have an effect on the City's ability to comply with its own permit requirements. The City of Kerrville is therefore an affected entity and should be entitled to participate in the case.

**Reply to Hill Country Camp's Response to Hearing Requests and Requests for Reconsideration:**

**Issues**

The issues were properly scoped by the Response of the Executive Director, with the exception of our comments, above. To the extent Hill Country Camp objects to any of the issues recommended by the Executive Director for referral, we assert that their position is far too restrictive. We note particularly the Applicant's opposition to referral of the nuisance odor issue. The Executive Director has properly recommended referral of this issue to SOAH and we support that referral. We also assert that the issue of consistency with TMDL for Segment No. 1806 is relevant to, and subsumed by, Issue 1 (Whether the proposed discharge will be in compliance with regulations that are intended to protect surface water quality) and Issue 2 (Whether the effluent limits contained in the draft permit are adequately protective of the receiving waters and their designated uses) and should therefore be included in the referral.

We also oppose the Applicant's position on Issue 3 (Whether the proposed discharge will be in compliance with regulations that are intended to protect groundwater quality) and agree with the Executive Director that the proposed discharge must be found to be protective of groundwater and that issue is therefore appropriate for referral.

Likewise, to adequately protect the Guadalupe River water quality, the sludge disposal requirement issue, Issue 9 (Whether the Applicant should be subject to the same sludge requirements as those contained in the City of Kerrville's TPDES permit) should be referred, as stated above.

**City of Kerrville**

We support the City of Kerrville's inclusion as a party; see comments above.

**Upper Guadalupe River Authority (UGRA)**

We support the Executive Director's recommendation that UGRA be granted party status. The UGRA's stated purpose, in part, is to "preserve, within the boundaries of the District, the waters of the Guadalupe River and its tributaries for any useful purpose or purposes." As the proposed discharge is clearly within the boundaries of the District and into a tributary of the Guadalupe, it has a legal statutory interest in the granting or denial of this permit. This is true notwithstanding Applicant's assertions, which have not been subjected to any evidentiary hearings, that its proposal may be superior to the status quo. We fully support UGRA's inclusion as an affected person.

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**Reply to Office of the Public Interest Counsel's (OPIC) Response to Hearing Requests and Requests for Reconsideration:**

We generally support OPIC's responses to Hearing Requests and Requests for Reconsideration. We specifically support OPIC's recommendation that the City of Kerrville and UGRA be granted affected person status, for the reasons previously articulated.

Sincerely,



Roger B. Borgelt

RBB/pes

cc: Service List  
Mr. James Olafson

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**TELECOPIER TRANSMITTAL**

TO: Office of the Chief Clerk

FIRM: Texas Commission on Environmental Quality

FAX #: 239-3311

CLIENT #: Hill Country Camp; TPDES Permit No. WQ0014832001

FROM: Roger B. Borgelt *RBB/jes*

DATE: April 13, 2009

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NOTES:

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