

requested a 30TAC Chapter 210 Authorization. These parties deserve a hearing, as Lerin Hills actions (or lack of) raise a valid concern about their good faith intentions in this matter.

- 5.) Approval of the initial permit was based on the premise of discharge into pristine water bodies and did not take into consideration existing nutrient loading. The receiving ponds and creeks are surrounded by land with heavy historical agricultural usage including boarding and pasturing of numerous horses and ongoing cow/calf operations. Seasonal water quality studies were not done to evaluate the effect of ADDITIONAL nutrient loading.
- 6.) The TCEQ's own ALJ recommended against approval of the original permit, and the issues raised still remain unresolved despite many opportunities to address them. These issues are as valid today as they were then, and should be reconsidered.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Webster", written over a horizontal line.

Robert Webster



334 WEST SUNSET ROAD
SAN ANTONIO, TEXAS
78209

RECEIVED

NOV 12 2014
RETURN TO REQUESTER
REQUESTED CENTER

CERTIFIED MAIL



7014 1620 0001 9056 1850



1000



78111 2014

U.S. POSTAGE
PAID
BOERNE, TX
78006
NOV 10 2014
AMOUNT

\$6.49

090024904-08

NOV 25 2014
POST OFFICE

Budget C Bohac, Chip Clark

TCEQ, MC-105

P.O. Box 13087

Austin, Texas 78711-3087



78711308787

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, November 13, 2014 7:51 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0014712001
Attachments: LHrequestcch1.pdf

*MWD
9982*

H

From: rwood@pape-dawson.com [mailto:rwood@pape-dawson.com]
Sent: Wednesday, November 12, 2014 2:55 PM
To: donotreply
Subject: Public comment on Permit Number WQ0014712001

REGULATED ENTY NAME LERIN HILLS MUD WWTP

RN NUMBER: RN104957972

PERMIT NUMBER: WQ0014712001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: LERIN HILLS MUD

CN NUMBER: CN602989105

FROM

NAME: Rick Wood

E-MAIL: rwood@pape-dawson.com

COMPANY:

ADDRESS: 306 STATE HIGHWAY 46 W
BOERNE TX 78006-8104

PHONE: 2102150687

FAX:

COMMENTS: I have attached my request for a contested case hearing.

RM

November 12, 2014

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Lerin Hills Municipal Utility District - Proposed TPDES Permit No. WQ0014712001
Request for Contested Case Hearing

Dear Ms. Bohac:

My name is Rick Wood and my home address is 306 Hwy 46 W, Boerne Texas 78006. I can be contacted by phone at 210-215-0687 or by email at rwood@pape-dawson.com. I live on a 150 acre ranch surrounded by the Lerin Hills Municipal Utility District on three sides. The applicant's discharge point is located approximately 3,200 feet upstream of my property as measured along Deep Hollow Creek and one of its tributaries. Deep Hollow Creek flows through my property for more than 3,000 feet and includes a lake that my family and friends have enjoyed for many years. An exhibit is attached showing the setting of my property as it relates to the applicant's proposed discharge of treated wastewater. We use our lake for swimming, snorkeling, fishing, paddle-boating and other recreational activities. In order to protect the continued enjoyment and use of my property, I respectfully request a contested case hearing.

The cumulative loading of nutrients from the wastewater will promote the growth of algae and aquatic plants lowering the dissolved oxygen content in my lake. The applicant has not provided any analysis or evidence to the contrary. I have witnessed a proliferation in algae and plant growth in my lake during a period of time when many horses were confined to a small pasture surrounding the impoundment on Deep Hollow Creek upstream of my property. I believe that one plausible explanation for the explosion in plant and algae growth was due to increased nutrient loading from the livestock waste. Once the concentration of horses was removed from the pasture surrounding the impoundment, the plant growth slowly subsided. There was a significant fish kill that occurred during this time period. Degradation of water quality attributable to the discharge of treated domestic wastewater is not allowed by the TCEQ's rules and regulations, specifically Chapters 307 and 309.

This application to discharge treated domestic wastewater into the dry Deep Hollow Creek within one mile upstream of two high quality lakes used for contact recreation has not been adequately evaluated. In addition to the lakes, there are shallow water wells along Deep Hollow Creek downstream of the proposed discharge point. Deep Hollow Creek loses flow to the shallow groundwater below the surface. This is the same shallow groundwater that supplies water to these wells and could be contaminated by the discharge of treated wastewater. One of these shallow wells (completed from the surface down to 140 feet) is on my property within 100 feet of Deep Hollow Creek and my lake. Any contamination of the groundwater will diminish the value and use of my property as well as others in the area.

My three children, together with my wife, extended family, friends, church groups, student groups, etc. routinely enjoy swimming, fishing, paddle-boating, snorkeling, fishing and gathering around our lake on Deep Hollow Creek. There are numerous examples of treated effluent destroying the fish habitat supported by these small lakes no matter how severe or restricted the effluent limitations imposed on the

discharge quality by the TCEQ. Simply put, treated effluent, no matter how restrictive the effluent quality standards imposed by the TCEQ, has proved to be detrimental to impounded water bodies due to phosphate loading. I have observed and managed the health of our lake on Deep Hollow Creek for 17 years and allowing the lake to be exposed to the threat of treated effluent is not acceptable.

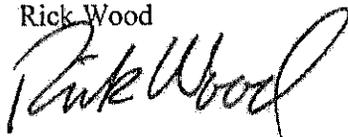
The applicant has not presented compelling facts to justify the need for discharging treated effluent into Deep Hollow Creek. There are alternatives available to the applicant such as land application of the treated wastewater on the applicant's property. The proposed Municipal Utility District which would own the proposed treated wastewater contains more than 860 acres on which to apply the effluent. A less attractive alternative would be to discharge the effluent into the applicant's own 45 acre lake located on Fredericks Creek. The applicant's lake is substantially larger than the three lakes on Deep Hollow Creek and is down gradient from the source of the applicant's domestic wastewater. The applicant's only explanation for locating the treatment plant and discharge on Deep Hollow Creek is due to topography and the related pumping required to convey domestic sewer flows to the treatment plant site. This makes no sense to me as an engineer when the applicant's development plans include substantial or equal amounts of domestic wastewater flow will be generated from the Lerin Hills development within the watershed of the applicant's own 45 acre lake on Fredericks Creek. Roughly the same volume will have to be pumped from the Fredericks Creek watershed or Deep Hollow Creek watershed regardless of the location of the wastewater treatment plant or discharge point. It doesn't seem reasonable to allow the degradation of Deep Hollow Creek when Fredericks Creek is located within the applicant's property and already includes wastewater flow from Tapatio Springs. Additionally, Fredericks Creek is a much larger watershed with greater capacity to assimilate the proposed discharge.

There is a scarcity of water in the area and it seems prudent for the applicant to sale the effluent to Tapatio Springs for their golf course. Another alternative is to regionalize the treatment of wastewater by combining the resources of Kendall West Utility Company with Lerin Hills and create one regional wastewater treatment plant on Fredericks Creek. In any case there is no logical reason to discharge the effluent into Deep Hollow Creek when other viable alternatives are available.

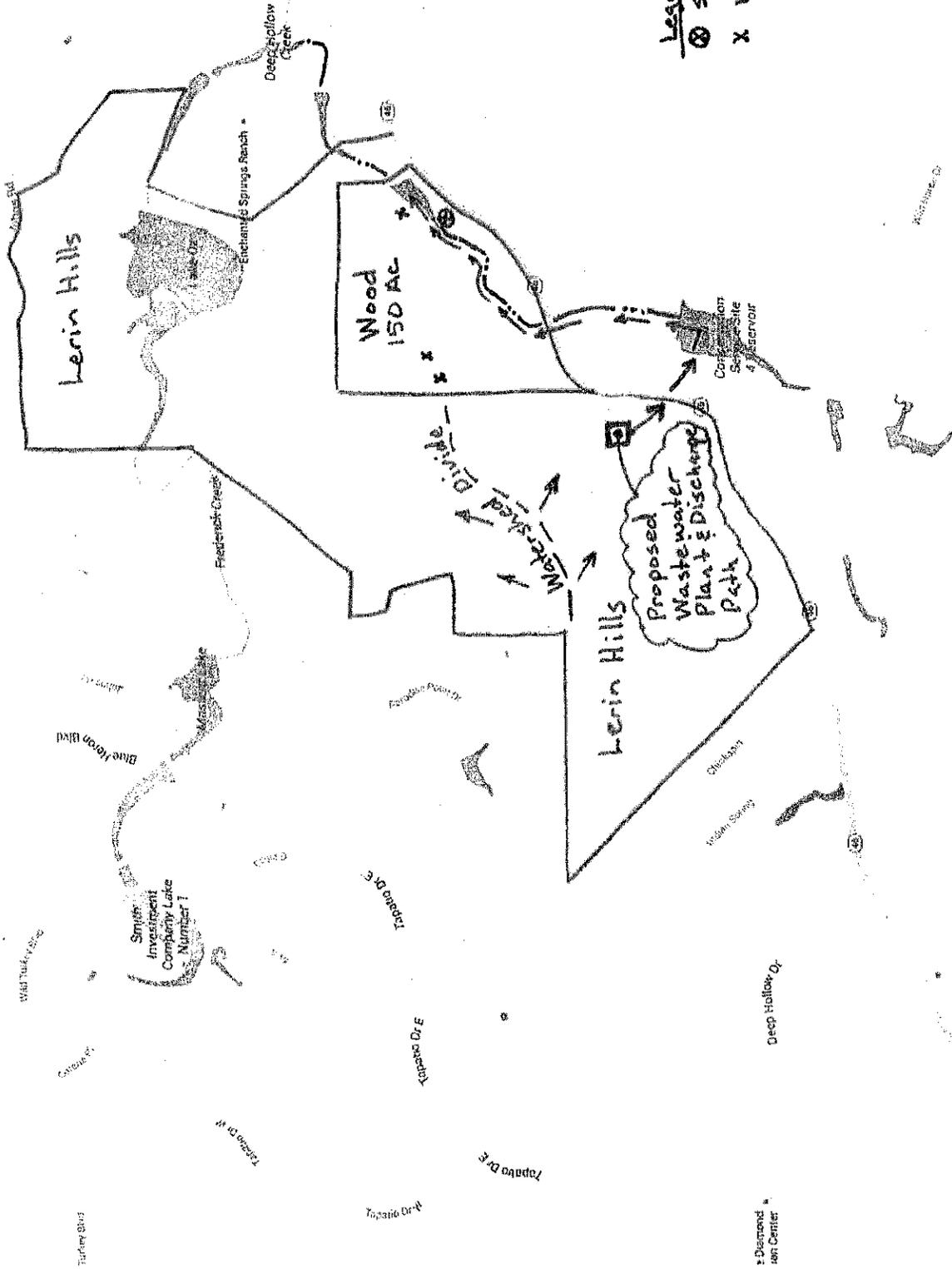
I went to the expense, time and trouble to contest this very same discharge permit in 2007, and the Administrative Law Judge ruled in my favor recommending that the permit be denied. Unfortunately, the commission approved the permit anyway. The facts examined during the contested case hearing have not changed, only the commissioners. Based on the facts of this case, the applicant did not prove that the proposed discharge would not degrade the quality of water in Deep Hollow Creek that I enjoy on my property. In order to protect my property from harm, I am asking the TCEQ to allow me the opportunity to contest this discharge permit once again hoping that the Commission will adhere to its own rules, regulations, and directives to protect the environment preserving my unique property rights.

Sincerely,

Rick Wood



Attachment



Legend
 ⊗ shallow well (Wood Property)
 x wells (Wood Property)

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, July 30, 2014 1:01 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0014712001
Attachments: LHWWDIscharge2.pdf

H

From: rwood@pape-dawson.com [mailto:rwood@pape-dawson.com]
Sent: Tuesday, July 29, 2014 5:18 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number WQ0014712001

*MWD
91907*

REGULATED ENTY NAME LERIN HILLS MUD WWTP

RN NUMBER: RN104957972

PERMIT NUMBER: WQ0014712001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: LERIN HILLS MUD

CN NUMBER: CN602989105

FROM

NAME: MR William R Wood

E-MAIL: rwood@pape-dawson.com

COMPANY:

ADDRESS: 306 STATE HIGHWAY 46 W
BOERNE TX 78006-8104

PHONE: 2102150687

FAX:

COMMENTS: I am an adjoining landowner and have strong objections to this permit application. I have attached a letter with my comments and request for a contested case hearing. The Public Notice in the newspaper did not specify a closing time for public comment.

CRW

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

RE: Lerin Hills Municipal Utility District
Proposed TPDES Permit No. WQ0014712001
Comments & Request for Contested Case Hearing

Dear Ms. Castanuela:

As an adjoining downstream landowner to the applicant for the above referenced Permit, I respectfully request a contested case hearing and offer my comments protesting the issuance of such Permit for Lerin Hills, Ltd. I am a professional engineer with 30 years of experience in land development engineering and do not take this process lightly. This application to discharge treated domestic wastewater into the dry Deep Hollow Creek within one mile upstream of three recreational lakes has not been adequately evaluated.

I am extremely concerned about the quality and quantity of treated effluent flowing down Deep Hollow Creek which recharges the shallow groundwater contained in the Karst geology of the Trinity Aquifer. There are several water wells in the immediate vicinity that are completed in shallow groundwater formations within 100 feet of the surface. Any contamination of the groundwater will diminish the value and use of my property as well as others in the area.

The nuisance of odors from the treatment plant carried by the prevailing southern winds will undoubtedly affect the value and enjoyment of my personal residence located between 1,000 and 3,800 feet northeast of the proposed discharge point depending on the applicant's latest proposed location of the plant and discharge point.

My three children together with my wife, extended family, friends, church groups, student groups, etc. routinely enjoy swimming, fishing, paddle-boating, snorkeling, fishing and gathering around our lake on Deep Hollow Creek. There are numerous examples of treated effluent destroying the fish habitat supported by these small lakes no matter how severe or restricted the effluent limitations imposed on the discharge quality by the TCEQ. Simply put, treated effluent no matter how restrictive the effluent quality standards imposed by the TCEQ have been proven to be detrimental to impounded water bodies due to phosphate loading. I have observed and managed the health of our lake on Deep Hollow Creek for 17 years and allowing the lake to be exposed to the threat of treated effluent is not acceptable.

The applicant has not presented compelling facts to justify the need for discharging treated effluent into Deep Hollow Creek. There are alternatives available to the applicant such as land application of the treated wastewater on the applicant's property. The proposed Municipal Utility District which would own the proposed treated wastewater contains more than 860 acres on which to apply the effluent. A less attractive alternative

would be to discharge the effluent into the applicant's own 45 acre lake located on Fredericks Creek. The applicant's lake is substantially larger than the three lakes on Deep Hollow Creek and is down gradient from the source of the applicant's domestic wastewater.

There is a scarcity of water in the area and it seems prudent for the applicant to sale the effluent to Tapatio Springs for their golf course. Another alternative is to regionalize the treatment of wastewater by combining the resources of Kendall West Utility Company with Lerin Hills and create one regional wastewater treatment plant on Fredericks Creek. In any case there is no logical reason to discharge the effluent into Deep Hollow Creek when other viable alternatives are available.

I won a contested case hearing several years ago on this very same permit application. Unfortunately, the commission approved the permit anyway. The facts have not changed, only the commissioners and the only place all the facts are heard is in a contested case hearing.

Sincerely,

Rick Wood, P.E.