

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

2009 APR 13 PM 3:11

CHIEF CLERKS OFFICE

**RE: HILL COUNTRY CAMP
TCEQ DOCKET NO. 2009-0085-MWD**

Dear Ms. Castañuela:

We would like to file the enclosed as our formal written reply to the document we received on April 2, 2009 from Hill Country Camp, entitled "Hill Country Camp's Response to Hearing Requests and Requests for Reconsideration". Please find one original and seven copies. This reply relates to Hill Country Camp's permit application for a TPDES (Proposed Permit No. WQ0014832001).

Sincerely,



Tommy and Pia Olafson
1308 Harper Road
Kerrville, TX 78028

To the Members of the Texas Commission on Environmental Quality:

We are writing in response to “Hill Country Camp’s Response to Hearing Requests and Requests for Reconsideration” document that we received on April 2, 2009.

Our contact information is:

Tommy and Pia Olafson
1308 Harper Road
Kerrville, TX 78028
Phone: (830) 896-0924; Fax: (830) 257-7031

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 APR 13 PM 3:11
CHIEF CLERKS OFFICE

We have submitted a request for a contested case hearing and are listed as such in similar Response to Hearing Requests and Requests for Reconsideration that were filed by The TCEQ Executive Director and the TCEQ Public Interest Counsel.

We understand that, should the Commission grant a request for a contested case hearing, the Commission will decide on the issues that are both relevant to the application and referable to the State Office of Administrative Hearing (SOAH). In this letter, we would like to specifically address those issues, as outlined in Hill Country Camp’s document.

Hill Country Camp outlined “**Issues not raised during the public comment period**” in Section IV. A. There are several of these issues that *were* raised that are relevant and referable, as listed below:

Issue A1. “Whether the permit would limit Tommy and Pia Olafson’s access and use of 6.25 acres of their property”

This issue *was* raised during the public comment period and was addressed in the Executive Director’s Response to Comments (RTC) #13. It states that “Mr. (James) Olafson would need to install a culvert or build a bridge to access the back of his property”. James Olafson is my father and my mother, Bonnie Olafson, is listed as the landowner of Tract No. 14 (Attachment 1). The property referred to as the “back of his property” is, in fact, the 6.25 acres mentioned above. This issue is relevant because it relates to whether the proposed discharge would adversely affect our private property and quality of life. This issue should be referred to the SOAH.

Issue A2. “Creation of toxic zones resulting from introduction of ammonia, nitrogen, and chlorine in the on-channel lake of Town Creek”

This issue *was* raised during the public comment period and was addressed in the Executive Director’s RTC #3. My wife and I 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 algal bloom which will be detrimental to fish and aquatic wildlife in the lake”. We are unclear about why this issue is listed within the “not raised during public comment”, yet prevention of algal blooms in the first on-channel lake of Town Creek (behind our home) is presented as relevant in Section C (p. 18). This issue is relevant because it relates to whether the permit will cause degradation of water quality; whether the effluent limits are protective of

existing uses of Town Creek; and whether the proposed permit activities would have an adverse effect on wildlife and/or domestic livestock. This issue should be referred to the SOAH.

Issue A7. “Whether HCC has a history of faulty On-Site Sewage Facilities (“OSSFs”) or Kerr County violations for its OSSFs”

This issue *was* raised during the public comment period and was addressed in the Executive Director’s RTC #11. Ms. Patricia S. Hulett requested that the letter from Mr. Miguel Arreola (Director of the Kerrville County Environmental Health Department) be made part of the record. Mr. Arreola’s letter (Attachment 2) documents that illegal septic systems were being installed at Hill Country Camp, and Ms. Hulett’s accompanying “File Activity Sheet” (Attachment 3) specifically states “the difficulty we [Kerr County Environmental Health Department] had in getting the owner’s [Hill Country Camp] compliance”. This issue is absolutely relevant, as it reflects the Applicant’s disregard for compliance/history of non-compliance with guidelines set forth by an environmental health agency. This issue relates to concerns of whether the proposed wastewater treatment facility will be operated in a manner to minimize accidental discharge, and it should be referred to the SOAH.

Hill Country Camp’s document also lists issues that should not be referred to SOAH because they are not relevant and material to a decision on the permit application (pgs. 15 – 18). The issue of “whether the discharge will impair groundwater, including groundwater wells” (pg. 15) *is* relevant and should be referred to SOAH since surface water quality is directly related to groundwater quality, as stated in the Executive Director’s RTC #2. Further, the issue of “whether the potential malfunctions will cause an improper discharge; whether HCC will monitor properly; and whether the facility will fail to properly haul its sludge” *is* relevant given that the Applicant has a *documented* history of non-compliance with county environmental agency regulations. This issue should also be referred to SOAH.

Sincerely,

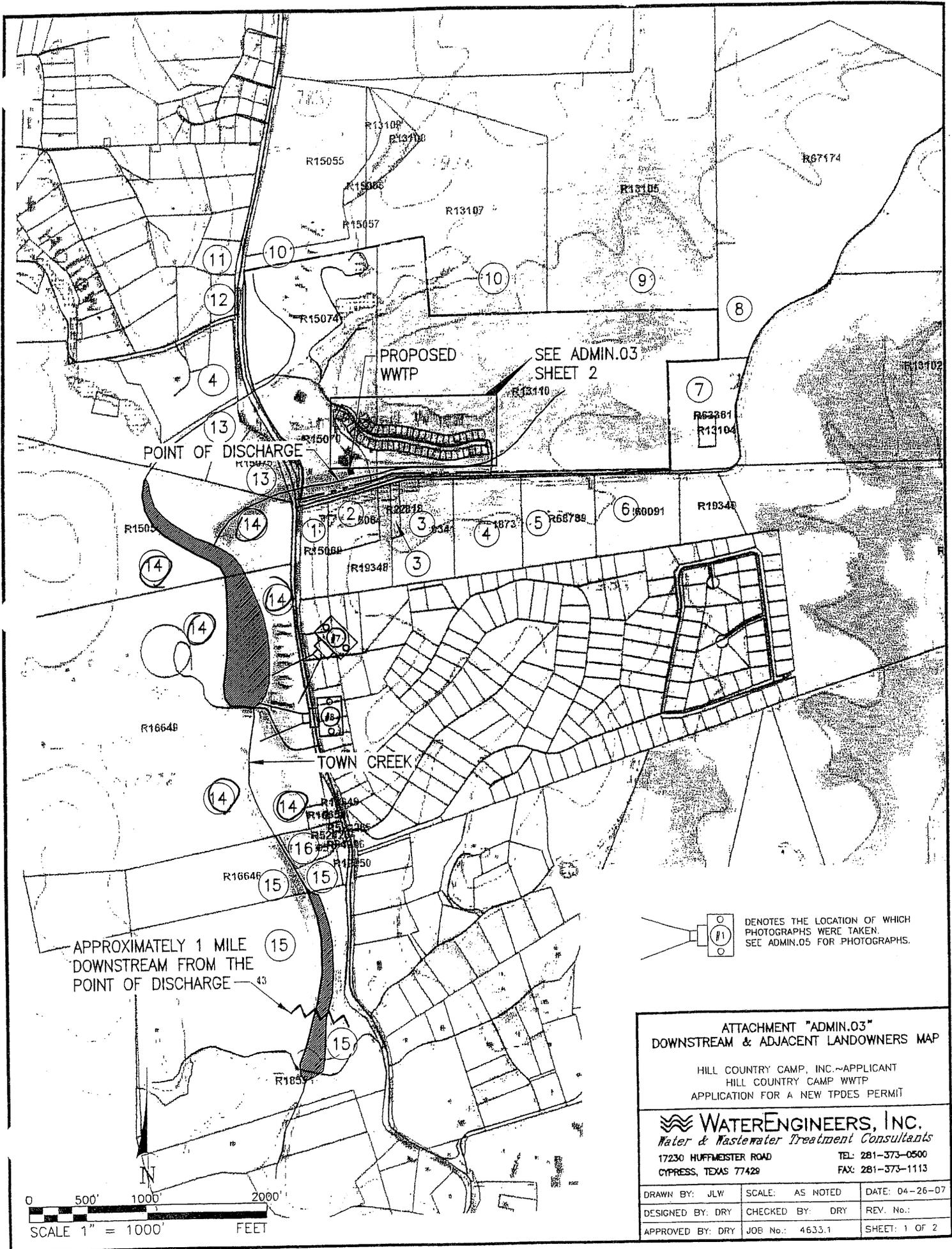

Tommy and Pia Olafson

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



PROPOSED WWTP SEE ADMIN.03 SHEET 2

POINT OF DISCHARGE

TOWN CREEK

APPROXIMATELY 1 MILE DOWNSTREAM FROM THE POINT OF DISCHARGE — 43

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 TEL: 281-373-0500
CYPRESS, TEXAS 77429 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



**KERR COUNTY
ENVIRONMENTAL
HEALTH
DEPARTMENT**

COURTHOUSE

700 MAIN, SUITE BA-106
KERRVILLE, TEXAS 78028

TEL: (830) 896-9020

FAX: (830) 792-4903

E-MAIL:

envhealth@co.kerr.tx.us

WEBSITE:

www.co.kerr.tx.us/envhealth

K

C

E

H

D

October 2006

Attachment 2

Loreal Stepney, P.E.
Director, Water Quality Division
Texas Commission on Environmental Quality
MC-148
P. O. Box 13087
Austin, TX 78711-3087

COPY

Subject Location: Hill Country Camp located approximately 3 miles north of IH-10 at 1325A Harper Road, just before Town Creek, Kerrville, Kerr County, TX

Legal Description: 121.78 Acre Tract (copy of description attached)

Property Owner: South Texas District Council of the Assemblies of God
Joe Grandberry, Pastor
11102 East Freeway, Houston, TX 77029
(713) 455-1221

Local Contact: David and Carol Washburn, Camp Managers
1325 Harper Road, Kerrville, TX 78028
(830) 257-5714

Dear Ms. Stepney:

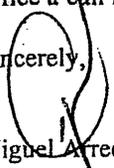
We are the local permitting authority for on-site sewage facilities in Kerr County, Texas. Our department became involved with the subject location as a result of receiving complaints that illegal septic systems were being installed at this site.

Our investigations confirmed this activity did take place and we gave the owners the option of upgrading their existing on-site sewage facilities to meet current state standards or to apply for a municipal wastewater treatment plant for the multiple improvements on this property. The owner had a 10-acre tract carved out of the larger 121.78 acre tract by metes and bounds (see attached) and upgraded the on-site sewage facilities for the R.V. Park, but have taken no action for the dormitories, kitchen, tabernacle, cabins and other improvements on the remainder of the property.

Jack Dudley, President, MACO Construction, designated agent for the South Texas District Council of the Assemblies of God Church, advised us yesterday that the Church Council met on October 15, 2006 and decided to authorize the proposal by Ray Young, P.E., Water Engineering, Inc., of Cypress, Texas to proceed with filing an application for municipal wastewater permit. Mr. Dudley can be reached at 79 Uvalde, Houston, TX 77015; Voice: (713) 453-1234; Fax: (713) 450-4499; Mobile: (832) 858-0475; jackdudley@macoconstruction.com; www.macoconstruction.com.

We want to inform you that the application for the 121.78 acre tract, excluding the 10-acre tract for the R.V. Park, may be coming your way and our department will no longer be enforcing State Rules for on-site sewage facilities at the mentioned location. Please give our office a call if you have questions or concerns.

Sincerely,


Miguel Areola
Director, Environmental Health Department
D.R., Kerr County, OS18771

MA:psh

Enc: as

cc: Commissioner Buster Baldwin, Pct. 1
Septic File No. 005-261

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 DEC - 3 PM 3:16
CHIEF CLERKS OFFICE

FILE ACTIVITY SHEET

OSSF

Solid Waste

File No. O05-261

Date

Notes

1/4/2007

Loreal Stepney of Austin TCEQ office called around 5:00 p.m. to say they had received my fax sent this morning and had also located the letter sent to them on October 26, 2006. She said they do not normally take any action until they receive an application. She asked if we had worked with the local office (Region 13) and I told her that it was our understanding that we were to submit correspondence to her office. I explained that this started out as a septic complaint and the owners were first considering upgrading all their systems with on-site sewage facilities, but ended up only doing the RV Park and told us they planned to apply for a municipal wastewater facility for the remainder of the improvements on the property. I explained the difficulty we had in getting the owner's compliance. Ms. Stepney said she would make a phone call to these people to see where they are in the process. She said she would get back with us to let us know the outcome of her inquiry. Patricia S. Hulett, OS18771

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 DEC -3 PM 3:16
CHIEF CLERKS OFFICE