

February 23, 2015

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 am responding to the recommendations from both the Executive Director and the Office of Public Interest Counsel that my request, as well as Robert Webster's request, for a contested case hearing be denied.

The basic reasoning expressed by both the Executive Director's office and the Office of Public Counsel was based on the understanding that there are no changes to the previously approved discharge permit as stated by the applicant. The applicant's proposed wastewater treatment facility location has been changed significantly from the currently approved permit. The location of the plant has moved north toward my property and is rotated approximately 30 degrees so that the long axis of the plant lies in a northeast to southwest direction. The plant is located on the side slope of a steep hill and small changes to the location and orientation of the plant can result in very different elevations. The elevation changes are critical to the function of a wastewater plant and the discharge route. The internal configuration of the plant has changed as well.

Unfortunately, the information submitted by the applicant does not update any of the water quality sampling or modeling facts that were presented during the contested case hearing on this same discharge permit. This information clearly demonstrated that the applicant had not proven that the discharge would not cause more than a diminimus change in water quality on my property. Specifically, the loading of phosphorous over time could promote excessive aquatic plant growth which would reduce the amount of oxygen available to sustain fish in our lake. My lake is healthier now than it was when the sampling occurred due to the removal of concentrated livestock upstream of my property. Therefore, one could assume that the applicant's burden of showing no degradation of water quality in my lake and stream would be even less likely today than it was in 2007.

The most important task before the Commission is protecting the environment while respecting our collective property rights. The TCEQ's Office of Public Interest Counsel clearly agrees that the issues raised by Mr. Webster and I merit a contested case hearing. However, the Office of Public Interest Counsel and the Executive Director both state that no contested case hearing should be granted based on the notion that the permit has not changed. The first contested case hearing resulted in a strong opinion from the Judge against granting the permit. The Commission decided to grant the permit in spite of this

ruling in a split vote. Denying the right to have a contested case hearing does not take away the property rights of the applicant. It merely respects my property rights and examines the facts relevant to protecting the environment. Two wrongs don't make a right. A contested case hearing is the only scenario where the facts are examined to make sure no one is harmed while respecting the property rights of both the applicant as well as those contesting the applicant's permit.

Sincerely,



Rick Wood

cc: Ashley McDonald, TCEQ via fax (512) 239-0606
Jose Alfonso Martinez, TCEQ via fax (512) 239-4430
Brian Christian, TCEQ via fax (512) 239-5678
Vic McWherter, TCEQ via fax (512) 239-6377
Robert Webster via fax (210) 826-8797
Danny Worrell, Lerin Hills MUD via fax (512) 691-4001