

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, February 11, 2015 9:34 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002
Attachments: Bechtol Request for Contested Case Hearing.pdf

H

From: brad@macinctexas.com [<mailto:brad@macinctexas.com>]
Sent: Tuesday, February 10, 2015 4:44 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0010232002

MWD
9/9/12

REGULATED ENTY NAME GRUENE ROAD PLANT

RN NUMBER: RN101700946

PERMIT NUMBER: WQ0010232002

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: NEW BRAUNFELS UTILITIES

CN NUMBER: CN600522957

FROM

NAME: MR Brad Bechtol

E-MAIL: brad@macinctexas.com

COMPANY:

ADDRESS: 1097 RIVER TER
NEW BRAUNFELS TX 78130-3417

PHONE: 8306290417

FAX:

COMMENTS: As an affected property owner I would like to request public hearing on this permit. Please see the attached letter also. This comment is being made twice as is was discovered that there are two different links for the same permit # (WQ0010232002) and myself and others have made comments on the first link that was available. Please see all other comment that have been made on the permit #.

MWD

February 9, 2015

Bridget Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Hearing Request On Draft Permit No. WQ0010232002, Proposed for Issuance to New Braunfels Utilities

Ms. Bohac:

On behalf of myself and the undersigned below, I submit these comments in the above-referenced matter. Furthermore, I request a contested case hearing with regard to the above-referenced draft permit on all issues raised in this letter.

The Applicant, New Braunfels Utilities (NBU), seeks a major amendment to its Texas Pollutant Discharge Elimination Permit. The proposed permit, if approved, would authorize NBU to increase by almost fivefold the amount of wastewater that NBU is allowed to discharge directly into the Guadalupe River—from 1.1 million gallons per day to 4.9 million gallons per day. Moreover, NBU seeks to relocate its wastewater treatment plant to a site closer to residential neighborhoods, and the proposed discharge point would be located closer to downstream points of river recreation and the public drinking water intake system. The application and draft permit raise several issues of concern.

1. The undersigned are affected persons.

I, Brad Bechtol, own and live on riverfront property located at 1097 River Terrace, New Braunfels, Texas 78130. I am the owner of Property No. 6 as designated in the applicant's Affected Landowners' Map accompanying the application. My riverfront property is approximately 1,100 feet in distance downstream from the proposed discharge point of the proposed relocated wastewater facility. It is roughly the same distance downstream from the proposed wastewater plant.

I engage in recreational activities in, on, and adjacent to the Guadalupe River (River) on my property. My family and I swim in the water abutting my property. We also canoe and fish on the River at our property. We enjoy the beauty and aesthetic value of the River and its aquatic life.

If approved, contaminants in the Guadalupe River from the upstream outfall would adversely impact my use and enjoyment of my property, and would adversely impact my use and enjoyment of the Guadalupe River. My property values would be harmed. Furthermore, odors from the wastewater treatment plant would adversely impact my ability to engage in outdoor recreational activities in the River and on my property.

As it is, the River suffers from algal blooms due to excess nutrients. When the algae grow excessively, it is unpleasant for swimming, wading, or boating. Sometimes swimming is rendered impossible by the algae growth. If approved, the proposed upstream discharge would make algae growth worse and further harm our family's recreational use and enjoyment of the River.

Please consider the following points of concern, as I currently understand the proposed permit application, the relevant rules, and the likelihood of harm to the River at my property if the application is approved as proposed.

2. The proposed treatment level in the draft permit will lead to violations of anti-degradation regulations.

The proposed permit modification will likely cause unacceptable harm to the Guadalupe River in violation of applicable "anti-degradation" standards. The affected portion of the Guadalupe River is subject to the Tier 2 Anti-degradation standards, as the water exceeds fishable/swimmable quality. The Notice of Application and Preliminary Decision states that "[a] Tier 2 review has preliminarily determined that **no significant degradation** of water quality is expected in the Guadalupe River Below Canyon Dam, which has been identified as having exceptional aquatic life use." However, the regulations do not provide for differentiating degradation from "significant degradation." Rather, the language of the regulations direct that certain requirements are triggered whenever any degradation is anticipated. Specifically, the regulations state:

When degradation of waters exceeding fishable/swimmable quality is anticipated, a statement that the antidegradation policy is pertinent to the permit action must be included in the public notice for the permit application or amendment. If no degradation is anticipated, the public notice must so state.

30 Tex. Admin. Code § 307.5(c)(2)(D). Importantly, TCEQ regulations also define degradation as "a lowering of water quality by more than a de minimus extent, but not to the extent that an existing use is impaired." *Id.* § 307.5(b)(2). Thus, even when TCEQ has makes a determination that no existing uses will be maintained and protection (a conclusion I also take exception to), this does not preclude a finding that degradation is anticipated, thus triggering certain requirements in terms of public notice (described above) and a determination of whether the lowering of water quality "is necessary for important economic or social development." *Id.* § 307.5(b)(2). Moreover, Tier 2 reviews require that "conditions for determining degradation are commensurate with conditions for determining existing uses." 30 Tex. Admin. Code § 307.5(c)(2)(B). The designated uses for the receiving waters are: exceptional aquatic life use, aquifer protection, public water supply, and primary contact recreations." In light of the importance of each of these existing uses, the effluent limits in the draft permit do not adequately guard against degradation and impairment of existing uses.

The draft permit should be pulled pending a Tier 2 anti-degradation analysis that complies with applicable regulations. In addition, given the high-level quality of the

receiving waters, the permit should require the use of best available technology to achieve higher treatment levels.

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4. The site of the proposed relocated facility is unsuitable for a wastewater treatment plant and outfall and will likely cause nuisance odors for nearby neighbors and water recreationists.

The proposed site of the relocated facility is flawed in several ways. The proposed site is directly across the River from a popular site for people to enter the water for swimming and tubing. Additionally, the proposed outfall will be located closer to the City's drinking water intake system.

Ms. Bridget Bohac
Page 4 of 4

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In conclusion, for these reasons, I request that the draft permit be revised according to the TCEQ regulations and the above suggestions to ensure the Guadalupe River is adequately protected from pollution and my use and enjoyment of the river is not adversely affected. If the Executive Director recommends issuance of the permit, I request a contested case hearing regarding the draft permit with respect to each issue raised in these comments.

Sincerely,

Name: Brad Bechtol
Address: 1097 River Terrace
New Braunfels, TX 78130
Phone Number: (830) 629-0417

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, February 10, 2015 4:17 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002
Attachments: Bechtol Request for Contested Case Hearing.pdf

H

From: brad@macinctexas.com [<mailto:brad@macinctexas.com>]
Sent: Tuesday, February 10, 2015 3:42 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0010232002

*MWD
91996*

REGULATED ENTY NAME GRUENE ROAD PLANT

RN NUMBER: RN101700946

PERMIT NUMBER: WQ0010232002

DOCKET NUMBER: 2014-1097-MWD-E

COUNTY: COMAL

PRINCIPAL NAME: NEW BRAUNFELS UTILITIES

CN NUMBER: CN600522957

FROM

NAME: MR Brad Bechtol

E-MAIL: brad@macinctexas.com

COMPANY:

ADDRESS: 1097 RIVER TER
NEW BRAUNFELS TX 78130-3417

PHONE: 8306290417

FAX:

COMMENTS: See Attached Letter.

Cher

February 9, 2015

Bridget Bohac
Chief Clerk
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1. The undersigned are affected persons.

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Ms. Bridget Bohac
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Sincerely,

Name: Brad Bechtol
Address: 1097 River Terrace
New Braunfels, TX 78130
Phone Number: (830) 629-0417

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, February 09, 2015 4:18 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002

H

From: brad@macinctexas.com [<mailto:brad@macinctexas.com>]
Sent: Monday, February 09, 2015 4:07 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0010232002

*MWD
9/9/16*

REGULATED ENTY NAME GRUENE ROAD PLANT

RN NUMBER: RN101700946

PERMIT NUMBER: WQ0010232002

DOCKET NUMBER: ~~2014-1097-MWD-E~~

COUNTY: COMAL

PRINCIPAL NAME: NEW BRAUNFELS UTILITIES

CN NUMBER: CN600522957

FROM

NAME: MR Brad Bechtol

E-MAIL: brad@macinctexas.com

COMPANY:

ADDRESS: 1097 RIVER TER
NEW BRAUNFELS TX 78130-3417

PHONE: 8306290417

FAX:

COMMENTS: As one of the affected landowners listed for the project I would like to request a Public Hearing regarding the issuance of this permit.

MB

Bridget Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

MWD
9/996

FEB 6, 2015

REVIEWED

FEB 10 2015

By HP

H

CHIEF CLERK'S OFFICE

2015 FEB 10 11 09 AM

ON ENVI 10/23/2014

Re: Hearing Request On Draft Permit No. WQ0010232002, Proposed for Issuance to New Braunfels Utilities

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1. The undersigned are affected persons.

I, HARVEY HEIDEMAN own and live on riverfront property located at 1321 RIVER TERRACE, New Braunfels, Texas 78130. My daytime telephone number is 830-625-3186. I am the owner of Property No. 2 as designated in the applicant's Affected Landowners' Map accompanying the application. My riverfront property is approximately 100 in distance downstream from the proposed discharge point of the proposed relocated wastewater facility. It is roughly the same distance downstream from the proposed wastewater plant.

I engage in recreational activities in, on, and adjacent to the Guadalupe River (River) on my property. My family and I swim in the water abutting my property. We also canoe and fish on the River at our property. We enjoy the beauty and aesthetic value of the River and its aquatic life.

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MWD

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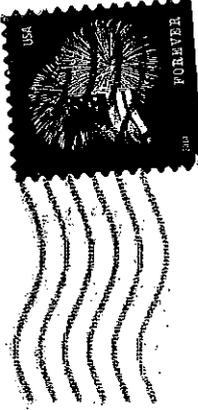
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Sincerely,

Name: Tacey Weideman
Address: 896 MARY PREISS DR
Phone Number: 830-625-3186

Josephine Heideman
896 Mary Preiss Dr
New Braunfels, TX 78132



SAN ANTONIO, TX 78201
RIO GRANDE DISTRICT
07 FEB 2015 PM 4 L

RECEIVED

FEB 10 2015

TCEO MAIL CENTER
MM

BRIDGET BOHAC

CHIEF CLERK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MC105

P.O. BOX 13087

AUSTIN TEXAS 78711-3087

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2015 FEB 10 AM 9:54

CHIEF CLERKS OFFICE

78711308757

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, February 09, 2015 8:41 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002

From: jiheideman@att.net [<mailto:jiheideman@att.net>]
Sent: Friday, February 06, 2015 8:25 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0010232002

*MWD
9/9/96*

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CN NUMBER: CN600522957

FROM

NAME: Harvey Heideman

E-MAIL: jiheideman@att.net

COMPANY:

ADDRESS: 896 MARY PREISS DR # 78132
NEW BRAUNFELS TX 78132-4073

PHONE: 8306253186

FAX:

COMMENTS: I own property 100' from outlet and if the utilities are allowed to release what they are asking for the whole river will be full of green moss during dry years and unusable for people. I have swam and fished in that river sense I was 6yrs old and it is truly sad to see what the city is doing to our beautiful river. The river will be unfit for human use from loop 337 to the Comal River, if this change is permitted.

Comal

MWD
9/19/14

Feb 6, 2015

Bridget Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

REVIEWED

FEB 10 2015

By HR

H

CHIEF CLERK

2015 FEB 10 10:51

OFFICE OF THE CHIEF CLERK

Re: Hearing Request On Draft Permit No. WQ0010232002, Proposed for Issuance to New Braunfels Utilities

Ms. Bohac:

On behalf of myself and the undersigned below, I submit these comments in the above-referenced matter. Furthermore, I request a contested case hearing with regard to the above-referenced draft permit on all issues raised in this letter.

The Applicant, New Braunfels Utilities (NBU), seeks a major amendment to its Texas Pollutant Discharge Elimination Permit. The proposed permit, if approved, would authorize NBU to increase by almost fivefold the amount of wastewater that NBU is allowed to discharge directly into the Guadalupe River—from 1.1 million gallons per day to 4.9 million gallons per day. Moreover, NBU seeks to relocate its wastewater treatment plant to a site closer to residential neighborhoods, and the proposed discharge point would be located closer to downstream points of river recreation and the public drinking water intake system. The application and draft permit raise several issues of concern.

1. The undersigned are affected persons.

I, Josephine Hernandez, own and live on riverfront property located at 1321 Austin Street, New Braunfels, Texas 78130. My daytime telephone number is 330-321-6212. I am the owner of Property No. 2 as designated in the applicant's Affected Landowners' Map accompanying the application. My riverfront property is approximately 100 in distance downstream from the proposed discharge point of the proposed relocated wastewater facility. It is roughly the same distance downstream from the proposed wastewater plant.

I engage in recreational activities in, on, and adjacent to the Guadalupe River (River) on my property. My family and I swim in the water abutting my property. We also canoe and fish on the River at our property. We enjoy the beauty and aesthetic value of the River and its aquatic life.

If approved, contaminants in the Guadalupe River from the upstream outfall would adversely impact my use and enjoyment of my property, and would adversely impact my use and enjoyment of the Guadalupe River. My property values would be harmed.

Handwritten signature

Furthermore, odors from the wastewater treatment plant would adversely impact my ability to engage in outdoor recreational activities in the River and on my property.

As it is, the River suffers from algal blooms due to excess nutrients. When the algae grow excessively, it is unpleasant for swimming, wading, or boating. Sometimes swimming is rendered impossible by the algae growth. If approved, the proposed upstream discharge would make algae growth worse and further harm our family's recreational use and enjoyment of the River.

Please consider the following points of concern, as I currently understand the proposed permit application, the relevant rules, and the likelihood of harm to the River at my property if the application is approved as proposed.

2. The proposed treatment level in the draft permit will lead to violations of anti-degradation regulations.

The proposed permit modification will likely cause unacceptable harm to the Guadalupe River in violation of applicable "anti-degradation" standards. The affected portion of the Guadalupe River is subject to the Tier 2 Anti-degradation standards, as the water exceeds fishable/swimmable quality. The Notice of Application and Preliminary Decision states that "[a] Tier 2 review has preliminarily determined that **no significant degradation** of water quality is expected in the Guadalupe River Below Canyon Dam, which has been identified as having exceptional aquatic life use." (emphasis added). However, the regulations do not provide for differentiating degradation from "significant degradation." Rather, the language of the regulations direct that certain requirements are triggered whenever any degradation is anticipated. Specifically, the regulations state:

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30 Tex. Admin. Code § 307.5(c)(2)(D). Importantly, TCEQ regulations also define degradation as "a lowering of water quality by more than a de minimus extent, but not to the extent that an existing use is impaired." *Id.* § 307.5(b)(2). Thus, even when TCEQ has makes a determination that no existing uses will be maintained and protection (a conclusion I also take exception to), this does not preclude a finding that degradation is anticipated, thus triggering certain requirements in terms of public notice (described above) and a determination of whether the lowering of water quality "is necessary for important economic or social development." *Id.* § 307.5(b)(2). Moreover, Tier 2 reviews require that "[c]onditions for determining degradation are commensurate with conditions for determining existing uses." 30 Tex. Admin. Code § 307.5(c)(2)(B). The designated uses for the receiving waters are: exceptional aquatic life use, aquifer protection, public water supply, and primary contact recreations." In light of the importance of each of these existing uses, the effluent limits in the draft permit do not adequately guard against degradation and impairment of existing uses.

The draft permit should be pulled pending a Tier 2 anti-degradation analysis that complies with applicable regulations. In addition, given the high-level quality of the receiving waters, the permit should require the use of best available technology to achieve higher treatment levels.

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Moreover, the effluent limits for Interim Phase II and Final Phase Permit represent an increase in the allowable levels of CBOD₅ and TSS for each time-duration parameter (30-day average, 7-day average, and daily maximum). The applicant should at least be expected to maintain the level of nutrient removal they have been achieving under the current permit. However, due to the increase in effluent limitations overall, in order to protect existing uses and prevent degradation, more stringent limits of 5 mg/L BOD, 5 mg/L TSS, and 2 mg/L total nitrogen, and 0.5 phosphorus are necessary.

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Furthermore, the increased volume will degrade the Guadalupe River. The effluent levels permitted do not account for periods of low flow; thus, the wastewater is not diluted with River water. For the last three years, the average water flow has been approximately 126 cubic feet per second. [The seven-day, two-year low flow values from 1980 to 2009 in Segment 1812 is 112 and 96 cubic feet per second—is this important?]. The harmonic mean flow, which the EPA recommends for implementing human health criteria, is 178 cubic feet per second during the period from 1980 to 2008. At the current level of discharge, during periods of low flow, algal blooms, which are generally caused by excess nutrients in the water, increase in abundance such that one cannot even enter the water. If approved as proposed, the discharge will likely result in reduced dissolved oxygen, causing violations of required minimum dissolved oxygen levels for “high quality aquatic habitat.”

4. The site of the proposed relocated facility is unsuitable for a wastewater treatment plant and outfall and will likely cause nuisance odors for nearby neighbors and water recreationists.

The proposed site of the relocated facility is flawed in several ways. The proposed site is directly across the River from a popular site for people to enter the water for swimming and tubing. Additionally, the proposed outfall will be located closer to the City’s drinking water intake system.

The draft permit and application have not identified how the applicant will prevent nuisance odors. Despite many complaints about the rotten smell emitting from the current facility, the applicant seeks to relocate the facility closer to town and closer to neighboring residents. When winds blow from the north, odors will be carried toward my property. Similarly, light and noise pollution are a concern, as the facility will be next to a neighborhood.

5. The Applicant's compliance history does not justify issuance of the modified permit.

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Sincerely,

Name: *Justine Heiderman*
Address: *896 Moly Cross Dr.*
Phone Number: *830-221-6212*

Josephine Heideman
896 Mary Preiss Dr
New Braunfels, TX 78132

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
07 FEB 2015 PM 3 L



BRIDGET BOHAC
CHIEF CLERK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

MC 105

P.O. Box 13087

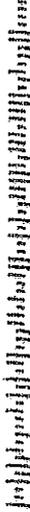
AUSTIN TEXAS 78711-3087

RECEIVED

FEB 10 2015

TCEQ MAIL CENTER
MM

78711308767



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, February 10, 2015 9:13 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002
Attachments: Scan00282.pdf

H

From: koepfarm@hotmail.com [<mailto:koepfarm@hotmail.com>]
Sent: Tuesday, February 10, 2015 8:16 AM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0010232002

*MWD
9/19/16*

REGULATED ENTITY NAME GRUENE ROAD PLANT

RN NUMBER: RN101700946

PERMIT NUMBER: WQ0010232002

DOCKET NUMBER: ~~2014-1097-MWD-E~~

COUNTY: COMAL

PRINCIPAL NAME: NEW BRAUNFELS UTILITIES

CN NUMBER: CN600522957

FROM

NAME: Skylar Koeppe

E-MAIL: koepfarm@hotmail.com

COMPANY:

ADDRESS: 2891 HUNTER RD
NEW BRAUNFELS TX 78132-4222

PHONE: 8306084658

FAX:

COMMENTS: see attached letter

MWD

2/9/15

Bridget Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

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1. The undersigned are affected persons.

I, Skylar Koepp, own riverfront property located directly across from the purposed treatment plant in New Braunfels. My daytime telephone number is 830-608-4658. I am the owner of Property No. _67_ as designated in the applicant's Affected Landowners' Map accompanying the application. My riverfront property is located next to the proposed discharge point of the proposed relocated wastewater facility.

I engage in recreational activities in, on, and adjacent to the Guadalupe River (River) on my property. My family and I swim in the water abutting my property. We also canoe and fish on the River at our property. We enjoy the beauty and aesthetic value of the River and its aquatic life.

If approved, contaminants in the Guadalupe River from the upstream outfall would adversely impact my use and enjoyment of my property, and would adversely impact my use and enjoyment of the Guadalupe River. My property values would be harmed. Furthermore, odors from the wastewater treatment plant would adversely impact my ability to engage in outdoor recreational activities in the River and on my property.

As it is, the River suffers from algal blooms due to excess nutrients. When the algae grow excessively, it is unpleasant for swimming, wading, or boating. Sometimes swimming is rendered impossible by the algae growth. If approved, the proposed upstream discharge would make algae growth worse and further harm our family's recreational use and enjoyment of the River.

Please consider the following points of concern, as I currently understand the proposed permit application, the relevant rules, and the likelihood of harm to the River at my property if the application is approved as proposed.

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Ms. Bridget Bohac
Page 4 of 4

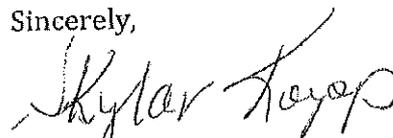
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Sincerely,



Skylar Koepp
2891 Hunter Road
New Braunfels, Tx 78132
830-608-4658

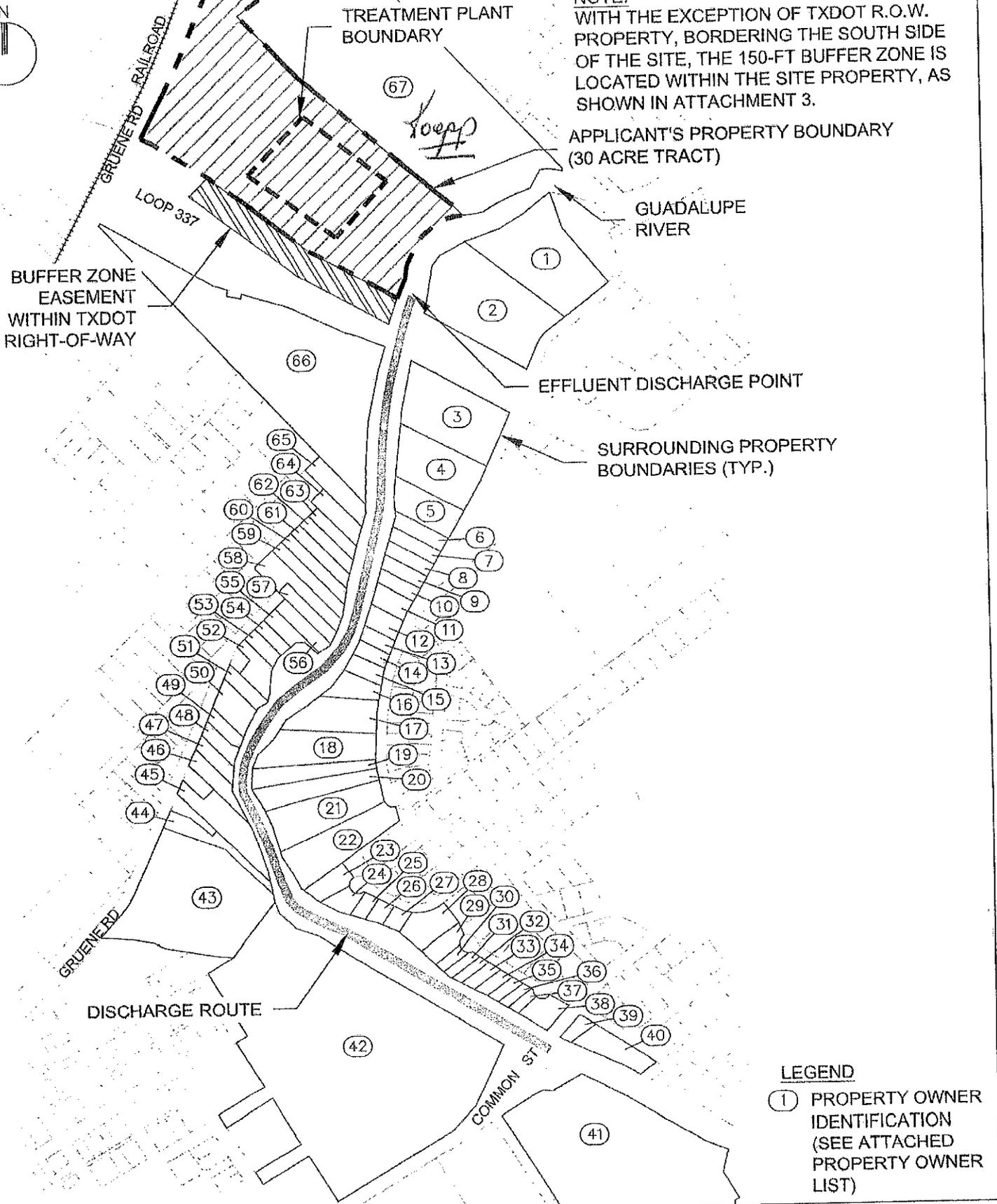
ATTACHMENT 2 AFFECTED LANDOWNER MAP

700 1400
SCALE: 1" = 700'



NOTE:
WITH THE EXCEPTION OF TXDOT R.O.W.
PROPERTY, BORDERING THE SOUTH SIDE
OF THE SITE, THE 150-FT BUFFER ZONE IS
LOCATED WITHIN THE SITE PROPERTY, AS
SHOWN IN ATTACHMENT 3.

APPLICANT'S PROPERTY BOUNDARY
(30 ACRE TRACT)



LEGEND

- ① PROPERTY OWNER IDENTIFICATION (SEE ATTACHED PROPERTY OWNER LIST)

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, June 02, 2014 9:58 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002

From: koepfarm@hotmail.com [mailto:koepfarm@hotmail.com]
Sent: Monday, June 02, 2014 9:57 AM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number WQ0010232002

MWD
9/99/6

REGULATED ENTY NAME GRUENE ROAD PLANT

RN NUMBER: RN101700946

PERMIT NUMBER: WQ0010232002

DOCKET NUMBER:

COUNTY: COMAL

PRINCIPAL NAME: NEW BRAUNFELS UTILITIES

CN NUMBER: CN600522957

FROM

NAME: Skylar Koepf

E-MAIL: koepfarm@hotmail.com

COMPANY:

ADDRESS: 2891 HUNTER RD
NEW BRAUNFELS TX 78132-4222

PHONE: 8306084658

FAX:

COMMENTS: moving the treatment plant will effect our land values. We have a beautiful piece of property located on the river with fishing tanks. Our family enjoys having weekend cookouts and the children enjoy fishing and swimming. With the treatment located next door to our property we feel the quality of our outdoor fun will be greatly effected. We are concerned about the water quality. The dumping of treated water into the river and accidental chemical spills that will affect our property and our water on the property. Our main

MWD

concern with the move of the plant is the land value that will be effected greatly. This treatment plant could stay at the current location and have modification made to the plant. Please consider not granting the permit to NBU, this land we value and enjoy and would like to have this property to give to our children and grandchildren in the future.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, February 10, 2015 4:17 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002
Attachments: Roots Request for Contested Case Hearing.pdf

H

From: scottoo8@aol.com [<mailto:scottoo8@aol.com>]
Sent: Tuesday, February 10, 2015 3:49 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0010232002

*MWD
9/19/16*

REGULATED ENTY NAME GRUENE ROAD PLANT

RN NUMBER: RN101700946

PERMIT NUMBER: WQ0010232002

DOCKET NUMBER: 2014-1097-MWD-E

COUNTY: COMAL

PRINCIPAL NAME: NEW BRAUNFELS UTILITIES

CN NUMBER: CN600522957

FROM

NAME: MR Scott Roots

E-MAIL: scottoo8@aol.com

COMPANY:

ADDRESS: 1033 RIVER TER
NEW BRAUNFELS TX 78130-3417

PHONE: 8306251346

FAX:

COMMENTS: Please see attached letter.

MWD

February 9, 2015

Bridget Bohac
Chief Clerk
Texas Commission on Environmental Quality
MC 105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Hearing Request On Draft Permit No. WQ0010232002, Proposed for Issuance to New Braunfels Utilities

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1. The undersigned are affected persons.

I, Scott Roots, own and live on riverfront property located at 1033 River Terrace, New Braunfels, Texas 78130. I am the owner of Property No. 10 as designated in the applicant's Affected Landowners' Map accompanying the application. My riverfront property is approximately 1,500 feet in distance downstream from the proposed discharge point of the proposed relocated wastewater facility. It is roughly the same distance downstream from the proposed wastewater plant.

I engage in recreational activities in, on, and adjacent to the Guadalupe River (River) on my property. My family and I swim in the water abutting my property. We also canoe and fish on the River at our property. We enjoy the beauty and aesthetic value of the River and its aquatic life.

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Ms. Bridget Bohac
Page 4 of 4

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5. The Applicant's compliance history does not justify issuance of the modified permit.

It is our understanding that New Braunfels Utilities has violated the terms of earlier-issued permits, prompting three enforcement actions by TCEQ. Specifically, in November 2001 the facility was fined for violating permit limits for Ammonia Nitrogen Daily Average and Daily Maximum. In spring of 2012 the facility was issued a Notice of Enforcement for failure to comply with permitted effluent limits for ammonia nitrogen and chlorine. In addition, the facility is the subject of ongoing enforcement procedures, TCEQ Docket No. 2014-1097-MWD-E.

In conclusion, for these reasons, I request that the draft permit be revised according to the TCEQ regulations and the above suggestions to ensure the Guadalupe River is adequately protected from pollution and my use and enjoyment of the river is not adversely affected. If the Executive Director recommends issuance of the permit, I request a contested case hearing regarding the draft permit with respect to each issue raised in these comments.

Sincerely,

Name: Scott Roots
Address: 1033 River Terrace
New Braunfels, TX 78130
Phone Number: (830) 625-1346

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, February 10, 2015 4:17 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0010232002

H

From: scottoo8@aol.com [<mailto:scottoo8@aol.com>]
Sent: Tuesday, February 10, 2015 3:47 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0010232002

*MWD
71996*

REGULATED ENTY NAME GRUENE ROAD PLANT

RN NUMBER: RN101700946

PERMIT NUMBER: WQ0010232002

DOCKET NUMBER: 2014-1097-MWD-E

COUNTY: COMAL

PRINCIPAL NAME: NEW BRAUNFELS UTILITIES

CN NUMBER: CN600522957

FROM

NAME: MR Scott Roots

E-MAIL: scottoo8@aol.com

COMPANY:

ADDRESS: 1033 RIVER TER
NEW BRAUNFELS TX 78130-3417

PHONE: 8306251346

FAX:

COMMENTS: As an affected property owner for this permit I would like to request a public hearing.

MWD