

February 23, 2015

Bridget Bohac, Chief Clerk  
Texas Commission on Environmental quality  
Office of the Chief Clerk (MC-105)  
P. O. Box 13087  
Austin, TX 78711-3087

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2015 FEB 23 11 09:06  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Lerin Hills MUD, TCEQ Docket No. 2014-1706-MWD

To Whom It May Concern:

I am Robert Webster, residing at 325 State Hwy 46W, Boerne, TX 78006. This correspondence concerns the proposed Lerin Hills Sewage Treatment Plant, Permit #WQ0014712001 and corresponding TCEQ Docket # 2014-1706-MWD. It is directed to the TCEQ Commissioners and concerns the Executive Director's response and recommendation regarding my Request for a Contested Case Hearing, and the TCEQ OPIC response and recommendation regarding the same.

First, I would like to make two points concerning the ED's response. The ED responded in detail to the points Rick Wood raised in Public Comment, but not the points I raised in my request for a Contested Case Hearing. Perhaps it is not legally required for the ED to respond since mine is not in the "Public Comment" form, but it certainly relates to this matter and deserves comment before a ruling is issued in this matter.

Concerning the ED's response to Mr. Wood's comments, the ED states that the limits set in the permit should protect surface water quality and therefore groundwater quality. In reality, most treatment plants, especially small ones such as this, occasionally exceed the mandated limits. When this effluent is discharged into a large body of surface water, the actions of sunlight and aquatic life remediate the problem and little harm is done. In the case of a small body of receiving water, as is present here, the effluent will compose a high percentage of the water in the impoundment, especially in times of drought. A substantial volume of this effluent will no doubt enter the groundwater of the Upper Glenrose Division of the Trinity Aquifer through the lake bed and the downstream bed of Deep Hollow Creek, and the Edwards Aquifer through the sinkhole known as "Hester's Lake" a short distance downstream. The water in these aquifers receives no sunlight and contains little or no aquatic life, potentially resulting in a longterm pollution problem. A number of nearby wells, including mine, rely on this aquifer water as the sole source of domestic potable water.

Regarding the response of the OPIC, an interesting conundrum is presented. Their response clearly states that a number of points raised by Mr. Wood and myself deserve a hearing, but because the permit request contains no substantial changes, the request for a Contested Case Hearing should be denied. To me this is analogous to a Fire Department that observes a major wildfire starting, but doesn't respond because no one has called 911. They know what they should do, but technically aren't authorized to do it. In my case the Commissioners have the power to respond should they choose to do so.

Concerning the fact the the permit requests no substantial changes, I believe that the issuance of the original permit was flawed and therefore should be revisited. It was issued based on a number of assumptions, some of which have been proven to be incorrect. The analysis of the original permit

application by TCEQ's ALJ (who recommended against issuing the permit) states, among other things, that the receiving stream is a "gaining" stream which does not contribute to the underlying aquifers and nearby perched water. The recent drought years have demonstrated conclusively that this is not the case. It also states that the receiving stream does not enter the Edwards Aquifer Recharge Zone for a substantial distance. While this is technically true, "Hester's Lake", a major sinkhole entering the Edwards Aquifer is only a few miles downstream. These are major flaws and, to me, indicate a need to revisit the original permit and certainly justify the need for a Contested Case Hearing.

Thank you for your consideration.

Sincerely,

Robert Webster

Copies of this response have been sent to all required parties, and the original plus seven copies mailed to the Chief Clerk's office. Business obligations may prevent me from attending the meeting on March 4, 2015, but I am always available for questions at (210) 452-8876.

To: Office of Chief Clerk  
Agenda Docket Clerk  
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TCEQ  
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(Original and appropriate copies mailed)

CHIEF CLERKS OFFICE

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