

ecological and aesthetic enjoyment of surface and ground water downstream of the subject facility.

SOS members also own land within one-quarter mile distance of the permitted irrigation of the Highpointe treatment plant, with the Spring Hollow tributary of Bear Creek passing through their land just below the Highpointe facility and irrigation areas. These members use and enjoyment of their land, including use of the creek for wading and wildlife observation, as well as the value of their property, is harmed by the deteriorated water quality caused by operation of the Highpointe facility. These members pets play in the water and their well-being is harmed by the pollution caused by the facility. These members have also experienced offensive foaming of the water surface and increased erosion along the tributary below the facility. SOS members also drink water from wells in the Edwards Aquifer and located to the north and east of the Highpointe facility, in the general path of flows for groundwater recharging in Bear Creek. These members' interests in healthy drinking water are likely to be harmed if the Highpointe permit is renewed without adequate protection for water quality and to eliminate discharge to groundwater, both directly and by recharge a short distance downstream within the banks of Spring Hollow and Bear Creek.

SOS also has members who research and enjoy the presence of the endangered Barton Springs Salamander and regularly swim in Barton Springs. These members' scientific, recreational and aesthetic interests have been harmed by the elevated nitrate and other pollutants resulting from wastewater irrigation in the Barton Springs watershed. The Highpointe wastewater facility is a contributing cause of this pollution and the resulting harm to SOS members' interests. SOS members have a legal interest in this case because land application of effluent waste water threatens the aquifers, springs and contributing streams that SOS members derive economic, spiritual, cultural, recreational

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Further, the RTC No. 2 refers to buffers from drinking water wells. The comment addressed a need for buffers between irrigation areas and the headwater stream channels of Spring Hollow. The RTC was thus non-responsive.

2) In regards to RTC 3 Effluent Limits application of the best available technology. SOS asserts that if the applicant and TCEQ were committed to protecting water quality and actually assuring that water quality standards were met, the Applicant and TCEQ would commit to meeting effluent limits that are stricter than 20 mg/l biochemical oxygen demand (BOD) and 20 mg/l total suspended solids (TSS) as laid out in the draft permit. Meeting substantially higher treatment standards that would help avoid the unlawful pollution of Spring Hollow is now very much affordable in both capital and operation and maintenance costs, and such higher treatment standards should be included in the permit as a matter of both law and sound policy, based on the available evidence.

3) RTC 4 says that TCEQ rules allow wastewater irrigation within the 100 year flood plain. However, the practice is ill-advised and extremely rare in TCEQ permits. The evidence shows that wastewater is flowing into Spring Hollow; relocating the irrigation operations from away from the 100 year flood plain would help avoid this problem. The applicant has permitted irrigation not currently in use that is set back and away from the 100 year flood plain.

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and subsurface systems. That basis should be a daily time-step water balance using historic rainfall rates and evapotranspiration rates from representative weather stations within 25 miles of the proposed facility. The water balance modeling period should be the period of record.

SOS asserts that subsurface application bypasses the surface soil barrier to chemical and microbial migration. SOS reiterates that background calculations of wastewater irrigation evaporation rates and nutrient loadings likely assumed uniform application when, in reality, operation of the facility results in uneven distribution and uneven uptake of water and nutrients. Irrigation is uneven due to design limitations of drip irrigation, clogging, and intentional and unintentional operation of the irrigation system that results in concentrating irrigation flows while leaving other areas un-irrigated or under-irrigated. Uptake is uneven due to slope, exposure to sunlight, depth and makeup of soil, temperature and seasonal variation, and other factors. The permit renewal application and proposed permit renewal terms do not provide adequate information to fully address these issues nor do they explain how these concerns will be addressed. Any renewed permit should include conditions that reduce wastewater application rates and require even distribution of wastewater over areas away from streams and steep slopes and having inadequate soil and vegetative cover. The Executive Director apparently made no inspection of the facility to evaluate actual operating conditions and to assess these concerns.

6) RTC 7 contains a long list of permit conditions that require certain steps be taken to prevent discharge and address the concerns raised by SOS's comments. The RTC reflects that the TCEQ staff did nothing to assess whether these conditions had or were being complied with. The pollution downstream of the facility reflects that there

are problems with the facility's operations. TCEQ should have investigated the facility to determine the source(s) of these problems.

7) RTC 8 states that the Applicant's original cropping plan did not indicate that additional fertilizer and/or irrigation water would be applied to the wastewater irrigation areas. That is an extremely narrow and inadequate response to the comment. Is there some reason TCEQ did not simply ask the applicant to provide a written statement about such additional chemical application and watering practices?

8) SOS fundamentally disagrees, as a matter of both fact and law, with the assertion in RTC 9 that changing the phasing does "not relax" the standards applicable to the plant.

9) See the above general response as to the ED's assertions in RTC 10.

10) As to RTC 12, concerning erosion, SOS disagrees that erosion is outside the TCEQ's purview. If the permit prohibits discharge, yet discharge is taking place, resulting in higher flows causing erosion (along with foaming), TCEQ has jurisdiction to take action to prohibit such unlawful discharges.

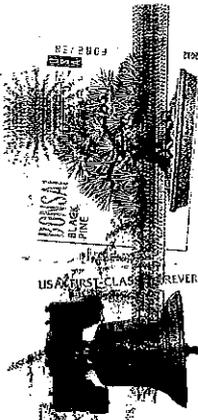
Communications concerning this letter should be directed to:

Bill Bunch, Attorney
Save Our Springs Alliance
P.O. Box 684881
Austin, TX 78768
512) 477-2320
512) 477-6410 fax

If there are any questions about these requests or comments please contact me at the number listed above. Thank you for your consideration.

/S/ Bill Bunch

Bill Bunch
Texas Bar No. 03342450



AUSTIN TX 787
P.O. GRANDE DISTRICT
25 APR 2013 PINE L...

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2013 APR 29 AM 10:54
CHIEF CLERKS OFFICE

Office of the Chief Clerk
MC, 105
Texas Commission on Environmental Quality
PO Box 13807
Austin, Texas 78711-3087

78711308767

S.O.S.
SAVE OUR SPRINGS
ALLIANCE



TCEQ MAIL CENTER
EB

APR 29 2013

RECEIVED

P.O. Box 684881 - Austin, TX 78766

Marisa Weber

From: PUBCOMMENT
Sent: Monday, April 29, 2013 8:22 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0014358001
Attachments: SOS Request for a Contested Case Hearing WQ00143580011.pdf

H

From: PUBCOMMENT-OCC
Sent: Friday, April 26, 2013 1:53 PM
To: PUBCOMMENT
Subject: FW: Public comment on Permit Number WQ0014358001

*MWD
8/16/02*

From: adam@sosalliance.org [mailto:adam@sosalliance.org]
Sent: Friday, April 26, 2013 1:43 PM
To: donotReply@tceq.state.tx.us
Subject: Public comment on Permit Number WQ0014358001

REGULATED ENTY NAME HIGHPOINTE SUBDIVISION WWTF

RN NUMBER: RN103930053

PERMIT NUMBER: WQ0014358001

DOCKET NUMBER:

COUNTY: HAYS

PRINCIPAL NAME: HAYS COUNTY MUD 5

CN NUMBER: CN602690679

FROM

NAME: Bill Bunch

E-MAIL: adam@sosalliance.org

COMPANY: Save Our Springs Alliance

ADDRESS: 905 W OLTORF ST Suite A
AUSTIN TX 78704-5395

PHONE: 5124772320

CB

FAX:

COMMENTS: Comments were too long. Attached as a PDF.



April 26, 2013

Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: (512) 239-3311

VIA ELECTRONICALLY, FAX, TO FOLLOW BY U.S. MAIL

RE: Request for contested case hearing on the Proposed Renewal of Permit No. WQ0014358001, applied for by Hays County Municipal Utility District No. 5 (aka "the Highpointe Subdivision Wastewater Treatment Facility").

Dear Chief Clerk:

Save Our Springs Alliance Inc., (SOS) requests a contested case hearing regarding Hays County Municipal Utility District No. 5's (Hays County MUD 5 or Highpointe) application to renew TCEQ Permit No. WQ0014358001.

SOS is a non-profit, charitable organization dedicated to the preservation of the Edwards Aquifer, its springs and contributing streams, and to the natural and cultural heritage of the Hill Country region and its watersheds, with a special emphasis on Barton Springs. SOS has members who live and play in the immediate vicinity of the proposed facilities, as well as in the downstream areas of Bear Creek. For example SOS, member Kathy Turney lives and owns a home less than one-half mile downstream of the subject wastewater plant, has been directly harmed by pollution from the plant, and is an affected person with a justiciable interest in the proposed permit renewal. However, her individual participation is not required for SOS Alliance to represent her interests and the interests of other SOS members within the context of SOS pursuing its mission to protect water quality, property values, public health, drinking water, and the recreational,

Save Springs Alliance

(512) 477-2320 voice
(512) 477-6410 fax

P.O. Box 684881 • Austin, Texas 78768
905 W. Oltorf, Ste. A • Austin, Texas 78704

<http://www.sosalliance.org>
email: sosinfo@sosalliance.org

ecological and aesthetic enjoyment of surface and ground water downstream of the subject facility.

SOS members also own land within one-quarter mile distance of the permitted irrigation of the Highpointe treatment plant, with the Spring Hollow tributary of Bear Creek passing through their land just below the Highpointe facility and irrigation areas. These members use and enjoyment of their land, including use of the creek for wading and wildlife observation, as well as the value of their property, is harmed by the deteriorated water quality caused by operation of the Highpointe facility. These members pets play in the water and their well-being is harmed by the pollution caused by the facility. These members have also experienced offensive foaming of the water surface and increased erosion along the tributary below the facility. SOS members also drink water from wells in the Edwards Aquifer and located to the north and east of the Highpointe facility, in the general path of flows for groundwater recharging in Bear Creek. These members' interests in healthy drinking water are likely to be harmed if the Highpointe permit is renewed without adequate protection for water quality and to eliminate discharge to groundwater, both directly and by recharge a short distance downstream within the banks of Spring Hollow and Bear Creek.

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512) 477-6410 fax

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/S/ Bill Bunch

Bill Bunch
Texas Bar No. 03342450



REVIEWED

APR 29 2013

By SP

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April 26, 2013

Office of the Chief Clerk, MC 105
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, Texas 78711-3087
 Fax: (512) 239-3311

mud
 2013/8/18

CHIEF CLERKS OFFICE

2013 APR 26 PM 2:25

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY

VIA ELECTRONICALLY, FAX, TO FOLLOW BY U.S. MAIL

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Turney

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The above-referenced assessment found nitrates below the Highpointe irrigation fields at levels more than fifteen (15) times higher than nitrate levels above the irrigation fields. Excessive algae growth and elevated bacteria was also found below the facility. These findings are consistent with observations of pollution by downstream landowners, including Ms. Turney and John and Sharon Hillerup. As flows to the plant increase with buildout of the Highpointe subdivision, this pollution will likely increase absent more stringent permit conditions and actual monitoring and inspection of plant operations by TCEQ staff. In addition, a comparison between the levels of nitrate recorded in a two year period and documented in the USGS report titled "*Concentrations and Isotopic Compositions of Nitrate and Concentrations of Wastewater Compounds in the Barton Springs Zone, South-Central Texas, and Their Potential Relation to Urban Development in the Contributing Zone*" (Mahler and others, 2008-2010) to the EPA's ambient water

quality criteria for nitrate in rivers and streams in Eco-Region IV and Sub-Region 30 (Edwards Plateau) shows unsuitable levels of Nitrate in Bear Creek.

Ambient water quality criteria recommendations provided by the EPA are not intended to be enforceable regulations, but rather a starting point for states to create nutrient standards. The EPA's ambient water quality criteria was developed using the upper 25th percentile (75th percentile) of a reference population of streams. Because the USGS report does not provide a number for total nitrogen the reference conditions for nitrate in Eco-Region IV and Sub-Region 30 (Edwards Plateau) are compared to the median nitrate concentrations in the USGS report for Barton, Bear and Onion Creeks. The reference condition for aggregate nitrate for Eco-Region IV is 0.05 mg/L. The reference condition for aggregate nitrate for the more specific Sub-Region 30 (Edwards Plateau) is 0.09 mg/L. Based on data from the USGS the median Nitrate concentration for Bear Creek was 1.25 mg/L well above the ambient water quality criteria for Eco-Region IV and Sub-Region 30. As such, further nitrogen loading will only facilitate greater water quality degradation which will adversely affect Mrs. Kathy Turney, other SOS members owning land a short distance below the subject plant, and SOS members and others who enjoy recreating in Spring Hollow, Bear Creek, Barton Springs and Barton Creek. Simply stating that Bear Creek is not listed on the state's list of impaired waters, or that discharge is "not anticipated" does nothing to actually respond to the evidence presented that water quality in Bear Creek is being degraded and water quality standards violated by excess nutrients causing excess algae and plant growth, by foaming and foul smelling water, and by elevated bacteria counts.

Further, the RTC No. 2 refers to buffers from drinking water wells. The comment addressed a need for buffers between irrigation areas and the headwater stream channels of Spring Hollow. The RTC was thus non-responsive.

2) In regards to RTC 3 Effluent Limits application of the best available technology. SOS asserts that if the applicant and TCEQ were committed to protecting water quality and actually assuring that water quality standards were met, the Applicant and TCEQ would commit to meeting effluent limits that are stricter than 20 mg/l biochemical oxygen demand (BOD) and 20 mg/l total suspended solids (TSS) as laid out in the draft permit. Meeting substantially higher treatment standards that would help avoid the unlawful pollution of Spring Hollow is now very much affordable in both capital and operation and maintenance costs, and such higher treatment standards should be included in the permit as a matter of both law and sound policy, based on the available evidence.

3) RTC 4 says that TCEQ rules allow wastewater irrigation within the 100 year flood plain. However, the practice is ill-advised and extremely rare in TCEQ permits. The evidence shows that wastewater is flowing into Spring Hollow; relocating the irrigation operations from away from the 100 year flood plain would help avoid this problem. The applicant has permitted irrigation not currently in use that is set back and away from the 100 year flood plain.

4) RTC 5 provides the only response to SOS comments resulting in a change to the draft permit. This change would require soil moisture monitoring in the Interim II and final phases. However, the problems are already evident and soil moisture monitoring should be required in the Interim I phase. Increasing the Interim I phase from a maximum of 40,000 gallons per day to a maximum of 120,000 gallons per day compounds this problem.

5) In reply to RTC 6 Storage Requirement and RTC 7 Uniform Distribution of Treated Effluent: SOS asserts that the same engineering basis should be used to determine effluent application rates and storage volume requirements for both surface

and subsurface systems. That basis should be a daily time-step water balance using historic rainfall rates and evapotranspiration rates from representative weather stations within 25 miles of the proposed facility. The water balance modeling period should be the period of record.

SOS asserts that subsurface application bypasses the surface soil barrier to chemical and microbial migration. SOS reiterates that background calculations of wastewater irrigation evaporation rates and nutrient loadings likely assumed uniform application when, in reality, operation of the facility results in uneven distribution and uneven uptake of water and nutrients. Irrigation is uneven due to design limitations of drip irrigation, clogging, and intentional and unintentional operation of the irrigation system that results in concentrating irrigation flows while leaving other areas un-irrigated or under-irrigated. Uptake is uneven due to slope, exposure to sunlight, depth and makeup of soil, temperature and seasonal variation, and other factors. The permit renewal application and proposed permit renewal terms do not provide adequate information to fully address these issues nor do they explain how these concerns will be addressed. Any renewed permit should include conditions that reduce wastewater application rates and require even distribution of wastewater over areas away from streams and steep slopes and having inadequate soil and vegetative cover. The Executive Director apparently made no inspection of the facility to evaluate actual operating conditions and to assess these concerns.

6) RTC 7 contains a long list of permit conditions that require certain steps be taken to prevent discharge and address the concerns raised by SOS's comments. The RTC reflects that the TCEQ staff did nothing to assess whether these conditions had or were being complied with. The pollution downstream of the facility reflects that there

are problems with the facility's operations. TCEQ should have investigated the facility to determine the source(s) of these problems.

7) RTC 8 states that the Applicant's original cropping plan did not indicate that additional fertilizer and/or irrigation water would be applied to the wastewater irrigation areas. That is an extremely narrow and inadequate response to the comment. Is there some reason TCEQ did not simply ask the applicant to provide a written statement about such additional chemical application and watering practices?

8) SOS fundamentally disagrees, as a matter of both fact and law, with the assertion in RTC 9 that changing the phasing does "not relax" the standards applicable to the plant.

9) See the above general response as to the ED's assertions in RTC 10.

10) As to RTC 12, concerning erosion, SOS disagrees that erosion is outside the TCEQ's purview. If the permit prohibits discharge, yet discharge is taking place, resulting in higher flows causing erosion (along with foaming), TCEQ has jurisdiction to take action to prohibit such unlawful discharges.

Communications concerning this letter should be directed to:

Bill Bunch, Attorney
Save Our Springs Alliance
P.O. Box 684881
Austin, TX 78768
512)477-2320
512)477-6410 fax

If there are any questions about these requests or comments please contact me at the number listed above. Thank you for your consideration.

/S/ Bill Bunch
Bill Bunch
Texas Bar No. 03342450

Received

2013-04-26 18:46:55 (GMT)

Apr 26 2013 01:51pm

Save Our Springs Alliance From: Pat Brodnax

Received

2013-04-26 18:46:55 (GMT)

Apr 26 2013 01:51pm

Share Our Springs Alliance From: Pat Brodner

Received

2013-04-26 18:46:55 (GMT)

Apr 26 2013 01:52pm

Save Our Springs Alliance From: Pat Brodnax

FAX COVER SHEET

TO	
COMPANY	
FAX NUMBER	15122393311
FROM	Pat Brodnax
DATE	2013-04-26 18:46:40 GMT
RE	Request for a Contested Case Hearing Re: WQ0014358001

COVER MESSAGE

This request was also filed on the TCEQ's online system as an attachment since the comments were too long to fit in the allotted comment section. A copy will also be placed in the mail.

Sincerely,

Adam Abrams
 Save Our Springs Alliance
 905 W. Oltorf
 Suite A
 Austin, Texas 78704
 Ph. 512.477.2320
 Fax. 512.477.6410

CHIEF CLERKS OFFICE

2013 APR 26 PM 2:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY



P.O. Box 684881
Austin, TX 78768
(512) 477-2320
(512) 477-6410 fax

August 16, 2012

Office of the Chief Clerk, MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Submitted electronically at www.tceq.texas.gov/about/comments.html

*MWD
8/16/12*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2012 AUG 22 AM 10:22
CHIEF CLERKS OFFICE
REVIEWED
AUG 22 2012
By BP

ORIGINAL TO FOLLOW BY U.S. MAIL

RE: Comments and request for contested case hearing on Proposed Renewal of Permit No. WQ0014358001, applied for by Hays County Municipal Utility District No. 5 (aka "the Highpointe Subdivision Wastewater Treatment Facility") request for placement on mailing to receive future public notices concerning this matter.

*IM
H*

Dear Chief Clerk:

Please accept these **comments, request for a public meeting, and request for contested case hearing** on the above-referenced proposed permit renewal. **We also ask that we receive all notices on any future actions or proposed actions concerning this proposed permit** at: Save Our Springs Alliance, P.O. Box 684881, Austin, Texas 78768.

These comments, request for a public meeting, and request for contested case hearing are filed on behalf of Save Our Springs Alliance, Friendship Alliance and Kathy Turney, as set out in more detail below.

The proposed permit seeks renewal of a permit authorizing treatment and disposal of up to 300,000 gallons per day of municipal wastewater, with disposal authorized by way of subsurface drip irrigation on up to 68.87 acres of public access land within and adjacent to the Highpointe subdivision.

Comments:

1. Water quality monitoring performed by technical staff of the City of Austin's Watershed Protection Department during 2009 and 2010 revealed elevated pollutants in the Spring Hollow tributary of Bear Creek downstream of the Highpointe facility, when compared to water quality in the tributary upstream of the Highpointe facility. This monitoring is detailed and summarized in the report Bear Creek Receiving Water Assessment, January 2009 – March 2010, by Martha Turner, P.E., available on the web at:

MWD

<http://assets.austintexas.gov/watershed/publications/files/SR-10-10%20BearCreek2009-2010.pdf>

The above-referenced Assessment found nitrates below the Highpointe irrigation fields at levels more than fifteen (15) times higher than nitrate levels above the irrigation fields. Excessive algae growth and elevated bacteria was also found below the facility. These findings are consistent with observations by downstream landowners.

2. The water quality monitoring data downstream from the irrigation area reveals that the Highpointe plant is not operating as a "no discharge" Land Application Permit facility, but rather is discharging treated wastewater to adjacent surface waters. The current permitted treatment parameters of 20 mg/l Biochemical Oxygen Demand and 20 mg/l Total Suspended Solids, on a 30 day average, and without any limit on total nitrogen or phosphorus does not comply with best available technology and is not sufficient to prevent pollutant discharge and protect surface and ground water quality.
3. Some of the approved irrigation areas fall along the upper reaches of Spring Hollow itself and a tributary of Spring Hollow. Digital aerial photography shows these areas as "green" compared to adjacent areas, suggesting that these areas are, in fact, being irrigated. This, in turn, suggests a direct discharge into the Spring Hollow tributary of the treated wastewater. Some of these areas should be deleted from the authorized irrigation area and appropriate upland areas with adequate soils substituted so as to avoid wastewater irrigation directly within and immediately adjacent to the surface water tributary.
4. As indicated on page 20 off 44 in the TCEQ-10054 (09/01/2010) Domestic Wastewater Permit Application Technical Report, the effluent application site includes areas within 100-year flood frequency levels. This statement is confirmed by a comparison of the effluent irrigation area map to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the application area. Effluent application within the 100-year flood plain indicates a high risk for effluent migration into stream flow from both the proximity of the application, and from the potential for application during high flow conditions. Even though Special Provision 14 prohibits effluent application when ground is saturated, there is no reliable mechanism to monitoring ground saturation. Soil moisture monitoring is *not* required by the draft permit during interim phases of the permit. The two-day effluent storage requirement is insufficient to allow a delay in effluent application during frequently-occurring rainfall conditions that would produce saturated soils.
5. Although efforts may be made to reduce or avoid irrigation during wet weather, additional storage is required to avoid irrigation of wastewater when soils are saturated and cannot physically absorb or assimilate the pollutants from the

wastewater. The lack of adequate storage is likely a significant factor in the resulting discharge of pollutants to Spring Hollow.

6. The background calculations of wastewater irrigation evaporation rates and nutrient loadings likely assumed uniform application when, in reality, operation of the facility results in uneven distribution and uneven uptake of water and nutrients. Irrigation is uneven due to design limitations of drip irrigation, clogging, and intentional and unintentional operation of the irrigation system that results in concentrating irrigation flows while leaving other areas un-irrigated or under-irrigated. Uptake is uneven due to slope, exposure to sunlight, depth and makeup of soil, temperature and other factors. The permit renewal application and proposed permit renewal terms do not provide adequate information to fully address these issues nor do they explain how these concerns will be addressed. Any renewed permit should include conditions that reduce wastewater application rates and require even distribution of wastewater over areas away from streams and steep slopes and having adequate soil and vegetative cover.
7. Research by the City of Austin and the U.S.G.S. has shown that Barton Springs and its primary contributing streams, including Bear Creek, are already suffering from elevated levels of nitrogen and phosphorous and that sediments of Barton Springs are at times found to contain hydro-phobic chemicals at levels toxic to aquatic life. See, for example, U.S.G.S., "Nitrate Concentrations and Potential Sources in the Barton Springs Segment of the Edwards Aquifer and its Contributing Zone, Central Texas," Fact Sheet 2011-3035, May 2011. A "key finding" from this report is that "land-applied treated effluent" is a likely source of the elevated nitrate found in Barton Springs and in the five primary contributing streams, including Bear Creek. Nitrogen and phosphorous originating at the Highpointe facility and entering the Edwards Aquifer and Barton Springs through recharge in the bottom of Bear Creek will cause further degradation of Barton Springs water quality, degrading both aquatic habitat and recreational enjoyment of Barton Springs. This subsurface transmission of treated wastewater pollutants through the Edwards Aquifer also places both individual and public supply drinking water wells in the Bear and Slaughter Creek watersheds at risk of further contamination beyond the documented nitrate pollution. TCEQ Rules prohibit wastewater irrigation facilities from causing such harm to groundwater resources.
8. To the extent irrigation wastewater is mixed with landscaping chemicals in order to maintain grass or crop cover on the irrigated medians and roadsides, then both the water and nutrient balancing analysis is rendered meaningless. The permit does not prohibit such mixing of chemicals and additional irrigation water or include limitations to assure there will be no over-saturation and discharge of polluted water to either surface or groundwater.
9. We object to the proposed minor amendment that accompanies the proposed permit renewal. This amendment would redefine the phasing of facility upgrades and

irrigation area usage, with the effect of lowered water quality. At minimum, the current phases should remain.

We respectfully request that, upon hearing, conditions are added to the proposed renewal permit to address the above-stated concerns and eliminate the discharge of wastewater to the Spring Hollow branch of Bear Creek. Discovery will likely better reveal the specific improvements that are necessary to prevent improper discharge of treated wastewater to surface and groundwater.

The Save Our Springs Alliance is a non-profit public interest corporation committed to protecting the Edwards Aquifer, its springs and contributing streams, and the natural and cultural heritage of its Hill Country watersheds, with special emphasis on the Barton Springs Edwards Aquifer. The Save Our Springs Alliance has over 2000 members who live primarily in Hays and Travis Counties, including in the Bear Creek watershed.

The Save Our Springs Alliance has members who live and play in the immediate vicinity of the proposed facilities, as well as in downstream areas of Bear Creek. These members own land within one-quarter mile distance of the permitted irrigation of the Highpointe treatment plant, with the Spring Hollow tributary of Bear Creek passing through their land just below the Highpointe facility and irrigation areas. These members use and enjoyment of their land, including use of the creek for wading and wildlife observation, as well as the value of their property, is harmed by the deteriorated water quality caused by operation of the Highpointe facility. These members pets play in the water and their well-being is harmed by the pollution caused by the facility. These members have also experienced offensive foaming of the water surface and increased erosion along the tributary below the facility. SOS members also drink water from wells in the Edwards Aquifer and located to the north and east of the Highpointe facility, in the general path of flows for groundwater recharging in Bear Creek. These members' interests in healthy drinking water are likely to be harmed if the Highpointe permit is renewed without adequate protection for water quality and to eliminate discharge to groundwater, both directly and by recharge a short distance downstream within the banks of Spring Hollow and Bear Creek. The members referenced above include, but are not limited to Kathy Turney.

The Save Our Springs Alliance also has members who research and enjoy the presence of the endangered Barton Springs Salamander and regularly swim in Barton Springs. These members' scientific, recreational and aesthetic interests have been harmed by the elevated nitrate and other pollutants resulting from wastewater irrigation in the Barton Springs watershed. The Highpointe wastewater facility is a contributing cause of this pollution and the resulting harm to SOS member interests.

The organization and its members living near the Highpointe facility; owning land with water polluted by the Highpointe facility crossing through their land; wading and watering their dogs in Spring Hollow a short distance downstream; drinking water from wells within the Edwards Aquifer to the north and east of the facility; and swimming and

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Texas Commission on Environmental Quality
August 16, 2012
Page 5 of 5

studying wildlife at Barton Springs have suffered and stand to continue to suffer harm different and greater than harm suffered by the general public. Protecting property values, public health, and surface and groundwater within the Edwards Aquifer region falls within SOS Alliance charitable mission. Approval of the proposed permit would be detrimental to the quality of surface and groundwater within the Edwards Aquifer region and therefore detrimental to the interests of the organization. SOS Alliance members harmed by the Highpointe facility need not be named formal parties to any contested case proceeding, but may have their interests represented by SOS Alliance.

For the reasons enumerated above, we respectfully request a public hearing and contested case hearing on the proposed permit. We request a contested case hearing. We also request that the above comments be considered by TCEQ.

Communications concerning this letter should be directed to:

Bill Bunch, Attorney
Save Our Springs Alliance
P.O. Box 684881
Austin, TX 78768
512) 477-2320
512) 477-6410 fax

If there are any questions about these requests or comments please contact me at the number listed above. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Bill Bunch". The signature is written in a cursive, slightly slanted style.

Bill Bunch
Save Our Springs Alliance

