

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

December 16, 2008

TO: Persons on the attached mailing list.

RE: Hill Country Camp
TPDES Permit No. WQ0014832001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Friends Butt-Holdsworth Memorial Library, 505 Water Street, Kerrville, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** 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. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received** by the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.state.tx.us/about/comments.html> or by mail to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/ka

Enclosures

MAILING LIST
for
Hill Country Camp
TPDES Permit No. WQ0014832001

FOR THE APPLICANT:

Don Nordin
Hill Country Camp
1319 Harper Road
Kerrville, Texas 78028

Paul M. Terrill
The Terrill Firm, P.C.
810 West 10th Street
Austin, Texas 78701

Shelley Young
Water Engineers, Inc.
17230 Huffmeister Road
Cypress, Texas 77429

PROTESTANTS/INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR:

Timothy J. Reidy, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

David Akoma, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

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

DEANN ALLEN
169 TIERRA VISTA DR
KERRVILLE TX 78028-7617

PENNY BOWMAN PRESIDENT
AQUA VISTA HOMEOWNERS ASSOC
115 TREETOPS LN
KERRVILLE TX 78028-7619

CARROLL BUTLER
148 AQUA VISTA DR
KERRVILLE TX 78028-8865

CORINE BAERWAH
124 AQUA VISTA DR
KERRVILLE TX 78028-8865

DONNA BRANDS
196 AQUA VISTA DR
KERRVILLE TX 78028-8865

MICHELE BUTLER
148 AQUA VISTA DR
KERRVILLE TX 78028-8865

JEROME BAERWAH
124 AQUA VISTA DR
KERRVILLE TX 78028-8865

JOSEPH BROOKS
181 AQUA VISTA DR
KERRVILLE TX 78028-8865

VALORIE CARPENTER
AQUA VISTA LANDOWNERS ASSOC
240 AQUA VISTA DR
KERRVILLE TX 78028

CORINE BAERWALD
AQUA VISTA LANDOWNERS ASSOC
124 AQUA VISTA DR
KERRVILLE TX 78028-8865

TERUKO BROOKS
181 AQUA VISTA DR
KERRVILLE TX 78028-8865

AMADOR JUNIOR CASTILLO
550 INGRAM HILLS
INGRAM TX 78025

WENDY BARBER & TAMMY PATTERSON
PO BOX 560023
DALLAS TX 75356

MR SPENCER BROWN
214 WOOD DUCK LN
KERRVILLE TX 78028

RUDY CASTILLO
550 INGRAM HILLS
INGRAM TX 78025

WENDY BARBER
119 MCCULLOUGH RANCH RD
KERRVILLE TX 78028-1674

MR RAY BUCK
125 LEHMAN DR
KERRVILLE TX 78028

JEANNE CECALA
117 TIERRA VISTA DR
KERRVILLE TX 78028-7617

STUART BARRON
800 JUNCTION HWY
KERRVILLE TX 78028-2215

RAYMOND L BUCK JR GENERAL DIRECTOR
UPPER GUADALUPE RIVER AUTHORITY
STE 100
125 LEHMANN DR
KERRVILLE TX 78028-6059

LINORE & REG CLEVELAND
105 HOPI WAY
KERRVILLE TX 78028-8833

CAROL BAYLESS
1299 HARPER RD
KERRVILLE TX 78028

MIKE & TAMARA BURROUTHS
108 AQUA VISTA
KERRVILLE TX 78028

CONCERNED CITIZEN
BILLY THOMAS BOYD FAMILY TRUST
13023 FIVE BROOKS
HELOTES TX 78023

ROGER B BORGELT
STE 850
401 W 15TH ST
AUSTIN TX 78701-1670

BUB BURSON
109 TIERRA VISTA DR
KERRVILLE TX 78028-7617

CONCERNED CITIZEN
FULTEK LLC
PO BOX 290237
KERRVILLE TX 78023-8029

JERRY & PENNY BOWMAN
115 TREETOPS LN
KERRVILLE TX 78028-7619

BENGE & CHRISTINA BUSHONG
217 LOOKER DR
INGRAM TX 78025

CONCERNED CITIZEN
286 AQUA VISTA DR
KERRVILLE TX 78028-8886

CONCERNED CITIZEN
210 AQUA VISTA DR
KERRVILLE TX 78028-8886

GERRY ENGLAND
130 AQUA VISTA DR
KERRVILLE TX 78028-8865

DOROTHY GOHLKE
160 MOUNTAIN WAY DR
KERRVILLE TX 78028-7614

CONCERNED CITIZEN
115 TREETOPS LN
KERRVILLE TX 78028-7619

JAMES ENGLAND
130 AQUA VISTA DR
KERRVILLE TX 78028-8865

MARVIN H GOHLKE
160 MOUNTAIN WAY DR
KERRVILLE TX 78028-7614

JIM CONSTANCE
102 AQUA VISTA DR
KERRVILLE TX 78028-8865

KEN H FELPS
885 HARPER RD
KERRVILLE TX 78028

JIM HANEY
136 AEROMOTOR LN
MOUNTAIN HOME TX 78058

RACHEL CONSTANCE
102 AQUA VISTA DR
KERRVILLE TX 78028-8865

DIANE FITCH
176 AQUA VISTA DR
KERRVILLE TX 78028-8865

JAMES HAYNIE
136 AEROMOTOR LN
MOUNTAIN HOME TX 78058

JENNY CROWMOR
115 TREETOPS LN
KERRVILLE TX 78028-7619

J R FITCH
176 AQUA VISTA DR
KERRVILLE TX 78028-8865

THE HONORABLE HARVEY HILDERBRAN
TEXAS HOUSE OF REPRESENTATIVES
PO BOX 2910
AUSTIN TX 78768-2910

JEFFREY DEGGS
135 MCCULLOUGH RANCH RD
KERRVILLE TX 78028

ALICE & ROBERT FOLLMAR
219 MCCULLOUGH RANCH RD
KERRVILLE TX 78028-7611

JUNE HOLDERNESS
103 TIERRA VISTA DR
KERRVILLE TX 78028-7617

BARBARA DEAN DILL
184 AQUA VISTA DR
KERRVILLE TX 78028-8865

BOOTS FOLLMAR
219 MCCULLOUGH RANCH RD
KERRVILLE TX 78028-7611

MR TEX D HOOD
212 EL RANCHO GRANDE RD
KERRVILLE TX 78028-7606

RICHARD I DILL
184 AQUA VISTA DR
KERRVILLE TX 78028-8865

REBECCA & STEVEN FOWLER
15422 SUNDOWNER DR
BAYTOWN TX 77820

BILLY & CAROLYN HUGHES
PO BOX 907
INGRAM TX 78025

BERNADINE & BOB DITTMAR
129 TIERRA VISTA LOOP
KERRVILLE TX 78028

JERRY FRENCH
249 AQUA VISTA DR
KERRVILLE TX 78028-8886

CHRIS HUGHES
105 EL RANCHO GRANDE RD
KERRVILLE TX 78028-7605

BOB DITTMAR
129 TIERRA VISTA LOOP
KERRVILLE TX 78028

DEAN M GANDY
210 AQUA VISTA DR
KERRVILLE TX 78028-8886

MAEVE HUGHES
105 EL RANCHO GRANDE RD
KERRVILLE TX 78028-7605

PATRICIA S HULETT DESIGNATED REP
KERR COUNTY OSSF PROGRAM
STE BA-106
700 MAIN ST
KERRVILLE TX 78028-5323

REGAN LAND
164 AQUA VISTA DR
KERRVILLE TX 78028-8865

BONNIE & JIM OLAFSON
160 TURKEY RUN CIR N
KERRVILLE TX 78028

PATSY M JACKSON
155 TIERRA VISTA DR
KERRVILLE TX 78028

STEPHANIE LAND
164 AQUA VISTA DR
KERRVILLE TX 78028-8865

BONNIE GENE OLAFSON
160 TURKEY RUN CIR
KERRVILLE TX 78028-1671

PAUL JACKSON
155 TIERRA VISTA DR
KERRVILLE TX 78028

JAMES R LANE
102 TIERRA VISTA DR
KERRVILLE TX 78028-7617

JIM OLAFSON
160 TURKEY RUN CIR
KERRVILLE TX 78028-1671

KATHY JOHNSON
133 TIERRA VISTA DR
KERRVILLE TX 78028-7617

BETTY LEIFESTE
755 HARPER RD
KERRVILLE TX 78028

PIA OLAFSON
1308 HARPER RD
KERRVILLE TX 78028

CECIL & MARILYN O JONES
115 AQUA VISTA DR
KERRVILLE TX 78028

BOBBIE R LESSER
120 AQUA VISTA DR
KERRVILLE TX 78028-8865

PIA & TOMMY OLAFSON
1308 HARPER RD
KERRVILLE TX 78028-2982

CECIL B JONES
115 AQUA VISTA DR
KERRVILLE TX 78028-8865

ALLEN H LOCHER
134 TIERRA VISTA DR
KERRVILLE TX 78028-7617

KRISTINE ONDRIAS
800 JUNCTION HWY
KERRVILLE TX 78028-2215

MARILYN O JONES
115 AQUA VISTA DR
KERRVILLE TX 78028-8865

JOANN M LOCHER
134 TIERRA VISTA DR
KERRVILLE TX 78028-7617

CATHERINE PAINTER
290 AQUA VISTA DR
KERRVILLE TX 78028-8886

BRIAN & TRISHA KRETZLER
1709 YUCCA LN
CEDAR PARK TX 78613

GUILLERMO MORALES
112 TREE TOPS LN
KERRVILLE TX 78028

TAMMY PATTERSON
119 MCCULLOUGH RANCH RD
KERRVILLE TX 78028-1674

R JEAN KUNZ
103 AQUA VISTA DR
KERRVILLE TX 78028-8865

JOY MORALES
112 TREE TOPS LN
KERRVILLE TX 78028

JOHN PENRY
177 TIERRA VISTA DR
KERRVILLE TX 78028-7617

SIDNEY KUNZ
103 AQUA VISTA DR
KERRVILLE TX 78028-8865

DAISY L MURRAY
120 AQUA VISTA DR
KERRVILLE TX 78028-8865

OLIVE PENRY
177 TIERRA VISTA DR
KERRVILLE TX 78028-7617

JIMMY PERKINS
1025 CREEK RUN
KERRVILLE TX 78028

JAMES H SHANKS
145 TIERRA VISTA DR
KERRVILLE TX 78028-7617

W M STOKES JR
236 AQUA VISTA DR
KERRVILLE TX 78028-8886

BELINDA & JOE PRUNEDA
115 W CEDAR DR
KERRVILLE TX 78028

SHELLY SMART
154 AQUA VISTA DR
KERRVILLE TX 78028-8865

MRS JEAN TALLY
330 AQUA VISTA DR
KERRVILLE TX 78028

JOE M PRUNEDA MD
320 A WATER ST
KERRVILLE TX 78028

STEVEN SMART
154 AQUA VISTA DR
KERRVILLE TX 78028-8865

DIANNA & THOMAS R TAYLOR
680 TOWN CREEK RD
KERRVILLE TX 78028

JOY PUTNAM
121 TIERRA VISTA DR
KERRVILLE TX 78028-7617

JUDY SMITH
226 AQUA VISTA DR
KERRVILLE TX 78028-8886

PAUL M TERRILL III
THE TERRILL FIRM PC
810 W 10TH ST
AUSTIN TX 78701-2005

BILL & LYNDA RECTOR
705 WATER ST
KERRVILLE TX 78028-5319

R K SMITH
226 AQUA VISTA DR
KERRVILLE TX 78028-8886

MELANIE VANICEK
286 AQUA VISTA DR
KERRVILLE TX 78028-8886

WILLIAM R RECTOR
705 WATER ST
KERRVILLE TX 78028-5319

BETTYE SONTAG
142 AQUA VISTA DR
KERRVILLE TX 78028-8865

C J WALLER JR
11128 FM 521 RD
ROSHARON TX 77583-5114

KENNETH R ROBINSON
199 EL RANCHO GRANDE RD
KERRVILLE TX 78028-7605

JOHN STEVENS
230 AQUA VISTA
KERRVILLE TX 78028

BRUCE WASINGER ATTORNEY
BICKERSTAFF HEATH DELGADO ACOSTA LL
STE 1700
816 CONGRESS AVE
AUSTIN TX 78701-2442

EMILY W ROGERS
BICKERSTAFF HEATH DELGADO ACOSTA LL
STE 1700
816 CONGRESS AVE
AUSTIN TX 78701-2442

MARIA STOFFEL
181 TIERRA VISTA DR
KERRVILLE TX 78028-7617

ELEANOR ZIRPOLI
803 COOL WATER DR
AUSTIN TX 78748

DUGAN & JEFFREY SABINS
1465 HARPER RD
KERRVILLE TX 78028

RAYMOND L STOFFEL
181 TIERRA VISTA DR
KERRVILLE TX 78028-7617

DARLENE & JOEL SAMPLE
1319 HARPER RD
KERRVILLE TX 78028-2982

MARY V STOKES
236 AQUA VISTA DR
KERRVILLE TX 78028-8886

TCEQ PERMIT NO. WQ0014832001

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

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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

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	Jerome E. Baerwah
Corine 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 CBOD₅, 3 mg/L ammonia-nitrogen (NH₃-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 silvicultural 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 CBOD₅, 5 mg/L TSS, 2 mg/L NH₃-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 CBOD₅, 5 mg/L TSS, 1 mg/L NH₃-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 CBOD₅, 3 mg/L NH₃-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 CBOD₅, NH₃-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 CBOD₅, NH₃-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 CBOD₅ and NH₃-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. CBOD₅, NH₃-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.

COMMENT 11: (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 than 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 cmplnt@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 Tim Reidy

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

