

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, May 28, 2015 11:13 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001
Attachments: Request for Recon Trio smaller file May 28, 2015.pdf

RFR

From: james.v.cannizzo.civ@mail.mil [mailto:james.v.cannizzo.civ@mail.mil]
Sent: Thursday, May 28, 2015 11:10 AM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0015219001

MWD
91632

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: MR James V Cannizzo

E-MAIL: james.v.cannizzo.civ@mail.mil

COMPANY: US Army, Camp Stanley Storage Activity

ADDRESS: 25800 RALPH FAIR RD
BOERNE TX 78015-4877

PHONE: 2102957082

FAX: 2102957386

COMMENTS: See attached request for reconsideration of the Executive Director's May 1, 2015 decision regarding waste water permit WQ0015219001.

MW



DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

May 28, 2015

Bridget C. Bohac, Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Subject: Army Request for Reconsideration on Proposed Permit NO. WQ0015219001

Dear Ms. Bohac:

We request reconsideration of TCEQ Executive Director's decision dated May 1, 2015. Specifically, aspects of the permit and the TCEQ responses to several comments on those aspects of the proposed permit No. WQ0015219001 appear arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

Ref "comment #6" discussed in the May 1, 2015 Executive Director decision, our comment was not adequately addressed and pertains to whether the package plant may be undersized. The May 1, 2015 TCEQ response to comments does not address how 30 TAC §217.32 is discretionary, "[f]or a (wastewater treatment) facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5." There does not appear to be discretion in this regulation; it does not use the word "may." This undersizing of the waste water treatment plant (WWTP) is even more evident when one delves into the details – the permit uses 75 gallons per person for use calculations, which is at the low end of the TCEQ table and low for actual use in this area. Using the 1.5 factor, the permitted 30-day average flow rate should be 210,000 gpd instead of 140,000 gpd.

Instead of addressing how this mandatory provision is somehow inapplicable or optional, the TCEQ response appears to rely on the 75%/90% rule (75% start design; 90% start expansion construction) to limit the development should the earlier phases of development exceed their flow projections. However, there is no analysis of why 30 TAC §217.32's rule, which appears mandatory on its face, can be ignored. See enclosed highlighted excerpts of the two relevant regulations (30 TAC 317.32 and 306.126) and see relevant excerpt from a Texas State Office of Administrative Hearings (SOAH) decision, 2010 TX SOAH LEXIS 59 (February 8, 2010):

FN 40. TEX. WATER CODE ANN. (Water Code) § 5.103(c) states: "The commission shall **follow its own rules** as adopted until it changes them in accordance with [the APA]." If a Texas agency fails to **follow** the clear,

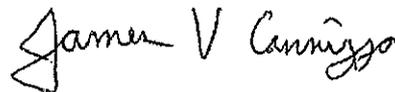
unambiguous language of its **own** regulations, its action is arbitrary and capricious. See *Rodriguez v. Service Lloyds Ins. Co.*, 997 S.W.2d 248, 255 (Tex. 1999) and *Public Util. Comm'n v. Gulf States Util. Co.*, 809 S.W.2d 201, 207 (Tex. 1991).

The response in the May 1, 2015 Executive Director's decision that because the development will be built in phases, the waste water treatment plant can be increased in size at some later date if the actual measured flows exceed 75 – 90% of the design flows is also not logical. Phases of developments are often different densities/ have varying sizes of homes/lots, so a first phase may well not produce the same flow rate as a later phase. Thus until all phases are complete, the actual total flow will not be known. In any case, as set forth above, there is no discretion in TCEQ's regulations to allow reverse designing of waste water treatment plants.

Ref "comment #4" discussed in the May 1, 2015 Executive Director decision, the applicant has added soil surveys done by a consultant in late October 2014 to the permit file in Boerne, however, no Karst feature survey has been done or documented with the permit. A Karst environment, where direct connections to the aquifer may be present via crevices and caves, is a very different issue than soil. As, I set out in detail in our comments, the site is also approximately 600 feet northwest of the Edwards Aquifer Contribution Zone. The 40.5 acre area proposed for land irrigation is more accurately described as Karst surface and intermittent creek bed with potential for aquifer recharge. This potential package plant would be sited in a location that potentially is on the boundary of the Upper and Lower Glen Rose formations with multiple faults and fractures. Our understanding is that recharge features are frequently found along this boundary. The applicant should be required to hire a consultant to conduct a professional survey in accordance with 30 TAC §217.10(c), for geologic cave or recharge features on the proposed site and the results reported to TCEQ. There is no discussion in the Executive Director's responses to comments on how this code provision does not apply (see above citation for the proposition that TCEQ must follow its own rules). A Karst survey, which is quite different from a soil survey, should be mandated and then the wastewater permit writers at TCEQ should review the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

If you have any questions please feel free to contact me at (210) 295-7082 or 9830.

Sincerely,



James V. Cannizzo
Counsel

Enclosure

SUBCHAPTER B: TREATMENT FACILITY DESIGN REQUIREMENTS

§§217.31 - 217.39

Effective August 28, 2008

§217.31. Applicability.

This subchapter details the design values that an owner shall use when determining the size of any wastewater treatment facility component. This subchapter applies to the treatment design for a new facility, material alteration or expansion an existing facility, and the re-rating of an existing facility.

Adopted August 6, 2008

Effective August 28, 2008

§217.32. Organic Loadings and Flows.

(a) The design of a new facility must be based on the flows and loadings in paragraphs (1) - (3) of this subsection, unless subsection (b) of this section applies.

(1) Design flow.

(A) For a facility equal to or greater than 1.0 million gallons per day (mgd), the permitted flow is the average annual flow value determined by multiplying the per capita flow in Table B.1. in paragraph (3) of this subsection by the number of people in the service area.

(B) For a facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5.

(2) Peak flow. When site-specific data is unavailable, the instantaneous two-hour peak flow must be estimated by multiplying the permitted flow by a factor of 4.0.

(A) If a facility experiences unusual periodic flow variations, a higher multiplier may be used to calculate the peak flow.

(B) In a facility with flow equalization, the facility may be designed for a lower estimated peak flow, if supporting data included in the report supports the estimate.

(C) A treatment unit, pipe, weir, flume, disinfection unit, or any other treatment unit that is flow limited must be sized to transport or treat the estimated peak flow.

(D) A facility must use a totalizing flow meter for flow measurement.

(3) Design organic loading. If available, actual organic loading data must be used as the basis for design. If actual data is not available, the design organic load must be used as the basis for design. The design organic load is determined by multiplying the projected uses by annual average flow determined from the following table and by using the appropriate influent concentration from the following table:

Table B.1. - Design Organic Loadings and Flows for a New Facility

Source	Remarks	Daily Wastewater Flow (gallons/person)	Wastewater Strength (mg/l BOD ₅)
Municipality	Residential	75-100	200-350
Subdivision	Residential	75-100	200-350
Trailer Park (Transient)	2½ Persons per Trailer	50-60	250-300
Mobile Home Park	3 Persons per Trailer	50-75	300
School	Cafeteria & Showers	20	300
	Cafeteria/No Showers	15	300
Recreational Parks	Overnight User	30	200
	Day User	5	100
Office Building or Factory	A facility must be designed for the largest shift	20	300
Hotel/Motel	Per Bed	50-75	300
Restaurant	Per Meal	7-10	1000*
Restaurant with bar or cocktail lounge	Per Meal	9-12	1000*
Hospital	Per Bed	200	300
Nursing Home	Per Bed	75-100	300
Alternative Collection Systems (Subchapter D)	Per Capita	75	N/A
*Based on a restaurant with a grease trap			

(b) For an owner constructing a new system to serve the same service area as an existing facility with sufficient historical data, the data from §217.34 of this title (relating to Re-Rating, Expanding, or Materially Altering an Existing Facility), may be used to design a wastewater treatment facility if justified in the report.

Adopted August 6, 2008

Effective August 28, 2008

§217.33. Flow Measurement.

(a) A facility must include a means of accurate effluent flow measurement.

(b) An effluent flow-measuring device must have an open channel to allow for easy inspection, calibration, and cleaning.

- (i) the permittee;
- (ii) an entity (as that term is defined in 11 USC, §101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
- (iii) an affiliate (as that term is defined in 11 USC, §101(2)) of the permittee.

(B) This notification must indicate:

- (i) the name of the permittee;
- (ii) the permit number(s);
- (iii) the bankruptcy court in which the petition for bankruptcy was filed; and
- (iv) the date of filing of the petition.

Adopted June 14, 2006

Effective July 5, 2006

§305.126. Additional Standard Permit Conditions for Waste Discharge Permits.

(a) Whenever flow measurements for any sewage treatment plant facility in the state reaches 75 percent of the permitted average daily or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities. Whenever the average daily or annual average flow reaches 90 percent of the permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a wastewater treatment facility which reaches 75 percent of the permitted average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee will submit an engineering report supporting this claim to the executive director. If in the judgment of the executive director the population to be served will not cause permit noncompliance, then the requirements of this section may be waived. To be effective, any waiver must be in writing and signed by the director of the enforcement division of the commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.

(b) The permittee shall give notice to the executive director as soon as possible of any planned physical alterations or additions to the permitted facility. In addition to the requirements of §305.125(7) of this title (relating to Standard Permit Conditions), notice shall also be required under this subsection when:

(1) the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in §305.534 of this title (relating to New Sources and New Dischargers); or

(2) the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 Code of Federal Regulations (CFR) 122.42(a)(1) as adopted by §305.531 of this title (relating to Establishing and Calculating Additional Conditions and Limitations for TPDES Permits);

(3) the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

(c) If the permittee is a new discharger, it must provide quantitative data described in 40 CFR §§122.21(h)(4)(I) and (ii) no later than two years after commencement of discharge; however, the permittee need not conduct tests which the permittee has already performed and reported under the discharge monitoring requirements of its TPDES permit.

Adopted December 2, 1998

Effective January 7, 1999

§305.127. Conditions to be Determined for Individual Permits.

Conditions to be determined on a case-by-case basis according to the criteria specified in this section, and when applicable, incorporated into the permit expressly or by reference, are listed in the following paragraphs.

(1) Duration.

(A) Injection well permits.

(i) Permits for Class I and Class V wells shall be for a fixed term not to exceed ten years.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, January 15, 2015 1:43 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001
Attachments: 2015 Jan 15 Trio Wastewater Permit Comment Ltr FINAL pdf version1.pdf

From: james.v.cannizzo.civ@mail.mil [<mailto:james.v.cannizzo.civ@mail.mil>]
Sent: Thursday, January 15, 2015 1:35 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0015219001

*MWD
9/16/32*

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: MR James V Cannizzo

E-MAIL: james.v.cannizzo.civ@mail.mil

COMPANY: US Army

ADDRESS: 25800 RALPH FAIR RD
BOERNE TX 78015-4877

PHONE: 2102957082

FAX:

COMMENTS: See atch comment ltr, which supplements comments from 27 August, 2014 and comments submitted at the public meeting.

MWD



DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

January 15, 2015

Bridget C. Bohac, Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Subject: Army Comment on Proposed Permit NO. WQ0015219001; CN604516112
RN107104929

Dear Ms. Bohac:

Thank you for the opportunity to submit comments. The comments below are in reference to proposed permit No. WQ0015219001 submitted by Trio Residential Developers, Inc., the Notice of Application and Preliminary Decision which was republished on December 19, 2014 in the Boerne Star and draft permit that was reissued on December 11, 2014.

The Army is still concerned about this draft wastewater permit and related development due to water quality concerns and water quantity issues. In addition to the concerns we have previously addressed in comments to TCEQ in an August 27, 2014 letter and in October at the public meeting, there are several additional issues we found in reading the permit file which has now been placed by the applicant in Boerne at the Kendall County Courthouse.

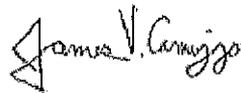
The applicant has added soil surveys done by a consultant in late October 2014 to the permit file in Boerne, however, no karst feature survey has been done or documented with the permit. Karst (direction connections to the aquifer via crevices and caves) is a very different issue than soil. As, I set out in detail in my prior comments, the site is also approximately 600 feet northwest of the Edwards Aquifer Contribution Zone. The 40.5 acres proposed for land irrigation is more accurately described as karst surface and intermittent creek bed with potential for aquifer recharge. This potential package plant would be sited in a location that potentially is the boundary of the Upper and Lower Glen Rose formations with multiple faults and fractures. My understanding is that recharge features are frequently found along this boundary. The applicant should be required to hire a consultant to conduct a professional survey in accordance with 30 TAC §217.10(c), for geologic cave or recharge features on the proposed site and the results reported to TCEQ. Then the wastewater permit writers at TCEQ should evaluate the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

The applicant still did not include certified letters to the wastewater treatment plant owner and a response whether they would be willing to allow the applicant to connect to their facility, or analysis on the cost to connect versus the cost to expand the existing facility. There is merely a statement by the applicant's consultant (not the City of Fair Oaks) and no cost estimates on the cost to connect versus the cost to expand the existing facility.

Also, the copy of the application in Boerne at the Kendall County Courthouse (the public place for viewing) does not contain the full correspondence from the file. Very little of the TCEQ correspondence is included. The developer should provide this full information and the 30-day comment period should be extended again to allow the public to view this additional information. For example, none of the correspondence explaining why the irrigation area was increased from the application's projected 26.6 acre to the draft permit's 40.5 acres is in the public viewing file, which is a substantial change. This deprives interested parties from fully participating in the comment process.

If you have any questions please feel free to contact me at (210) 295-7082 or 9830.

Sincerely,

A handwritten signature in black ink that reads "James V. Cannizzo". The signature is written in a cursive style with a large, stylized initial "J".

James V. Cannizzo
Counsel

TCEQ Public Meeting Form
October 30, 2014

13

Trio Residential Developers, Inc.

Water Quality Land Application Permit for
Municipal Wastewater
Permit No. WQ0015219001

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OCT 30 2014

AT PUBLIC MEETING

PLEASE PRINT

Name: James Cannizzo

Mailing Address: 25800 Ralph Falu Rd Boerne TX

Physical Address (if different): _____

City/State: Boerne TX Zip: 78015

This information is subject to public disclosure under the Texas Public Information Act

Email: James.V.Cannizzo.civ@mail.mil ✓

Phone Number: 210 295-7082

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? US Army

Please add me to the mailing list.

I wish to provide formal **ORAL COMMENTS** at tonight's public meeting. ✓

I wish to provide formal **WRITTEN COMMENTS** at tonight's public meeting. ✓
(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

mc

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OCT 30 2014

AT PUBLIC MEETING

Comments for Oct 30 TCEQ Public Meeting

I am Jim Cannizzo, the Attorney Advisor for Camp Stanley and retained Army functions at Camp Bullis and Fort Sam Houston. The Army is concerned about this draft wastewater permit and related development due to water quality concerns and water quantity issues.

Camp Stanley is located approximately 2.7 miles south of where the wastewater package plant would be located and this development is 1.3 miles from Camp Bullis, see map at enclosure 1 of my August 27 comment letter. This development is located within Fair Oaks Ranch's extraterritorial jurisdiction and through a 2013 development agreement with Fair Oaks Ranch, the wastewater package plant and drinking water system could be turned over to Fair Oaks Ranch once they are operational. My understanding from several newspaper articles is that the developer is hoping to switch to water from Canyon Lake Water Supply Corporation, although it is uncertain whether the development agreement with Fair Oaks Ranch allows that without an amendment.

The first concern is related to water quality. The site for the package plant and wastewater irrigated greenbelt is in southeastern Kendall County. The site is also approximately 600 feet northwest of the Edwards Aquifer Contribution Zone, see map in my comment ltr at enclosure 1. The 40.5 acres proposed for land irrigation is more accurately described as karst surface and intermittent creek bed with potential for aquifer recharge. This package plant would be sited in a location that potentially is the boundary of the Upper and Lower Glen Rose formations. My understanding is that recharge features are frequently found along this boundary. See enclosure 2 of my comment ltr for excerpts from geologic reference materials. See also at enclosure 2 a photo taken August 26, 2014 by a local environmental consultant on the tract immediately to the south of the Reserve at Fair Oaks Ranch (aka Reserve at Ammann Road), known as the K-7 Ranch. The photo is of a large karst feature about 15 feet across. Of note, this feature is on the same channel that runs through the Reserve at Ammann Road site where the greenbelt irrigation area is located. The presence of karst features on the tract immediately to the south of the Reserve at Ammann Road is a strong indicator that there could be karst features on the site. I understand the owner of the K-7 Ranch submitted a detailed comment letter with maps/more photos and that several karst features have

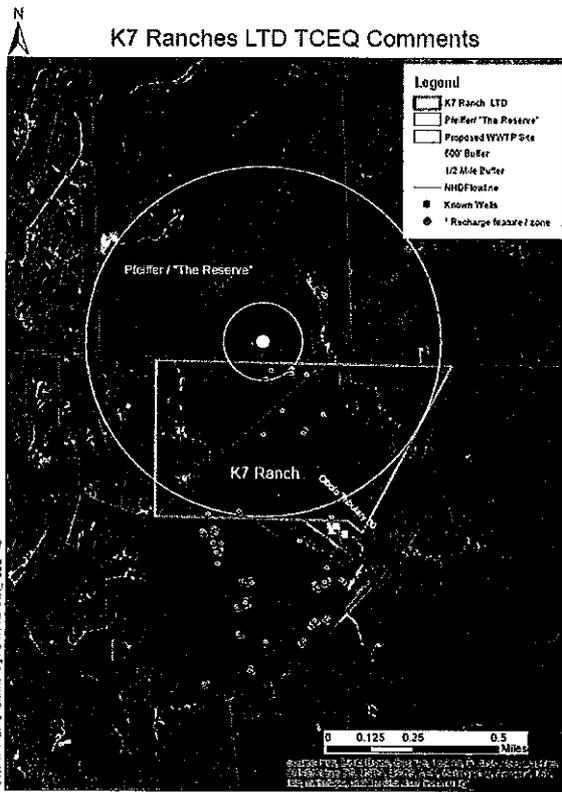


been found, not just the one in the photo. The applicant should be required to hire a consultant to conduct a professional survey for cave or recharge features on the proposed site and the results reported to TCEQ. Then the wastewater permit writers at TCEQ should evaluate the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

Also, the site is approximately 1.5 miles north (upstream) of Cibolo Creek and runoff may end up in Cibolo Creek via tributaries during heavy rain events. Even if permit limits are met, if the 40.5 acres are indeed located over karst features, this may contaminate the Trinity Aquifer and possibly the Edwards Aquifer or at least local groundwater wells. The last thing we and other well owners downstream need is e-coli in our drinking water wells.

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OCT 30 2014
AT PUBLIC MEETING

Map and Photo Taken August 26, 2014 on K-7 Ranch



1:15,000 *The recharge features shown on K7 are the result of a very limited synchro. A true geologic assessment could provide a complete dataset not shown here. Recharge zones to the south of K7 are from plats for Oak Bend Subdivision held by the City of Fair Oaks Ranch.



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OCT 30 2014
AT PUBLIC MEETING

In addition, it appears that the package plant may be undersized based on the size of the development and expected outflow volume. Under 30 TAC §217.32, "For a (wastewater treatment) facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5." There does not appear to be discretion in this regulation, it does not use the word "may," it says "MUST." This undersizing of the WWTP is even more evident when one digs into the details – the permit uses 75 gallon per person for use calculations, which is towards the low end of the TCEQ table (75 – 100 gallon range) and low for actual use in this area. It is also low because the applicant supplied rainfall data which understates local conditions. From time to time, this area has huge deluges of rain. Note what 30 TAC 317.32 provides in that case, (A) If a facility experiences unusual periodic flow variations, a higher multiplier may be used to calculate the peak flow.

Using at least the 1.5 factor above, the permitted 30-day average flow rate should be 210,000 gal/day. That should change the package plant and settlement pond design and the size of 40.5 acre irrigation area.

If the water numbers per household from the rest of Fair Oaks Ranch are used per their 2012 Annual Drinking Water Quality Report, the result is even farther away from calculations that should be derived from 30 TAC §217.32's mandate of at least 1.5 times average annual flow. In 2012 FOR used 556 gallons per household. In 2013 it was 513 gallons. That would be **more than double** the actual rate estimated in this wastewater permit, which at about 3 persons per household X 75 gallons would be 225 gallons per household.

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AT PUBLIC MEETING

30 TAC 217.32 Organic Loadings and Flows

(a) The design of a new facility **must be based on the flows and loadings in paragraphs (1) - (3) of this subsection**, unless subsection (b) of this section applies.

(1) Design flow.

(A) For a facility equal to or greater than 1.0 million gallons per day (mgd), the permitted flow is the average annual flow value determined by multiplying the per capita flow in Table B.1. in paragraph (3) of this subsection by the number of people in the service area.

(B) For a facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5. ...

(A) If a facility experiences unusual periodic flow variations, a higher multiplier may be used to calculate the peak flow. ...

(b) For an owner constructing a new system to serve the same service area as an existing facility with sufficient historical data, the data from §217.34 of this title (relating to Re-Rating, Expanding, or Materially Altering an Existing Facility), may be used to design a wastewater treatment facility if justified in the report.

Figure: 30 TAC §217.32(a)(3)

Table B.1. - Design Organic Loadings and Flows for a New Facility			
Source	Remarks	Daily Wastewater Flow (gallons/person)	Wastewater Strength (mg/l BOD ₅)
Municipality	Residential	75-100	200-350
Subdivision	Residential	75-100	200-350

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 OCT 30 2014
 AT PUBLIC MEETING

RECEIVED

OCT 30 2014

AT PUBLIC MEETING

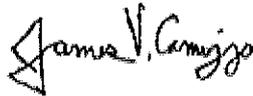
There are also several administrative irregularities in the applicant's application, which create gaps in the draft permit. For example, on page 10 of the permit application technical report item 3 "[a]re there any domestic permitted wastewater treatment facilities and/or collection systems located within a three-mile radius of the proposed facility?" The answer is checked "No", however, the City of Fair Oaks Ranch has a wastewater treatment plant 2 miles from the proposed facility. Following from this error, the applicant did not include certified letters to the wastewater treatment plant owner and a response whether they would be willing to allow the applicant to connect to their facility, or analysis on the cost to connect versus the cost to expand the existing facility.

Also, the copy of the application at Fair Oaks Ranch City Hall (the public place for viewing) does not contain the full correspondence from the file. No TCEQ correspondence is included. The developer should provide this full information and the 30-day comment period should be extended to allow the public to view this additional information. For example, none of the correspondence explaining why the irrigation area was increased from the application's projected 26.6 acre to the draft permit's 40.5 acres is in the public viewing file, which is a substantial change. This deprives interested parties from fully participating in the comment process. Also, the application and draft permit were not placed in the county (Kendall County) where the site is located as the draft permit requires (page 3 under PROCEDURES FOR FINAL DECISION), but instead were placed at Fair Oaks City Hall in Bexar County.

The other substantive concern is related to water quantity. This package plant would support 635 houses on 345 acres and from our understanding, may use wells from the Trinity Aquifer as their source of drinking water. If these 635 houses use the same rate cited in the Fair Oaks Ranch 2012 Safe Drinking Water Act Consumer Confidence Report (see enclosure 4) of 556 gallons per household, that would equate to nearly 129 million additional gallons a year. In 2012, Fair Oaks Ranch pumped 242 million gallons from the Trinity Aquifer and obtained 276 million gallons from Canyon Lake. This new pumping rate would constitute a 53% increase in local groundwater withdrawals by the City of Fair Oaks Ranch (129 million gallons divided by 242 million gallons).

Camp Stanley maintains its own well system and pumped approximately 7.5 million gallons of water in 2012. We use our water primarily for supporting our munitions activities, and a secondary use is for our small housing complex (14 units) and for fire-fighting capabilities. This source of water would be very difficult to replace. Camp Stanley was established in 1906, thus our use of water predates this development by over a hundred years.

Respectfully submitted,



James V. Cannizzo
Attorney-advisor, Camp Stanley Storage
Activity and Retained Army Functions at
Fort Sam Houston and Camp Bullis

RECEIVED
OCT 30 2014
AT PUBLIC MEETING



DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

August 27, 2014

U-99-14

Bridget C. Bohac, Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 30 2014
AT PUBLIC MEETING

Subject: Army Comment on Proposed Permit NO. WQ0015219001; CN604516112
RN107104929

Dear Ms. Bohac:

Thank you for the opportunity to submit comments. The comments below are in reference to proposed permit No. WQ0015219001 submitted by Trio Residential Developers, Inc., the Notice of Preliminary Decision which was published on August 1, 2014 in the Boerne Star and draft permit that was issued on July 17, 2014.

The Army is concerned about this draft wastewater permit and related development due to water quality concerns and water quantity issues. Camp Stanley is located approximately 2.7 miles south of where the wastewater package plant would be located and this development is 1.3 miles from Camp Bullis, see map at enclosure 1. This development is located within Fair Oaks Ranch's extraterritorial jurisdiction and through a 2013 development agreement with Fair Oaks Ranch, the wastewater package plant and drinking water system could be turned over to Fair Oaks Ranch once they are operational.

The first concern is related to water quality. The site for the package plant and wastewater irrigated greenbelt is in southeastern Kendall County. The site is also approximately 600 feet northwest of the Edwards Aquifer Contribution Zone, see map at enclosure 1. The 40.5 acres proposed for land irrigation is more accurately described as karst surface and intermittent creek bed with potential for aquifer recharge. This potential package plant would be sited in a location that potentially is the boundary of the Upper and Lower Glen Rose formations. My understanding is that recharge features are frequently found along this boundary. See enclosure 2 for excerpts from geologic reference materials. See also at enclosure 2 a photo taken August 26, 2014 (yesterday) by a local environmental consultant on the tract immediately to the south of the Reserve at Fair Oaks Ranch (aka Reserve at Ammann Road), known as the K-7 Ranch. The photo is of a large karst feature about 15 feet across. Of note, this feature is on the same channel that runs through the Reserve at Ammann Road site where the greenbelt irrigation area is located. The presence of karst features on the tract immediately to the south of the Reserve at Ammann Road is a strong indicator that there could be karst features on the Reserve at Ammann Road site. I understand the owner of the K-7 Ranch will be submitting a detailed comment letter with maps/more photos and that several karst features have been found, not just the one in the photo. The applicant should be required to hire a consultant to conduct a professional survey for cave or recharge features on the proposed site and the results reported to TCEQ. Then the

mm

wastewater permit writers at TCEQ should evaluate the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

Also, the site is approximately 1.5 miles north (upstream) of Cibolo Creek and runoff may end up in Cibolo Creek via tributaries during heavy rain events. Also, a package plant may be insufficient to handle the large nutrient load from 635 houses (51 million gallons per year maximum capacity, 140,000 gallons per day per the NORI and draft permit) and could result in groundwater or surface water contamination. This is a large volume for a package plant and it will be difficult to treat this much effluent to appropriate standards for ammonia, phosphorus, and total suspended solids and to contain this on site during heavy rain events. Even if permit limits are met, if the 40.5 acres are indeed located over karst features, this may contaminate the Trinity Aquifer and possibly the Edwards Aquifer or at least local groundwater wells.

In addition, it appears that the package plant may be undersized based on the size of the development and expected outflow volume. Under 30 TAC §217.32, "For a (wastewater treatment) facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5." Assuming 71 gallons per day per person (American Water Works Association, AWWA, 1999 study) for wastewater generation sent to the wastewater package plant and an average 2.81 people per household (Texas, 2010 census), the average wastewater treatment plant load would be about $635 \times 2.81 \times 71 = 127,000$ gal/day (46 million gal/yr), which is very close to the 140,000 gal/day (51 million gal/yr) used in the draft permit. Using the 1.5 factor above, the permitted 30-day average flow rate should be 190,000 gal/day. If the water numbers per household from the rest of Fair Oaks Ranch are used per their 2012 Annual Drinking Water Quality Report (see enclosure 4), the result is even farther away from 30 TAC §217.32's mandate of at least 1.5 times average annual flow.

There are also several administrative irregularities in the applicant's application, which create gaps in the draft permit. For example, on page 10 of the permit application technical report item 3 "[a]re there any domestic permitted wastewater treatment facilities and/or collection systems located within a three-mile radius of the proposed facility?" The answer is checked "No", however, the City of Fair Oaks Ranch has a wastewater treatment plant 2.0 miles from the proposed facility. Following from this error, the applicant did not include certified letters to the wastewater treatment plant owner and a response whether they would be willing to allow the applicant to connect to their facility, or analysis on the cost to connect versus the cost to expand the existing facility.

Also, the copy of the application at Fair Oaks Ranch City Hall (the public place for viewing) does not contain the full correspondence from the file. No TCEQ correspondence is included. The developer should provide this full information and the 30-day comment period should be extended to allow the public to view this additional information. For example, none of the correspondence explaining why the irrigation area was increased from the application's projected 26.6 acre to the draft permit's 40.5 acres is in the public viewing file, which is a substantial change. This deprives interested parties from fully participating in the comment process. Also, the application and draft permit were not placed in the county (Kendall County) where the site is

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located as the draft permit requires (page 3 under PROCEDURES FOR FINAL DECISION), but instead were placed at Fair Oaks City Hall in Bexar County.

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The other substantive concern is related to water quantity. This package plant would support 635 houses on 345 acres and from our understanding, would use wells from the Trinity Aquifer as their source of drinking water, see article at enclosure 3. If these 635 houses use the same rate cited in the Fair Oaks Ranch 2012 Safe Drinking Water Act Consumer Confidence Report (see enclosure 4) of 556 gallons per household, that would equate to nearly 129 million additional gallons a year. In 2012 Fair Oaks Ranch pumped 242 million gallons from the Trinity Aquifer and obtained 276 million gallons from Canyon Lake. This new pumping rate would constitute a 53% increase in local groundwater withdrawals by the City of Fair Oaks Ranch (129 million gallons divided by 242 million gallons).

Camp Stanley maintains its own well system and pumped approximately 7.5 million gallons of water in 2012. We use our water primarily for supporting our munitions activities, and a secondary use is for our small housing complex (14 units) and for fire-fighting capabilities. This source of water would be very difficult to replace. Camp Stanley has achieved a decrease in its water usage the past few years as we have implemented drought and conservation measures to address the rapid drop in water levels in the Middle Trinity Aquifer. Although Camp Stanley is not in the immediate cone of influence from the new wells in the proposed package plant site, this substantial amount of pumping will further reduce the water levels in the overall area. This will have an indirect effect on downstream wells (wells to the south). As many of our neighbors have experienced over the past several drought years, our wells have already been dropping down to levels which jeopardize the long-term viability of the wells. We are concerned this significant new increase in pumping will negatively affect Camp Stanley and other well owners down-gradient of the proposed package plant site.

While almost all of this development is within Kendall County which is covered by the Cow Creek Groundwater Conservation District, the developer's plan to drill wells in Comal County (see article at enclosure 3) precludes limits on his groundwater pumping. There is currently no groundwater conservation district in Comal County, thus there would be no regulatory mechanism to restrain the developer from exporting large amounts of water into Kendall County, see enclosure 5 for two articles describing this regulatory stalemate. TCEQ had designated a Priority Groundwater Management Area (PGMA), the Hill Country PGMA (see enclosure 6), which included western Comal County, and had pursued an action to put western Comal County under a groundwater conservation district, but dropped that effort in Spring 2014 (see enclosure 7).

Fair Oaks Ranch was developed in the 1970s as a residential community and was not incorporated as a municipality until 1988. A military installation was created in 1906 at our current location, known as the Leon Springs Military Reservation. In 1917, the facility was renamed Camp Stanley, and was used for WWI-era military training and was also very active in WWII. CSSA is now a facility of the Army Materiel Command (AMC). The primary mission of the installation is receipt, storage, and issuance of ordnance materiel as well as quality assurance (QA) testing and maintenance of military weapons and ammunition. As a longstanding neighbor whose presence predates Fair Oaks Ranch by many decades, we ask that

TCEQ consider us and other existing down-gradient consumers of this shared finite natural resource. This development has a level of density that cannot be supported by the already depleted aquifer in this area.

This water quality permit may be followed by an application for a Municipal Utility District (MUD) and the criteria for such include the public welfare and sufficiency of water quantity. These issues should be looked at now as part of this water quality permit, rather than handled piecemeal.

30 TAC §293.11. Information Required to Accompany Applications for Creation of Districts. (c)(5)

(G) an investigation and evaluation of the availability of comparable service from other systems including, but not limited to, water districts, municipalities, and regional authorities;

(J) complete justification for creation of the district supported by evidence that the project is feasible, practicable, necessary, will benefit all of the land and residents to be included in the district, and will further the public welfare;

30 TAC §293.11. Information Required to Accompany Applications for

Creation of Districts.

(c) Creation applications for TWC, Chapter 51, Water Control and Improvement Districts, within two or more counties shall contain items listed in subsection (a) of this section and the following:

...

(5) (H) an evaluation of the effect the district and its systems and subsequent development within the district will have on the following:

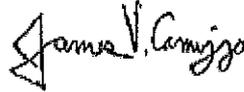
- (i) land elevation;
- (ii) subsidence;
- (iii) groundwater level within the region;
- (iv) recharge capability of a groundwater source;
- (v) natural run-off rates and drainage; and
- (vi) water quality;

Given the water quality and water quantity concerns this development poses, the Army requests a public meeting to address these issues. Also, we understand that there is significant public concern over this development, with over 2,300 residents of Fair Oaks Ranch signing a petition in April 2014 opposing this development and water issues was one of their main concerns.

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If you have any questions please feel free to contact me at (210) 295-7082 or 9830.

Sincerely,



James V. Cannizzo
Counsel

Enclosures:

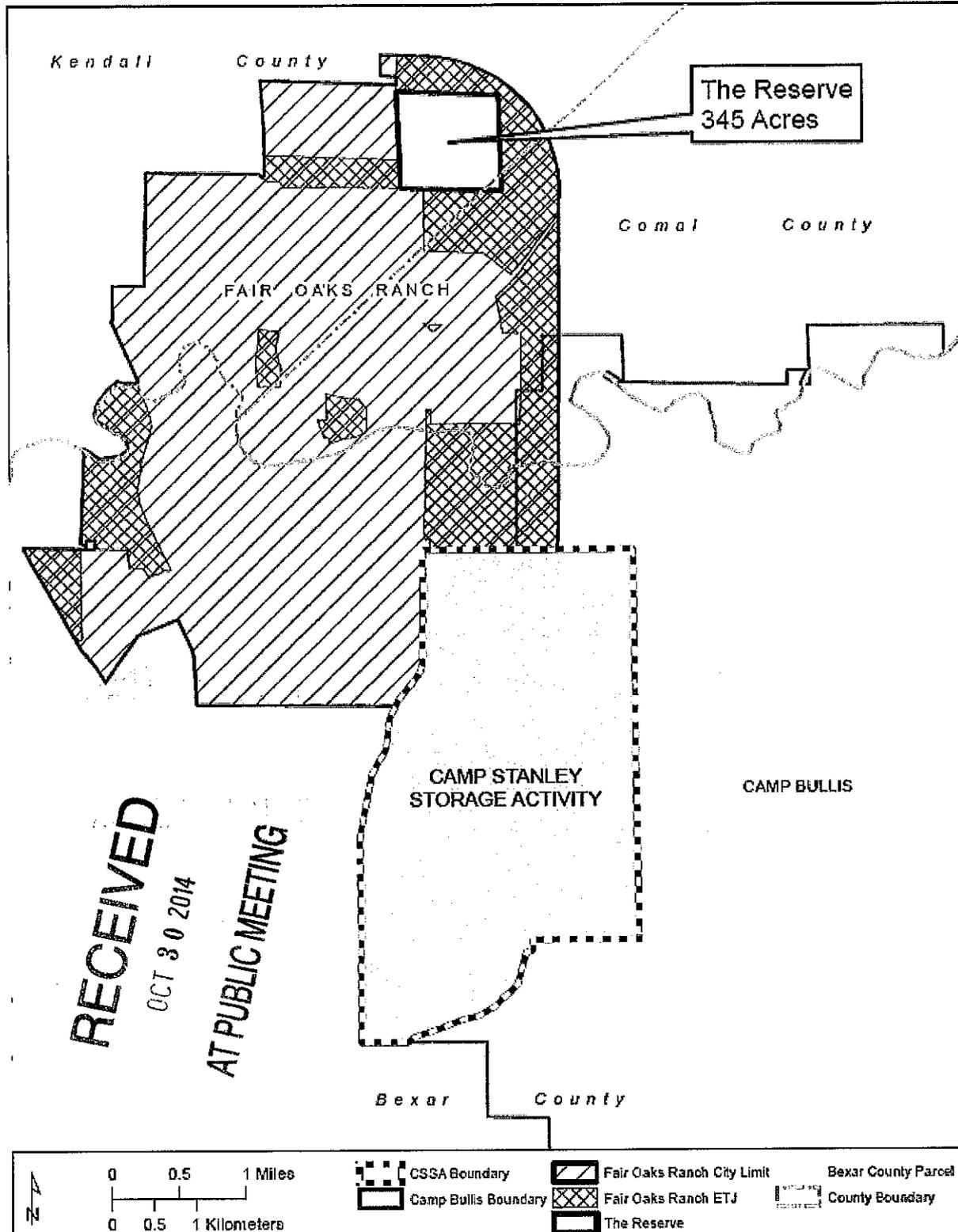
1. Maps Showing Relation to Camps and to Edwards Contribution Zone
2. Excerpts from Geologic Reference Materials
3. Express News Article Quoting the Developer's Representative
4. Excerpt from Fair Oaks Ranch 2012 Consumer Confidence Report
5. Express News Article on Regulatory Stalemate
6. Excerpt from 2013 TCEQ Report on PGMA's
7. Article on 2014 Termination of TCEQ PGMA Effort on Western Comal County

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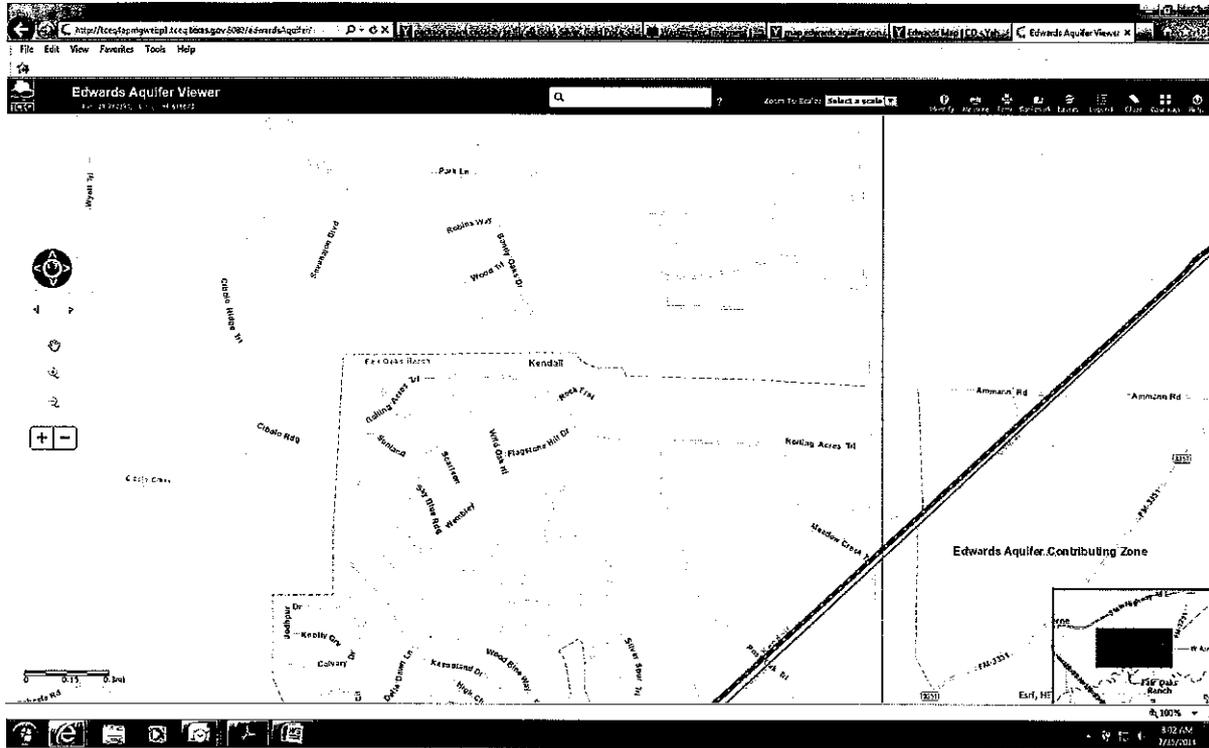
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Enclosure 1 Maps



Enclosure 1 (cont) Maps

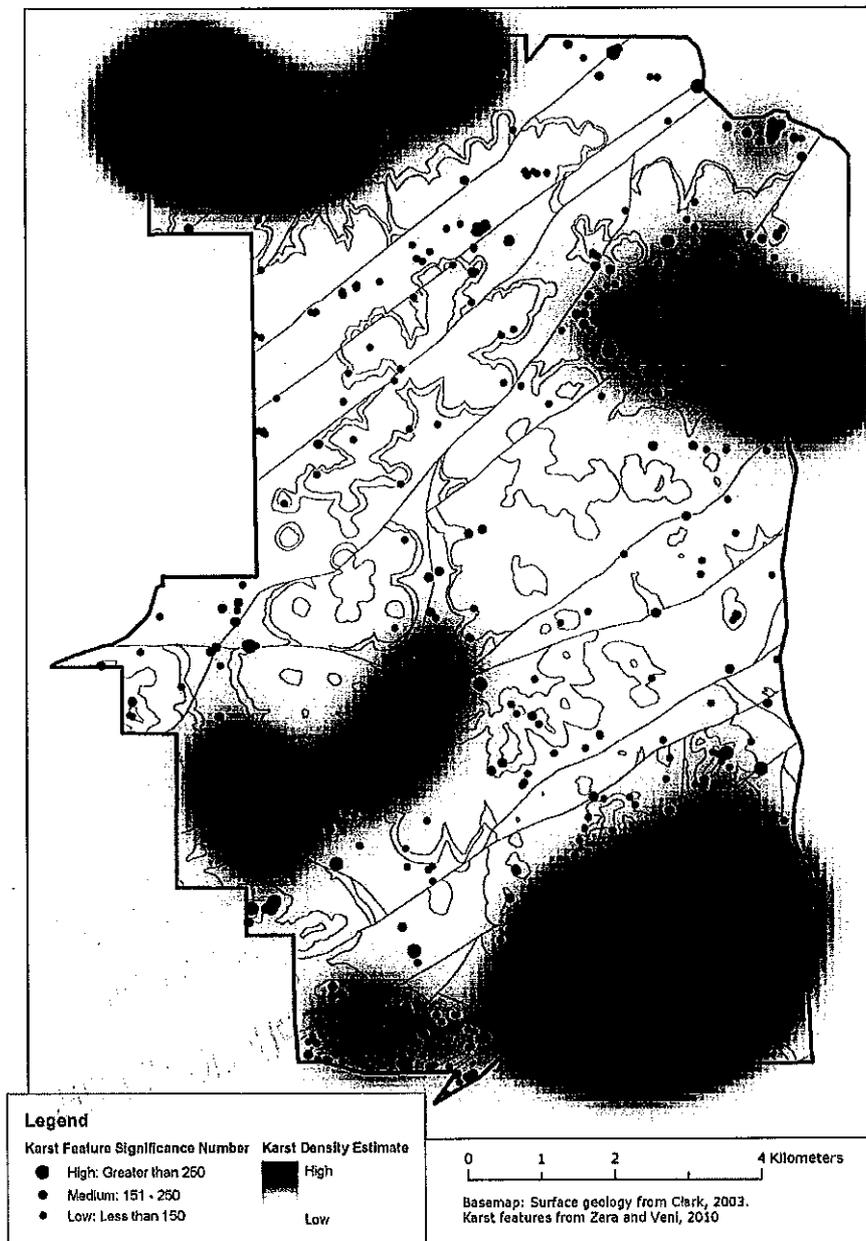


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Enclosure 2 Excerpts from Geologic Reference Materials

Camp Bullis karst features from GEOPHYSICAL INVESTIGATIONS OF THE EDWARDS-TRINITY AQUIFER SYSTEM AT MULTIPLE SCALES: INTERPRETING AIRBORNE AND DIRECT-CURRENT RESISTIVITY IN KARST (2013) available at:
http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1127&context=sinkhole_2013

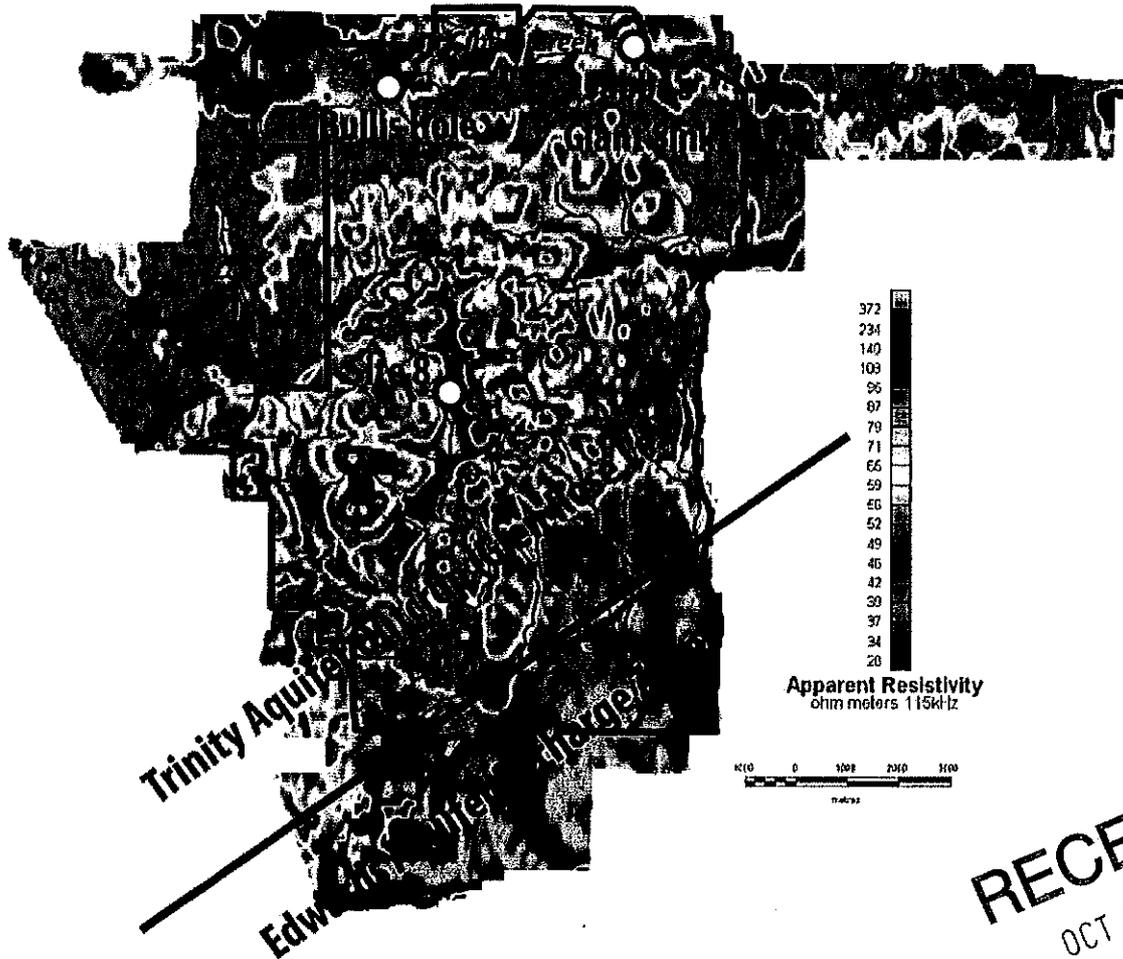
Page 198, Figure 3. Karst feature density map of Camp Bullis showing the spatial distribution and significance number of karst features (Zara, 2011).



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Camp Bullis resistivity map, NOTE HIGH RESISTIVITY TO NW of Camp Bullis, near where Reserve at Amman Rd is located; excerpt from GEOPHYSICAL INVESTIGATIONS OF THE EDWARDS-TRINITY AQUIFER SYSTEM AT MULTIPLE SCALES: INTERPRETING AIRBORNE AND DIRECT-CURRENT RESISTIVITY IN KARST (2013)

Page 199, Figure 4. HFDEM survey data at 115 kHz frequency from Camp Bullis. DC-ERI sites are shown as white circles. The Edwards-Trinity contrast is clearly shown in the HFDEM data (Smith et al, 2005) The water table is 30+ meters below the land surface throughout Camp Bullis, thus these resistivity values reflect the vadose zone.



Page 200, 2nd para excerpt:

The trends in the apparent resistivity map correlate to and augment the mapped geology. The HFDEM map shows greater detail in the lithologic changes than indicated in geologic maps such as the thin limestone units and more detail in structural trends. There is also a strong correlation of the occurrence of karst features (Figure 3) with the HFDEM map, suggesting that the geophysical data may also reflect values of high resistivity that would be significant if large volumes of air-filled voids (very high resistivity) exist in the subsurface.

Photo Taken August 26, 2014 on K-7 Ranch



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Enclosure 3 Express News Article Quoting the Developer's Representative:

San Antonio Express News

Engineer: First unit of Fair Oaks development won't use Kendall County water

By Zeke MacCormack

July 3, 2014

FAIR OAKS RANCH - A master utility plan for The Reserve at Fair Oaks Ranch indicates the 345-acre, 635-home subdivision proposed on Ammann Road would get water from two wells in Kendall County and one in Comal County.

However, the project's engineer, Paul Schroeder, this week referred to the Kendall County sites as "potential locations" and said the Comal County well would serve Unit 1 of the project, which includes 18 homes on 14 acres.

The Unit 1 plat filed by Trio Residential Developers last month is being reviewed by Public Works Director Ronald C. Emmons.

He noted the project's density couldn't exceed one home per four acres if its water came from wells in Kendall County, according to Cow Creek Groundwater Conservation District rules, but that no such pumping restrictions exist in Comal County.

zeke@express-news.net

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2012 Annual Drinking Water Quality Report

A TCEQ Superior recognized water system.

FAIR OAKS RANCH UTILITIES:

Phone No.: 210-698-7685 or (866) 258-2505

Dear Customer:

We are pleased to present to you a summary of the quality of water provided by Fair Oaks Ranch Utilities for the period of January 1 to December 31, 2012. The Safe Water Drinking Act Amendments of 1996 (SWDA) require utilities to make this annual report to its customers with information regarding our water source, what it contains, and the health risks our testing and treatment is designed to prevent. We hope it advances your understanding of drinking water issues and heightens awareness of the need to protect precious water resources.

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the following pages. We hope this information helps you become more knowledgeable about what is in your drinking water.

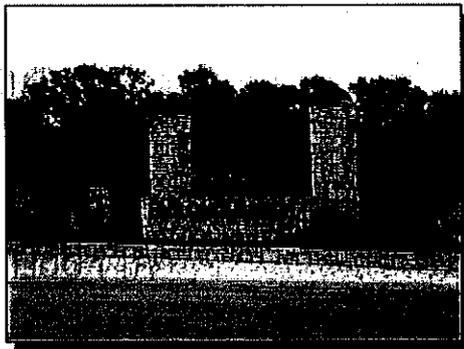
During calendar year 2012, Fair Oaks Ranch Utilities pumped 242,086,600 gallons from the Trinity Aquifer and received 275,079,000 gallons from the Guadalupe Blanco River Authority for its 2543 residential and commercial customers. That represents an average of 556.5 gallons per customer per day, 116.8 gallons per customer per day less than in 2011.

We are committed to providing you the safest, most reliable and cost effective water supply.



Special Notice:

Infants, some elderly, or immunocompromised persons such as those undergoing chemotherapy for cancer; persons who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders, can be particularly at risk from infections. You may be more vulnerable than the general population to certain microbial contaminants, such as Cryptosporidium, in drinking water. You should seek advice about drinking water from your physician or health care providers. Additional guidelines on appropriate means to lessen the risk of infection by Cryptosporidium are available from the Safe drinking Water Hotline (800-426-4791).



0150216

Public Participation Opportunities

Do you have questions concerning your drinking water? If so, you may attend the monthly City Council meetings held at City Hall, on the third Thursday of the month at 7:00 PM. There is an open forum where your questions and concerns are heard. You may also contact Ron Emmons at (210) 698-7685 or via e-mail remmons@fairoaksranchtx.org. Also visit the City's webpage www.fairoaksranchtx.org.

En Español

Este reporte incluye información importante sobre el agua para tomar. Para asistencia en español, favor de llamar al teléfono 210-698-7685.

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Enclosure 5 Express News Article on Regulatory Stalemate:

San Antonio Express-News

A jurisdiction stalemate has developed

By Zeke McCormack STAFF WRITER

May 29, 2014

A proposed development just outside the small city of Fair Oaks Ranch highlights the absence of a formal agreement — despite a state requirement for one — stipulating whether the city or Kendall County regulates new subdivisions there.

The question has become more than academic for the development's opponents, who might find an ally in a county government not inclined to approve an infrastructure-building arrangement envisioned by the developer.

A 2001 state law mandates that cities and counties designate which one will oversee subdivision platting in a city's extraterritorial jurisdiction, the areas just beyond city limits where limited municipal authority is exercised.

The law was meant to streamline development in ETJs by eliminating bureaucratic redundancy and conflicting city/county requirements.

Kendall County and Fair Oaks Ranch officials concur on the need to replace their 2002 "interlocal agreement," which expired in 2007. It called for the city to regulate subdivisions in its ETJ.

Despite trading proposals for a new agreement for years, they had not come to terms by last fall, when Trio Residential Developers proposed 635 homes on a 345-acre parcel off Ammann Road.

The lack of the state-mandated pact might have stayed on the backburner if the City Council had granted the developer's request to annex the parcel just north of current city limits on the borders of Kendall and Comal counties.

However, the council unanimously rejected the annexation petition last month in the face of intense public opposition to the project, which has since broadened to also lobby county leaders.

Opponents contend that adding up to 1,700 new residents would overburden roads, local groundwater supplies and emergency services, diminishing their quality of life.

Interlocal agreement or not, City Manager John Hobson this week said, "We are asserting our right to have jurisdiction over subdivisions in our ETJ."

However, Kendall County Attorney Don Allee suggested the county also might exercise some authority there, since Trio is exploring the creation of a Public Improvement District (PID) to encompass its project. Such a district would allow the developer to sell bonds to finance the construction of infrastructure like roads, waterlines and a sewage treatment plant, then levy a property tax on future homeowners within its borders to repay the bonds.

The PID was part of a development agreement that city leaders signed with the property owner in November on The Reserve, but no petition to create one has been filed with the city. County leaders gave the idea a cool reception at a recent meeting with Trio officials.

"We basically, in a nutshell, told them we aren't interested," Kendall County Judge Darrel Lux said. "I don't believe it's the county's business to be involved in those types of taxing districts."

The Texas local government code says a developer may petition either a city or a county to form a PID, but Allee said Wednesday, "I think the point could be made that, if it's in the ETJ, the county would need to approve it."

David Earl, attorney for Trio, said his client is proceeding with the project, although no decision has been made on whether to pursue a PID. "They're exploring their options," he said.

Until he researches the issue, Earl declined comment on whether Trio would need county approval to form a PID.

Also at the May 20 meeting, county officials say, Trio officials declared their intention to draw groundwater for The Reserve from wells to be dug in Comal County, where pumping is unregulated due to the lack of a groundwater management district.

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Enclosure 5 (cont)

Fair Oaks Ranch project raises water concerns in Comal County

By Zeke MacCormack

May 7, 2014 | Updated: May 7, 2014 9:48pm

The Reserve at Fair Oaks Ranch is exactly the kind of proposed development that Rep. Doug Miller long has cited in calls to create a groundwater conservation district in Comal County.

Only 86 residences could be built on the 345-acre site northeast of the small city of Fair Oaks Ranch if its wells are dug in Kendall County, under Cow Creek Groundwater Conservation District rules.

But a sliver of the subdivision reaches into Comal County. No pumping limits would affect a public water supply system fed by wells dug in that section, which would allow the developer to realize plans to build 635 homes.

"I've been warning people for the past 20-plus years of the need to be self-regulated, if you will, and to prevent something like this," said Miller, a New Braunfels Republican who has served on the Edwards Aquifer Authority board.

Most Hill Country counties are in groundwater districts, which can limit pumping, require registration of large wells and establish water conservation plans.

After seeing Comal County residents defeat referenda aimed at creating a district there twice since 1995, Miller introduced a bill in the Legislature's last session to create one without going before voters. It passed in the House, but died in the Senate. He's revising the bill to try again.

Miller had acted against a backdrop of rapid residential and commercial growth and state pressure to regulate pumping in Comal County, the western portion of which is designated as a priority groundwater management area where the Trinity Aquifer is forecast to fall short of demand.

“What is happening in Fair Oaks is a prime example of what I'm trying to prevent — potentially unregulated and unmanaged groundwater pumping on a large scale,” Miller said. “Opponents don't want any more government and are afraid that the district will be overreaching in its power.”

After four years of litigation, the Texas Commission on Environmental Quality recently gave up its efforts to force Comal and Travis counties to create groundwater districts or join existing ones in neighboring counties.

TCEQ spokeswoman Andrea Morrow said Miller's bill and local efforts to form a district in Comal County influenced the agency's decision to drop the issue in January.

Critics of unregulated pumping expressed disappointment at the move.

“We would have liked to see the process continue,” said Milan J. Michalec, president of the Hill Country Alliance, a nonprofit dedicated to protecting natural resources. “There should be a district there and pumping should be managed by the appropriate authority.”

Larry Hull, a member of a stakeholders' group formed in Comal County in 2011, said having a district would give the county a voice in the state's water policy debate, promote conservation and help secure funding to study the Trinity Aquifer.

His group is working to refine Miller's bill and build support for it. In its current draft, it calls for creating a district funded by pumping and groundwater management fees but without the authority to meter private wells or levy a property tax.

“Everyone is in agreement that we have a critical groundwater problem,” Hull said. “Groundwater conservation districts are the state's method to manage groundwater.”

Faced with overwhelming public opposition to the project, the Fair Oaks council April 17 unanimously rejected a request to annex The Reserve filed by the landowner, R. W. Pfeiffer Properties LLC, on behalf of Trio Residential Developers of Austin.

“You can't wave money at Mother Nature and make it rain,” resident Mary McConnell said. “It's a very sensitive resource around here. We could be in some deep trouble if we're not careful.”

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Marc Frease of Trio didn't return calls inquiring about his plans for the site. City Manager John Hobson said Tuesday that Trio officials have requested a meeting on the project, set for Thursday.

A development agreement signed last fall with the city calls for 635 homes on the parcel, a scale that would be possible only if the water comes from Comal County, officials say. That scenario upsets directors of the Cow Creek district and their constituents in Kendall County, who fear wells supplying The Reserve would draw down the surrounding water table.

"It would erode the ability of the Cow Creek to manage the groundwater," said Michalec, who also serves on the Cow Creek board. "The water source doesn't respect county boundaries."

zeke@express-news.net

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Enclosure 6 Excerpt from 2013 TCEQ Report on PGMA's:

January 2013
SFR-053/08

Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 83rd Texas Legislature

...

Hill Country PGMA

Administrative efforts to establish GCDs for western Comal County and southwestern Travis County are presently in the contested case hearing process. As previously reported, the ED petitioned the Commission in July 2010 with a primary and an alternate recommendation to establish groundwater management in the Hill Country PGMA. In the petition, the ED's primary recommendation was for TCEQ creation of a new GCD that would include the portions of Comal, Hays, and Travis counties within the Hill Country PGMA. The ED's alternate recommendation in the petition was for TCEQ to recommend the portion of western Comal County in the PGMA be added to the Trinity Glen Rose Groundwater Conservation District and the southwestern portion of Travis County in the PGMA be added to the Barton Springs/Edwards Aquifer Conservation District.

The matter was referred to SOAH and, after mailed and published notice, a preliminary hearing was held in San Marcos on October 28, 2010. At the hearing, several participants raised notice issues and the issue of TCEQ jurisdiction and authority to create a new GCD over the existing Hays Trinity GCD by noting an August 26, 2010 Office of the Attorney General (OAG) opinion about overlapping GCD boundaries. In the opinion, the OAG responded that two different political subdivisions may not exercise jurisdiction over the same territory at the same time and for the same purpose. On November 1, 2010, SOAH ordered the ED to file a status report about compliance with notice provisions by November 30, 2010, instructed those who wanted to participate to file position statements by November 30, 2010, and set a preliminary schedule.

On November 30, 2010, the ED filed a response that recommended the primary recommendation to create a new Comal, Hays, and Travis GCD not be considered, the alternate recommendation to add the western Comal territory to the Trinity Glen Rose GCD and to add the southwestern Travis territory to the Barton Springs/Edwards Aquifer Conservation District be elevated and vetted through the hearing process, and the other report-evaluated options for GCDs for the Comal and Travis territories also be vetted through the hearing process. The ED acknowledged that some stakeholders were not provided mailed notice, that subsequent mailed notice should be provided, and that a second preliminary hearing may be in order. On December 15, 2010, SOAH issued an order

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cancelling the preliminary schedule and instructing the ED to republish notice for a second preliminary hearing.

The ED mailed and published notice for the second SOAH preliminary hearing that was held on April 6, 2011 at the Hays County Courthouse. At the second preliminary hearing, SOAH considered and ruled on jurisdictional matters, ruled on eight participants who wanted to become parties or clarify party status, heard requests to abate the hearing until the end of the 83rd Legislature in 2013, and adopted a hearing schedule. SOAH issued an order on April 13, 2011 memorializing the second preliminary hearing and requesting the parties file responses by April 26, 2011 to the request for hearing abatement.

Since that time, the hearing has been abated three times. On May 4, 2011, the hearing was abated until December 1, 2011, which was six months after the conclusion of the 82nd Legislature. On December 6, 2011, the hearing was abated for another eight months, until August 1, 2012, to allow for and encourage local actions to continue, and to allow for the TCEQ to adopt applicable rule revisions. On August 7, 2012, the hearing was abated for another 11 months, until July 1, 2013, after the conclusion of the 83rd Legislature, to allow for and encourage local actions. By July 1, 2013, SOAH has ordered the ED to file a status report and a motion to extend the period of abatement, withdraw the ED's petition, or set a hearing on merits.

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Enclosure 7 Article on 2014 Termination of TCEQ Effort on Western Comal County:

New Braunfels Herold Zeitung

State drops water district push

Posted: Wednesday, April 23, 2014 11:59 pm

State drops water district push By Greg Bowen New Braunfels Herald-Zeitung

The Texas Commission on Environmental Quality (TCEQ) has dropped its effort to force the creation of a groundwater conservation district (GCD) to protect the stressed Trinity Aquifer in western Comal County.

TCEQ had been pushing a plan to put the Trinity territory in western Comal under the authority of the Bexar County-based Trinity Glen Rose GCD.

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Marisa Weber

From: PUBCOMMENT-OCC
Sent: Wednesday, August 27, 2014 3:38 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001
Attachments: 2014 Aug 27 Trio Wastewater Permit Comment Ltr pdf version1.pdf

PM

From: james.v.cannizzo.civ@mail.mil [<mailto:james.v.cannizzo.civ@mail.mil>]
Sent: Wednesday, August 27, 2014 2:59 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number WQ0015219001

*MWD
9/16/32*

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: MR James V Cannizzo

E-MAIL: james.v.cannizzo.civ@mail.mil

COMPANY: US Army, Camp Stanley

ADDRESS: 25800 RALPH FAIR RD
BOERNE TX 78015-4877

PHONE: 2102957082

FAX:

COMMENTS: See attached letter with enclosures which details these concerns. Regards, JC

MWD



DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

August 27, 2014

U-99-14

Bridget C. Bohac, Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Subject: Army Comment on Proposed Permit NO. WQ0015219001; CN604516112
RN107104929

Dear Ms. Bohac:

Thank you for the opportunity to submit comments. The comments below are in reference to proposed permit No. WQ0015219001 submitted by Trio Residential Developers, Inc., the Notice of Preliminary Decision which was published on August 1, 2014 in the Boerne Star and draft permit that was issued on July 17, 2014.

The Army is concerned about this draft wastewater permit and related development due to water quality concerns and water quantity issues. Camp Stanley is located approximately 2.7 miles south of where the wastewater package plant would be located and this development is 1.3 miles from Camp Bullis, see map at enclosure 1. This development is located within Fair Oaks Ranch's extraterritorial jurisdiction and through a 2013 development agreement with Fair Oaks Ranch, the wastewater package plant and drinking water system could be turned over to Fair Oaks Ranch once they are operational.

The first concern is related to water quality. The site for the package plant and wastewater irrigated greenbelt is in southeastern Kendall County. The site is also approximately 600 feet northwest of the Edwards Aquifer Contribution Zone, see map at enclosure 1. The 40.5 acres proposed for land irrigation is more accurately described as karst surface and intermittent creek bed with potential for aquifer recharge. This potential package plant would be sited in a location that potentially is the boundary of the Upper and Lower Glen Rose formations. My understanding is that recharge features are frequently found along this boundary. See enclosure 2 for excerpts from geologic reference materials. See also at enclosure 2 a photo taken August 26, 2014 (yesterday) by a local environmental consultant on the tract immediately to the south of the Reserve at Fair Oaks Ranch (aka Reserve at Ammann Road), known as the K-7 Ranch. The photo is of a large karst feature about 15 feet across. Of note, this feature is on the same channel that runs through the Reserve at Ammann Road site where the greenbelt irrigation area is located. The presence of karst features on the tract immediately to the south of the Reserve at Ammann Road is a strong indicator that there could be karst features on the Reserve at Ammann Road site. I understand the owner of the K-7 Ranch will be submitting a detailed comment letter with maps/more photos and that several karst features have been found, not just the one in the photo. The applicant should be required to hire a consultant to conduct a professional survey for cave or recharge features on the proposed site and the results reported to TCEQ. Then the

wastewater permit writers at TCEQ should evaluate the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

Also, the site is approximately 1.5 miles north (upstream) of Cibolo Creek and runoff may end up in Cibolo Creek via tributaries during heavy rain events. Also, a package plant may be insufficient to handle the large nutrient load from 635 houses (51 million gallons per year maximum capacity, 140,000 gallons per day per the NORI and draft permit) and could result in groundwater or surface water contamination. This is a large volume for a package plant and it will be difficult to treat this much effluent to appropriate standards for ammonia, phosphorus, and total suspended solids and to contain this on site during heavy rain events. Even if permit limits are met, if the 40.5 acres are indeed located over karst features, this may contaminate the Trinity Aquifer and possibly the Edwards Aquifer or at least local groundwater wells.

In addition, it appears that the package plant may be undersized based on the size of the development and expected outflow volume. Under 30 TAC §217.32, "For a (wastewater treatment) facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5." Assuming 71 gallons per day per person (American Water Works Association, AWWA, 1999 study) for wastewater generation sent to the wastewater package plant and an average 2.81 people per household (Texas, 2010 census), the average wastewater treatment plant load would be about $635 \times 2.81 \times 71 = 127,000$ gal/day (46 million gal/yr), which is very close to the 140,000 gal/day (51 million gal/yr) used in the draft permit. Using the 1.5 factor above, the permitted 30-day average flow rate should be 190,000 gal/day. If the water numbers per household from the rest of Fair Oaks Ranch are used per their 2012 Annual Drinking Water Quality Report (see enclosure 4), the result is even farther away from 30 TAC §217.32's mandate of at least 1.5 times average annual flow.

There are also several administrative irregularities in the applicant's application, which create gaps in the draft permit. For example, on page 10 of the permit application technical report item 3 "[a]re there any domestic permitted wastewater treatment facilities and/or collection systems located within a three-mile radius of the proposed facility?" The answer is checked "No", however, the City of Fair Oaks Ranch has a wastewater treatment plant 2.0 miles from the proposed facility. Following from this error, the applicant did not include certified letters to the wastewater treatment plant owner and a response whether they would be willing to allow the applicant to connect to their facility, or analysis on the cost to connect versus the cost to expand the existing facility.

Also, the copy of the application at Fair Oaks Ranch City Hall (the public place for viewing) does not contain the full correspondence from the file. No TCEQ correspondence is included. The developer should provide this full information and the 30-day comment period should be extended to allow the public to view this additional information. For example, none of the correspondence explaining why the irrigation area was increased from the application's projected 26.6 acre to the draft permit's 40.5 acres is in the public viewing file, which is a substantial change. This deprives interested parties from fully participating in the comment process. Also, the application and draft permit were not placed in the county (Kendall County) where the site is

located as the draft permit requires (page 3 under PROCEDURES FOR FINAL DECISION), but instead were placed at Fair Oaks City Hall in Bexar County.

The other substantive concern is related to water quantity. This package plant would support 635 houses on 345 acres and from our understanding, would use wells from the Trinity Aquifer as their source of drinking water, see article at enclosure 3. If these 635 houses use the same rate cited in the Fair Oaks Ranch 2012 Safe Drinking Water Act Consumer Confidence Report (see enclosure 4) of 556 gallons per household, that would equate to nearly 129 million additional gallons a year. In 2012 Fair Oaks Ranch pumped 242 million gallons from the Trinity Aquifer and obtained 276 million gallons from Canyon Lake. This new pumping rate would constitute a 53% increase in local groundwater withdrawals by the City of Fair Oaks Ranch (129 million gallons divided by 242 million gallons).

Camp Stanley maintains its own well system and pumped approximately 7.5 million gallons of water in 2012. We use our water primarily for supporting our munitions activities; and a secondary use is for our small housing complex (14 units) and for fire-fighting capabilities. This source of water would be very difficult to replace. Camp Stanley has achieved a decrease in its water usage the past few years as we have implemented drought and conservation measures to address the rapid drop in water levels in the Middle Trinity Aquifer. Although Camp Stanley is not in the immediate cone of influence from the new wells in the proposed package plant site, this substantial amount of pumping will further reduce the water levels in the overall area. This will have an indirect effect on downstream wells (wells to the south). As many of our neighbors have experienced over the past several drought years, our wells have already been dropping down to levels which jeopardize the long-term viability of the wells. We are concerned this significant new increase in pumping will negatively affect Camp Stanley and other well owners down-gradient of the proposed package plant site.

While almost all of this development is within Kendall County which is covered by the Cow Creek Groundwater Conservation District, the developer's plan to drill wells in Comal County (see article at enclosure 3) precludes limits on his groundwater pumping. There is currently no groundwater conservation district in Comal County, thus there would be no regulatory mechanism to restrain the developer from exporting large amounts of water into Kendall County, see enclosure 5 for two articles describing this regulatory stalemate. TCEQ had designated a Priority Groundwater Management Area (PGMA), the Hill Country PGMA (see enclosure 6), which included western Comal County, and had pursued an action to put western Comal County under a groundwater conservation district, but dropped that effort in Spring 2014 (see enclosure 7).

Fair Oaks Ranch was developed in the 1970s as a residential community and was not incorporated as a municipality until 1988. A military installation was created in 1906 at our current location, known as the Leon Springs Military Reservation. In 1917, the facility was renamed Camp Stanley, and was used for WWI-era military training and was also very active in WWII. CSSA is now a facility of the Army Materiel Command (AMC). The primary mission of the installation is receipt, storage, and issuance of ordnance materiel as well as quality assurance (QA) testing and maintenance of military weapons and ammunition. As a longstanding neighbor whose presence predates Fair Oaks Ranch by many decades, we ask that

TCEQ consider us and other existing down-gradient consumers of this shared finite natural resource. This development has a level of density that cannot be supported by the already depleted aquifer in this area.

This water quality permit may be followed by an application for a Municipal Utility District (MUD) and the criteria for such include the public welfare and sufficiency of water quantity. These issues should be looked at now as part of this water quality permit, rather than handled piecemeal.

30 TAC §293.11. Information Required to Accompany Applications for Creation of Districts. (c)(5)

(G) an investigation and evaluation of the availability of comparable service from other systems including, but not limited to, water districts, municipalities, and regional authorities;

(J) complete justification for creation of the district supported by evidence that the project is feasible, practicable, necessary, will benefit all of the land and residents to be included in the district, and will further the public welfare;

30 TAC §293.11. Information Required to Accompany Applications for

Creation of Districts.

(c) Creation applications for TWC, Chapter 51, Water Control and Improvement Districts, within two or more counties shall contain items listed in subsection (a) of this section and the following:

...

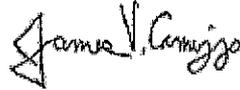
(5) (H) an evaluation of the effect the district and its systems and subsequent development within the district will have on the following:

- (i) land elevation;
- (ii) subsidence;
- (iii) groundwater level within the region;
- (iv) recharge capability of a groundwater source;
- (v) natural run-off rates and drainage; and
- (vi) water quality;

Given the water quality and water quantity concerns this development poses, the Army requests a public meeting to address these issues. Also, we understand that there is significant public concern over this development, with over 2,300 residents of Fair Oaks Ranch signing a petition in April 2014 opposing this development and water issues was one of their main concerns.

If you have any questions please feel free to contact me at (210) 295-7082 or 9830.

Sincerely,

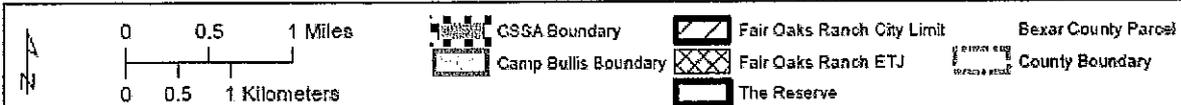
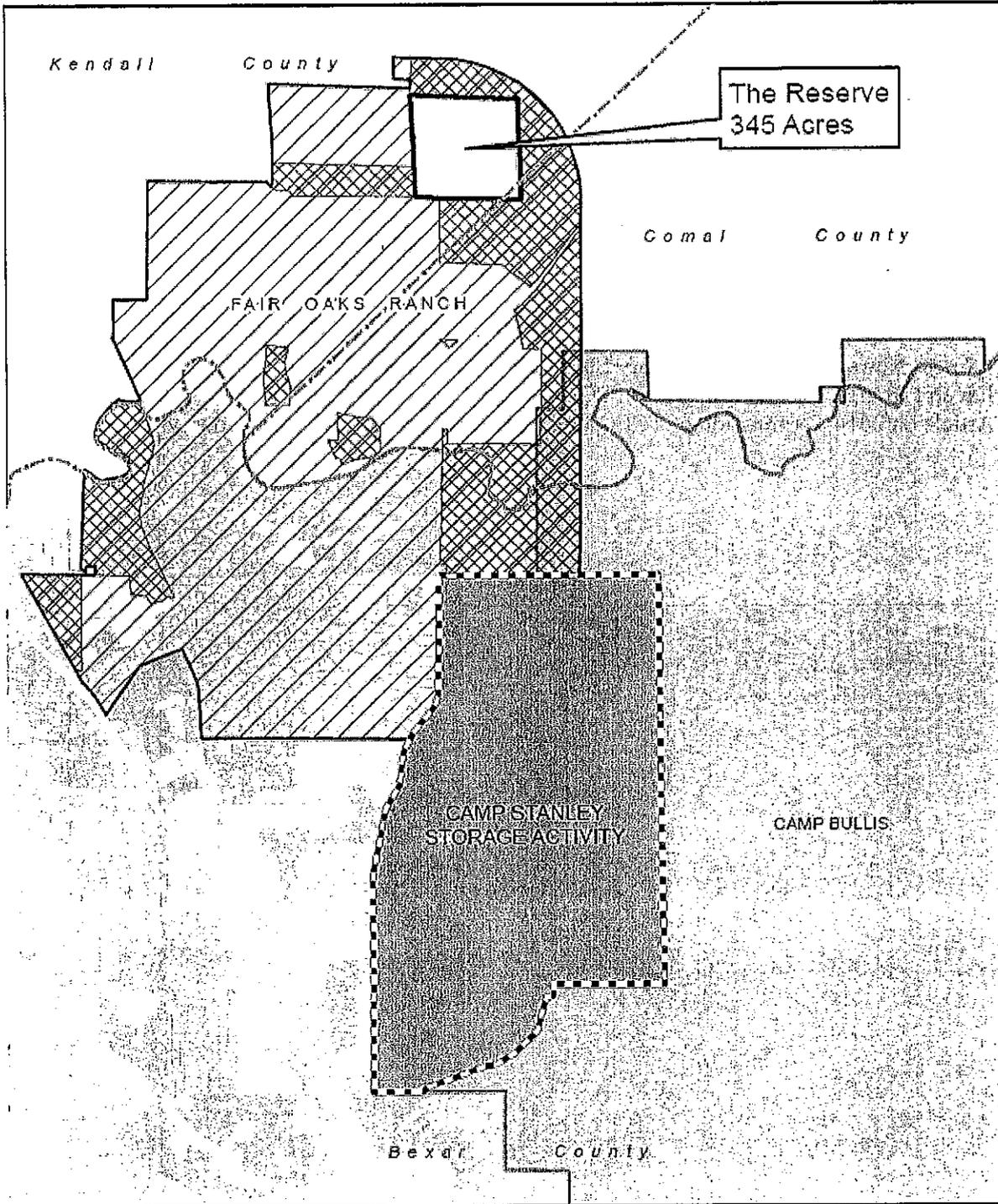
A handwritten signature in black ink that reads "James V. Cannizzo". The signature is written in a cursive style with a large, stylized initial "J".

James V. Cannizzo
Counsel

Enclosures:

1. Maps Showing Relation to Camps and to Edwards Contribution Zone
2. Excerpts from Geologic Reference Materials
3. Express News Article Quoting the Developer's Representative
4. Excerpt from Fair Oaks Ranch 2012 Consumer Confidence Report
5. Express News Article on Regulatory Stalemate
6. Excerpt from 2013 TCEQ Report on PGMAs
7. Article on 2014 Termination of TCEQ PGMA Effort on Western Comal County

Enclosure 1 Maps



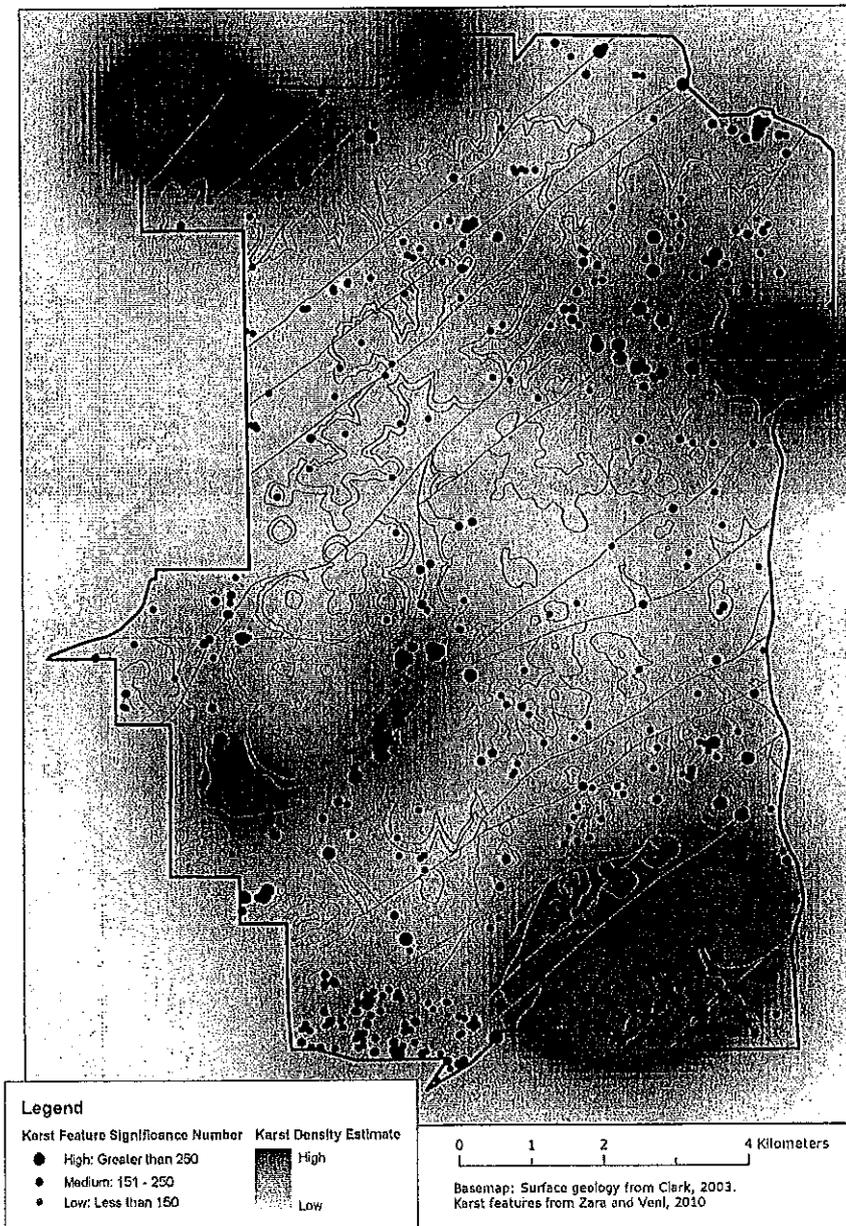
Enclosure 1 (cont) Maps



Enclosure 2 Excerpts from Geologic Reference Materials

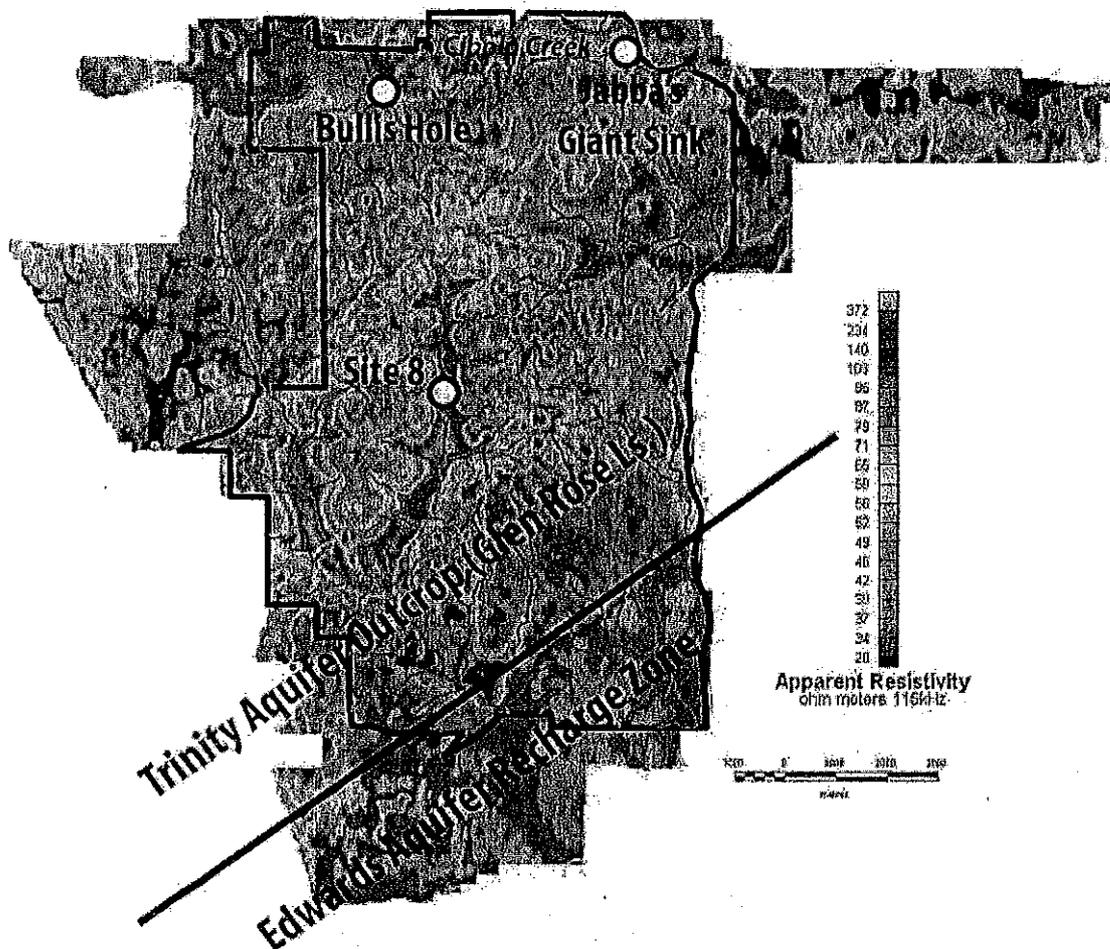
Camp Bullis karst features from GEOPHYSICAL INVESTIGATIONS OF THE EDWARDS-TRINITY AQUIFER SYSTEM AT MULTIPLE SCALES: INTERPRETING AIRBORNE AND DIRECT-CURRENT RESISTIVITY IN KARST (2013) available at:
http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1127&context=sinkhole_2013

Page 198, Figure 3. Karst feature density map of Camp Bullis showing the spatial distribution and significance number of karst features (Zara, 2011).



Camp Bullis resistivity map, NOTE HIGH RESISTIVITY TO NW of Camp Bullis, near where Reserve at Amman Rd is located; excerpt from GEOPHYSICAL INVESTIGATIONS OF THE EDWARDS-TRINITY AQUIFER SYSTEM AT MULTIPLE SCALES: INTERPRETING AIRBORNE AND DIRECT-CURRENT RESISTIVITY IN KARST (2013)

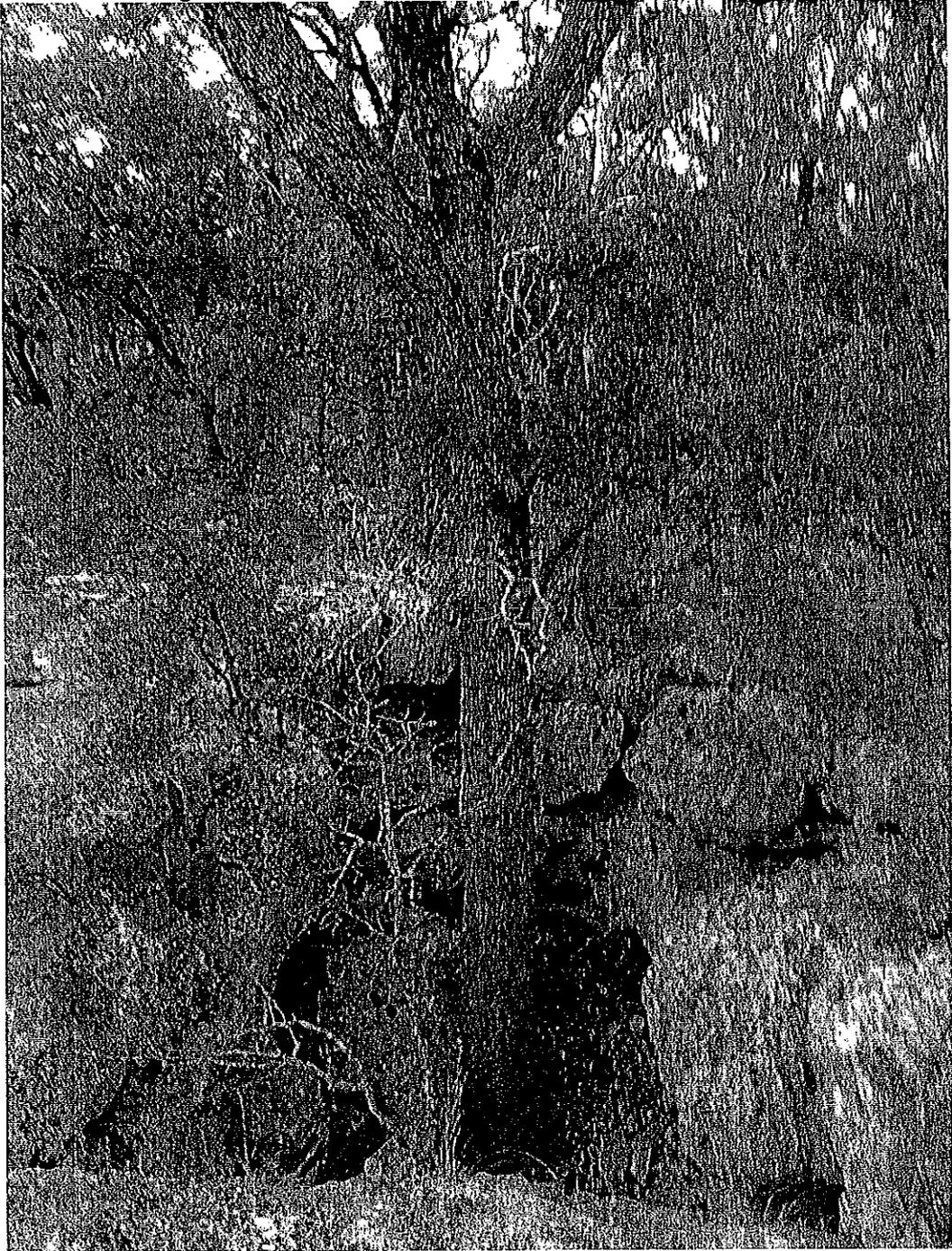
Page 199, Figure 4. HFDEM survey data at 115 kHz frequency from Camp Bullis. DC-ERI sites are shown as white circles. The Edwards-Trinity contrast is clearly shown in the HFDEM data (Smith et al, 2005) The water table is 30+ meters below the land surface throughout Camp Bullis, thus these resistivity values reflect the vadose zone.



Page 200, 2nd para excerpt:

The trends in the apparent resistivity map correlate to and augment the mapped geology. The HFDEM map shows greater detail in the lithologic changes than indicated in geologic maps such as the thin limestone units and more detail in structural trends. There is also a strong correlation of the occurrence of karst features (Figure 3) with the HFDEM map, suggesting that the geophysical data may also reflect values of high resistivity that would be significant if large volumes of air-filled voids (very high resistivity) exist in the subsurface.

Photo Taken August 26, 2014 on K-7 Ranch



Enclosure 3 Express News Article Quoting the Developer's Representative:

San Antonio Express News

Engineer: First unit of Fair Oaks development won't use Kendall County water

By Zeke MacCormack

July 3, 2014

FAIR OAKS RANCH - A master utility plan for The Reserve at Fair Oaks Ranch indicates the 345-acre, 635-home subdivision proposed on Ammann Road would get water from two wells in Kendall County and one in Comal County.

However, the project's engineer, Paul Schroeder, this week referred to the Kendall County sites as "potential locations" and said the Comal County well would serve Unit 1 of the project, which includes 18 homes on 14 acres.

The Unit 1 plat filed by Trio Residential Developers last month is being reviewed by Public Works Director Ronald C. Emmons.

He noted the project's density couldn't exceed one home per four acres if its water came from wells in Kendall County, according to Cow Creek Groundwater Conservation District rules, but that no such pumping restrictions exist in Comal County.

zeke@express-news.net

2012 Annual Drinking Water Quality Report

A TCEQ Superior recognized water system.

FAIR OAKS RANCH UTILITIES:

Phone No.: 210-698-7685 or (866) 258-2505

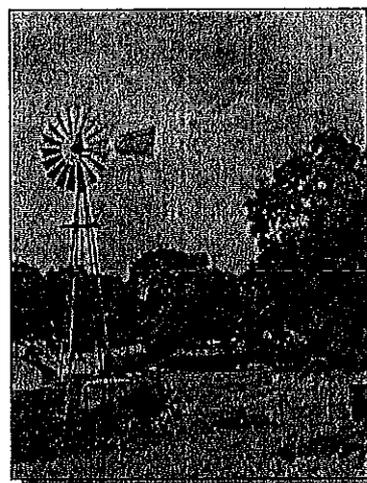
Dear Customer:

We are pleased to present to you a summary of the quality of water provided by Fair Oaks Ranch Utilities for the period of January 1 to December 31, 2012. The Safe Water Drinking Act Amendments of 1996 (SWDA) require utilities to make this annual report to its customers with information regarding our water source, what it contains, and the health risks our testing and treatment is designed to prevent. We hope it advances your understanding of drinking water issues and heightens awareness of the need to protect precious water resources.

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the following pages. We hope this information helps you become more knowledgeable about what is in your drinking water.

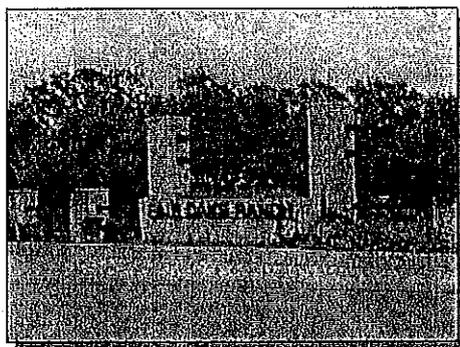
During calendar year 2012, Fair Oaks Ranch Utilities pumped 242,086,600 gallons from the Trinity Aquifer and received 275,879,000 gallons from the Guadalupe Blanco River Authority for its 2543 residential and commercial customers. That represents an average of 556.5 gallons per customer per day, 116.8 gallons per customer per day less than in 2011.

We are committed to providing you the safest, most reliable and cost effective water supply.



Special Notice:

Infants, some elderly, or immunocompromised persons such as those undergoing chemotherapy for cancer; persons who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders, can be particularly at risk from infections. You may be more vulnerable than the general population to certain microbial contaminants, such as Cryptosporidium, in drinking water. You should seek advice about drinking water from your physician or health care providers. Additional guidelines on appropriate means to lessen the risk of infection by Cryptosporidium are available from the Safe drinking Water Hotline (800-426-4791).



0150210

Public Participation Opportunities

Do you have questions concerning your drinking water? If so, you may attend the monthly City Council meetings held at City Hall, on the third Thursday of the month at 7:00 PM. There is an open forum where your questions and concerns are heard. You may also contact Ron Emmons at (210) 698-7685 or via e-mail remmons@fairoaksranchtx.org. Also visit the City's webpage www.fairoaksranchtx.org.

En Español

Este reporte incluye información importante sobre el agua para tomar. Para asistencia en español, favor de llamar al teléfono 210-698-7685.

Enclosure 5 Express News Article on Regulatory Stalemate:

San Antonio Express-News

A jurisdiction stalemate has developed

By Zeke MacCormack STAFF WRITER

May 29, 2014

A proposed development just outside the small city of Fair Oaks Ranch highlights the absence of a formal agreement — despite a state requirement for one — stipulating whether the city or Kendall County regulates new subdivisions there.

The question has become more than academic for the development's opponents, who might find an ally in a county government not inclined to approve an infrastructure-building arrangement envisioned by the developer.

A 2001 state law mandates that cities and counties designate which one will oversee subdivision platting in a city's extraterritorial jurisdiction, the areas just beyond city limits where limited municipal authority is exercised.

The law was meant to streamline development in ETJs by eliminating bureaucratic redundancy and conflicting city/county requirements.

Kendall County and Fair Oaks Ranch officials concur on the need to replace their 2002 "interlocal agreement," which expired in 2007. It called for the city to regulate subdivisions in its ETJ.

Despite trading proposals for a new agreement for years, they had not come to terms by last fall, when Trio Residential Developers proposed 635 homes on a 345-acre parcel off Ammann Road.

The lack of the state-mandated pact might have stayed on the backburner if the City Council had granted the developer's request to annex the parcel just north of current city limits on the borders of Kendall and Comal counties.

However, the council unanimously rejected the annexation petition last month in the face of intense public opposition to the project, which has since broadened to also lobby county leaders.

Opponents contend that adding up to 1,700 new residents would overburden roads, local groundwater supplies and emergency services, diminishing their quality of life.

Interlocal agreement or not, City Manager John Hobson this week said, "We are asserting our right to have jurisdiction over subdivisions in our ETJ."

However, Kendall County Attorney Don Allee suggested the county also might exercise some authority there, since Trio is exploring the creation of a Public Improvement District (PID) to encompass its project. Such a district would allow the developer to sell bonds to finance the construction of infrastructure like roads, waterlines and a sewage treatment plant, then levy a property tax on future homeowners within its borders to repay the bonds.

The PID was part of a development agreement that city leaders signed with the property owner in November on The Reserve, but no petition to create one has been filed with the city. County leaders gave the idea a cool reception at a recent meeting with Trio officials.

"We basically, in a nutshell, told them we aren't interested," Kendall County Judge Darrel Lux said. "I don't believe it's the county's business to be involved in those types of taxing districts."

The Texas local government code says a developer may petition either a city or a county to form a PID, but Allee said Wednesday, "I think the point could be made that, if it's in the ETJ, the county would need to approve it."

David Earl, attorney for Trio, said his client is proceeding with the project, although no decision has been made on whether to pursue a PID. "They're exploring their options," he said.

Until he researches the issue, Earl declined comment on whether Trio would need county approval to form a PID.

Also at the May 20 meeting, county officials say, Trio officials declared their intention to draw groundwater for The Reserve from wells to be dug in Comal County, where pumping is unregulated due to the lack of a groundwater management district.

Enclosure 5 (cont)

Fair Oaks Ranch project raises water concerns in Comal County

By Zeke MacCormack

May 7, 2014 | Updated: May 7, 2014 9:48pm

The Reserve at Fair Oaks Ranch is exactly the kind of proposed development that Rep. Doug Miller long has cited in calls to create a groundwater conservation district in Comal County.

Only 86 residences could be built on the 345-acre site northeast of the small city of Fair Oaks Ranch if its wells are dug in Kendall County, under Cow Creek Groundwater Conservation District rules.

But a sliver of the subdivision reaches into Comal County. No pumping limits would affect a public water supply system fed by wells dug in that section, which would allow the developer to realize plans to build 635 homes.

"I've been warning people for the past 20-plus years of the need to be self-regulated, if you will, and to prevent something like this," said Miller, a New Braunfels Republican who has served on the Edwards Aquifer Authority board.

Most Hill Country counties are in groundwater districts, which can limit pumping, require registration of large wells and establish water conservation plans.

After seeing Comal County residents defeat referenda aimed at creating a district there twice since 1995, Miller introduced a bill in the Legislature's last session to create one without going before voters. It passed in the House, but died in the Senate. He's revising the bill to try again.

Miller had acted against a backdrop of rapid residential and commercial growth and state pressure to regulate pumping in Comal County, the western portion of which is designated as a priority groundwater management area where the Trinity Aquifer is forecast to fall short of demand.

“What is happening in Fair Oaks is a prime example of what I’m trying to prevent — potentially unregulated and unmanaged groundwater pumping on a large scale,” Miller said. “Opponents don’t want any more government and are afraid that the district will be overreaching in its power.”

After four years of litigation, the Texas Commission on Environmental Quality recently gave up its efforts to force Comal and Travis counties to create groundwater districts or join existing ones in neighboring counties.

TCEQ spokeswoman Andrea Morrow said Miller’s bill and local efforts to form a district in Comal County influenced the agency’s decision to drop the issue in January.

Critics of unregulated pumping expressed disappointment at the move.

“We would have liked to see the process continue,” said Milan J. Michalec, president of the Hill Country Alliance, a nonprofit dedicated to protecting natural resources. “There should be a district there and pumping should be managed by the appropriate authority.”

Larry Hull, a member of a stakeholders’ group formed in Comal County in 2011, said having a district would give the county a voice in the state’s water policy debate, promote conservation and help secure funding to study the Trinity Aquifer.

His group is working to refine Miller’s bill and build support for it. In its current draft, it calls for creating a district funded by pumping and groundwater management fees but without the authority to meter private wells or levy a property tax.

“Everyone is in agreement that we have a critical groundwater problem,” Hull said. “Groundwater conservation districts are the state’s method to manage groundwater.”

Faced with overwhelming public opposition to the project, the Fair Oaks council April 17 unanimously rejected a request to annex The Reserve filed by the landowner, R. W. Pfeiffer Properties LLC, on behalf of Trio Residential Developers of Austin.

“You can’t wave money at Mother Nature and make it rain,” resident Mary McConnell said. “It’s a very sensitive resource around here. We could be in some deep trouble if we’re not careful.”

Marc Frease of Trio didn't return calls inquiring about his plans for the site. City Manager John Hobson said Tuesday that Trio officials have requested a meeting on the project, set for Thursday.

A development agreement signed last fall with the city calls for 635 homes on the parcel, a scale that would be possible only if the water comes from Comal County, officials say. That scenario upsets directors of the Cow Creek district and their constituents in Kendall County, who fear wells supplying The Reserve would draw down the surrounding water table.

"It would erode the ability of the Cow Creek to manage the groundwater," said Michalec, who also serves on the Cow Creek board. "The water source doesn't respect county boundaries."

zeke@express-news.net

Enclosure 6 Excerpt from 2013 TCEQ Report on PGMAs:

January 2013
SFR-053/08

Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 83rd Texas Legislature

...

Hill Country PGMA

Administrative efforts to establish GCDs for western Comal County and southwestern Travis County are presently in the contested case hearing process. As previously reported, the ED petitioned the Commission in July 2010 with a primary and an alternate recommendation to establish groundwater management in the Hill Country PGMA. In the petition, the ED's primary recommendation was for TCEQ creation of a new GCD that would include the portions of Comal, Hays, and Travis counties within the Hill Country PGMA. The ED's alternate recommendation in the petition was for TCEQ to recommend the portion of western Comal County in the PGMA be added to the Trinity Glen Rose Groundwater Conservation District and the southwestern portion of Travis County in the PGMA be added to the Barton Springs/Edwards Aquifer Conservation District.

The matter was referred to SOAH and, after mailed and published notice, a preliminary hearing was held in San Marcos on October 28, 2010. At the hearing, several participants raised notice issues and the issue of TCEQ jurisdiction and authority to create a new GCD over the existing Hays Trinity GCD by noting an August 26, 2010 Office of the Attorney General (OAG) opinion about overlapping GCD boundaries. In the opinion, the OAG responded that two different political subdivisions may not exercise jurisdiction over the same territory at the same time and for the same purpose. On November 1, 2010, SOAH ordered the ED to file a status report about compliance with notice provisions by November 30, 2010, instructed those who wanted to participate to file position statements by November 30, 2010, and set a preliminary schedule.

On November 30, 2010, the ED filed a response that recommended the primary recommendation to create a new Comal, Hays, and Travis GCD not be considered, the alternate recommendation to add the western Comal territory to the Trinity Glen Rose GCD and to add the southwestern Travis territory to the Barton Springs/Edwards Aquifer Conservation District be elevated and vetted through the hearing process, and the other report-evaluated options for GCDs for the Comal and Travis territories also be vetted through the hearing process. The ED acknowledged that some stakeholders were not provided mailed notice, that subsequent mailed notice should be provided, and that a second preliminary hearing may be in order. On December 15, 2010, SOAH issued an order

cancelling the preliminary schedule and instructing the ED to republish notice for a second preliminary hearing.

The ED mailed and published notice for the second SOAH preliminary hearing that was held on April 6, 2011 at the Hays County Courthouse. At the second preliminary hearing, SOAH considered and ruled on jurisdictional matters, ruled on eight participants who wanted to become parties or clarify party status, heard requests to abate the hearing until the end of the 83rd Legislature in 2013, and adopted a hearing schedule. SOAH issued an order on April 13, 2011 memorializing the second preliminary hearing and requesting the parties file responses by April 26, 2011 to the request for hearing abatement.

Since that time, the hearing has been abated three times. On May 4, 2011, the hearing was abated until December 1, 2011, which was six months after the conclusion of the 82nd Legislature. On December 6, 2011, the hearing was abated for another eight months, until August 1, 2012, to allow for and encourage local actions to continue, and to allow for the TCEQ to adopt applicable rule revisions. On August 7, 2012, the hearing was abated for another 11 months, until July 1, 2013, after the conclusion of the 83rd Legislature, to allow for and encourage local actions. By July 1, 2013, SOAH has ordered the ED to file a status report and a motion to extend the period of abatement, withdraw the ED's petition, or set a hearing on merits.

Enclosure 7 Article on 2014 Termination of TCEQ Effort on Western Comal County:

New Braunfels Herald Zeitung

State drops water district push

Posted: Wednesday, April 23, 2014 11:59 pm

State drops water district push By Greg Bowen New Braunfels Herald-Zeitung

The Texas Commission on Environmental Quality (TCEQ) has dropped its effort to force the creation of a groundwater conservation district (GCD) to protect the stressed Trinity Aquifer in western Comal County.

TCEQ had been pushing a plan to put the Trinity territory in western Comal under the authority of the Bexar County-based Trinity Glen Rose GCD.

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, September 02, 2014 8:17 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001
Attachments: Request for Puplic Meeting on WWTP Permit WQ00152190012.docx

H

From: s_hartpence@hotmail.com [mailto:s_hartpence@hotmail.com]
Sent: Saturday, August 30, 2014 3:03 PM
To: donotreply
Subject: Public comment on Permit Number WQ0015219001

*MWD
9/16/32*

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: Steve Hartpence

E-MAIL: s_hartpence@hotmail.com

COMPANY:

ADDRESS: 31360 MEADOW CREEK TRL
FAIR OAKS RANCH TX 78015-4209

PHONE: 8309815840

FAX:

COMMENTS: Please see attachment

MWD

August 30, 2014

Dear TCEQ:

My wife and I reside in Comal County at 31360 Meadow Creek Trail, Fair Oaks Ranch, TX. I am writing you regarding Trio Residential Developers WWTP permit request WQ0015219001. The well supplying our home on Meadow Creek Trail is approximately 5100' southwest of the proposed WWTP and we are among the 10 homes in Fair Oaks Ranch closest to the site making this a matter of serious concern. For that reason, I request a public hearing on Trio's application.

I share the concerns of the many who have written you regarding the potential for contamination in an area well known for its karst topography containing an abundance of aquifer recharge features. Spreading effluent over 40 acres of this terrain is a recipe for aquifer contamination. Such terrain is simply not suitable for surface application of effluent and the permit should be denied on that basis alone. But others have spoken to that issue with more expertise than I can offer. However, there are two important issues not yet raised in other letters that I ask you to consider. The first is the potential contamination from massive massive amounts of rainfall in a short period of time and the second is Trio's willful disregard of its contractual agreements and other commitments.

Contamination Threat of Intense, Localized and Lengthy Storms

A serious contamination threat will come from intense, localized and extended storms causing overflow from the 6.5 acre-foot retention pond (256'x256'x4.4') bordering both Ammann Rd and Cibolo Tributary 30. These lingering storms are real, occur with some frequency and dump enormous amounts of water in a concentrated area. As a recent example, on August 19th of this year a lingering storm dropped 10"+ in an area west of Boerne in less than 24 hours. In the great storm of 2002, a lingering low depression dropped approximately 30" of rain directly on the proposed WWTP site from June 29 – July 6 (San Antonio Express News, 7/15/2002, p 18G). At our home, less than a mile away, we recorded 28.8" on a Davis Instruments weather station. It is obvious that the proposed retention pond would be overwhelmed by localized flooding from storms far smaller than the one in 2002. Contamination already in the pond along with the daily addition of 140,000 gallons of effluent would make its way into the aquifer through recharge features known to exist in properties just to the south and east.

Trio's permit application ignores these intense localized storms. Table 2 of Trio's 6/18/14 amendment to its WWTP permit application has a column titled "Rainfall- Worst Year in Past 25 Year." This table states that the worst July in the past 25 years had 9.42" of rainfall for the month (this was also the worst of all months in the past 25 years). Reality is that WWTP site received 30" of rain in one July week which is more than 12 times the rate used to design the retention pond. The point is that using an average rainfall spread over a broad period of time and a broad geographic area completely overlooks the inevitable localized events the system must be designed to control. This is analogous to designing earthquake-resistant buildings based on average monthly ground movement.

I ask the Commission to require a redesign that takes into account these real and potentially catastrophic storms.

Trio's Failure to Comply with Commitments

The best predictor of future performance is past performance. To date, Trio's performance on The Reserve is a case study of a developer who cuts corners, violates agreements and threatens litigation when called on the behavior. I realize this scofflaw behavior is not likely to be found in TCEQ regulations, but I assume you have the freedom to consider the quality of the developer as well as the quality of the application. Should you grant Trio a permit, you can be sure these same behaviors will be reflected in the design, build and operation of the WWTP which Trio would control for many years as a PID operation. Here are some examples of Trio behaving badly during the early stages of The Reserve project:

- The Development Agreement (DA) between Fair Oaks Ranch and Trio called for a water study based on a protocol later provided by the City Administrator (John Hobson). Among other requirements, the protocol called for data from two test wells to be drilled within The Reserve and tested over a 48 hour period. Instead, Trio used 24 hour test data from two existing wells outside The Reserve boundaries. Ron Emmons, Fair Oaks Ranch Public Works Director, critiqued the study in a 3/24/14 letter containing 13 items. Quoting point 9: "The development agreement... states that test wells will be drilled to confirm availability. This report only tested pre-existing wells off-site... Until actual tests are completed on-site, the report only serves as a guide and cannot be considered valid data." The point here is that Trio cuts corners to save money and hopes to get away with it.
- In the weeks prior to the April 19th City Council vote on annexation, Trio President Marc Frease commented in a Facebook post that the deal was done in the fall and the annexation vote was a mere formality (that is paraphrased because his posts were taken down after annexation was defeated 5 - 0). In a 4/15/14 email, City Administrator John Hobson wrote "The one thing I completely disagree with Marc is that he states the development agreement consents to annexation. The agreement only states that the developer will file a petition for annexation." Frease repeated his position in a 4/16/14 email to Hobson referring to "the perfunctory process of annexation by ordinance." He also threatened to sue the city on this point and a 4/16/14 email from Hobson contains this excerpt from Frease: "Annexation by Ordinance is the next step in the process for which the City has an obligation per the contract. If annexation is not passed then the Developer will have no other option, but to file suit and litigate to enforce its right under the contract... litigation is the only option based upon a no vote." The point here is that Trio disdains the legitimate authority of government and threatens litigation to get its way.
- In a 7/11/14 letter to Paul Schroeder (Trio's contract engineer), Ron Emmons raised nine issues regarding Trio's filing of a "Preliminary Plat Unit 1- The Reserve." The most significant issue was that the plat showed no water source. Naturally, Emmons first request was: "Please add details to clarify how water will service Unit 1. What is the schedule to develop a well to service this unit? The preliminary water distribution plan does not sufficiently demonstrate where the water comes from." What no one in Fair Oaks Ranch city government knew was that Trio had been secretly negotiating with Canyon Lake Water Supply Company to provide water to The Reserve even though this was a direct violation of the Development Agreement. In a 7/21/14 response to Emmons, Schroeder sarcastically and incorrectly stated "Although the City was to provide water service to the Development, it appears the City would now prefer water service to be provided by Canyon Lake Water Service Company." Emmons replied on 8/21/14 by saying "The announcement in your letter dated July 21, 2014 regarding Canyon Lake Water

Service Company was a surprise and a shock to this office. Up to this point, the Development Agreement... has served as the guiding document for City Staff...The Development Agreement has provisions that Fair Oaks Ranch Utilities (FORU) will be the operator of the water system... The water matter is an incredibly important issue... I am presently not convinced that another water provider in the City's limits or its ETJ is in the best interest of the City long term."

I have a number of other examples of Trio's refusal to be governed by rules and regulations should you wish to see them. But these three examples illustrate my assertion that Trio cuts corners, violates agreements and threatens litigation as a bullying tactic when asked to play by the rules. If you grant the WWTP permit, more of the same can surely be expected.

Please grant my request for a public hearing to air these concerns. .

Sincerely,

Steve Hartpence

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, September 02, 2014 8:15 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001

H

From: garry@cerhomes.com [<mailto:garry@cerhomes.com>]
Sent: Sunday, August 31, 2014 8:15 PM
To: donotreply
Subject: Public comment on Permit Number WQ0015219001

*MWJ
9/16/14*

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: Garry Manitzas & *Dee Anna Manitzas*

E-MAIL: garry@cerhomes.com

COMPANY:

ADDRESS: 30850 MAN O WAR DR
FAIR OAKS RANCH TX 78015-4296

PHONE: 8309814250

FAX:

COMMENTS: Dear TCEQ: Thank you for the opportunity to comment. The comments below are in reference to Proposed Permit NO. WQ0015219001 submitted by Trio Residential Developers, Inc., the NORI of which was published on April 4, 2014 in The Boerne Star. My wife and I own a home in Kendall County and reside within the city limits of Fair Oaks Ranch. We are greatly concerned about the potential negative impact of this proposed wastewater treatment plant on both the city water supply for Fair Oaks Ranch where we get our water

MWJ

and on the almost 100 property owners on the south side of Ammann Rd. who have individual wells. It is our understanding from discussion with residents who are geologists that numerous recharge features exist in the area surrounding the proposed wastewater treatment plant. We know from an earlier meeting with one of the principals of Trio that the effluent from the treatment plant is to be used for greenbelt irrigation. The gentlemen from Trio seemed to be quite proud of this method of effluent disposal. We are concerned that the irrigation of effluent could have a negative impact on groundwater in the surrounding area where recharge features exist. It is our understanding that existing state laws require that an applicant demonstrate that the quality of ground or surface waters in the state will not be adversely affected before the commission can authorize land disposal of treated effluent. To the best of our knowledge, there has been no independent study done of the proposed site to assess the risks of drinking water contamination. Our understanding is that the topography of the area planned for the effluent discharge is described as karst. We are not geologists but we are able to do Google searches and what we read about the permeability of this type of topography concerns us that this effluent may find its way into our water supply. We have heard from people familiar with this area that there are numerous caves and recharge areas in both the effluent disposal area and the drainage areas south of that. This property lies almost exclusively in Kendall County. In a Fair Oaks Ranch City Council meeting we heard from Micah Vulgaris, general manager of Cow Creek Groundwater Conservation District, that a density of one water connection per 4 acres (or 86 residential units for the subdivision) would be a feasible density, not the 635 units proposed. The concern of overtaxing water resources is not just limited to residential users. At a Fair Oaks Ranch City Council meeting, Jim Cannizzo, an attorney representing the Camp Stanley/Camp Bullis installation, told us that the government engineers had advised him that supporting 635 homes' water requirements would cause their wells to go dry and prevent them from firefighting or performing their defense missions. It is especially disconcerting that the failed attempt to get Fair Oaks Ranch to annex this property was nothing more than an attempt to evade the rules of CCGWCD so a much higher density housing unit could be built with much greater profitability. In our opinion, this entire sequence of events and the testimony from the water "experts" for the region calls into serious question the viability of this development and the need for the proposed wastewater treatment plant. I appreciate your providing this opportunity for us to comment. We request that you hold a public hearing so that the concerns affecting all of us in Fair Oaks Ranch and our neighbors can be effectively heard, reviewed, and analyzed. Best regards, Garry and Dee Anna Manitzas 30850 Man O War Dr. Fair Oaks Ranch, TX 78015

TCEQ Public Meeting Form
October 30, 2014

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Trio Residential Developers, Inc.

AT PUBLIC MEETING

Water Quality Land Application Permit for
Municipal Wastewater
Permit No. WQ0015219001

PLEASE PRINT

⑤

IP #
178261

⑥

Name: Dee ANNA MANITZAS ERRY, Manitzas

Mailing Address: 30850 Men D WAR

Physical Address (if different): _____

City/State: Fair Oaks Ranch, TX Zip: 78015

This information is subject to public disclosure under the Texas Public Information Act

Email: dmanitzas@gvtc.com ✓

Phone Number: 210-602-1582

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? Fair Oaks Ranch Neighborhood

Please add me to the mailing list. ✓

I wish to provide formal **ORAL COMMENTS** at tonight's public meeting. ✓

I wish to provide formal **WRITTEN COMMENTS** at tonight's public meeting. ✓
(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

me

TCEQ
copy

* Want to be added to mailing list

Comments to TCEQ

Dee Anna Manitzas
30850 Man O War
Fair Oaks Ranch, TX 78015



~~23~~

dmanitzas@gvtr.com

In February 2011, Guadalupe Blanco River Authority (GBRA) in association with the Texas Water Development Board commissioned a Planning Study titled:

Kendall County and the City of Fair Oaks Ranch Water and Wastewater Planning Study

In this study, it should be noted that "the use of packaged treatment units is not recommended as a generalized approach for long-term wastewater planning for Kendall County."

Below is an excerpt from that study:

4.4.5 Packaged Treatment Plants

Packaged treatment plants have the advantages of low capital cost and rapid design and construction.

These attributes make packaged plants attractive to land developers seeking to achieve wastewater service quickly while deferring capital costs. Properly designed, constructed, and operated packaged plants are capable of achieving outstanding effluent quality, although some units on the market do not meet these design and construction standards, and operation of package plants with minimal operator attention during under-loaded startup conditions may not achieve such desirable results.

The principal disadvantage of typical packaged treatment units is that the materials utilized, (such as painted or galvanized carbon steel tanks, pipes, and structural supports), provide a shorter service life than "permanent" treatment facilities using concrete tanks and stainless steel/aluminum metals components. Therefore, the life cycle cost of packaged treatment units is typically higher than for a "permanent" treatment plant due to the recurring replacement cost of the units. Consequently, use of packaged treatment units is not recommended as a generalized approach for long-term wastewater planning for Kendall County.

The developer is here to develop the land, make money and move on to the next development. He is looking for ways to maximize profit. He is not looking for ways to ensure the long-term viability of handling the wastewater needs of the future residents of the Reserve.



So, if local experts studying packaged WWTPs have deemed this type of facility inappropriate for long-term planning in Kendall County, shouldn't TCEQ take this into consideration when deciding whether to issue a permit for such a facility?

<http://www.gbra.org/documents/studies/kendall/FinalReport.pdf>

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OCT 30 2014

AT PUBLIC MEETING

mW

IP #179446

Oct. 30, 2014

Comments to TCEQ

Garry Manitzas
30850 Man O War
Fair Oaks Ranch, TX 78015

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OCT 30 2014

AT PUBLIC MEETING

My name is Garry Manitzas. My wife and I reside at 30850 Man O War in Fair Oaks Ranch. We get both water and wastewater treatment services through the city of FOR.

Tonight I would like to express our concerns about potential contamination of our water supply from intense, localized and extended storms causing overflow from the proposed retention pond associated with this permit request.

The first area of concern is the topography of the area proposed for surface application of the treated effluent. An environmental scientist has surveyed the property down gradient from the proposed site and found many recharge features on the surface. While I am not an expert in this area, I know enough to be concerned that this type of topography lends itself to allowing effluent to find its way into the groundwater supply.

I would certainly hope that you would insist on an independent geologic assessment of the recharge features on the proposed site. We look to you as the state agency charged with protecting our environment to balance the risks to the residents with the desires of developers.

The second area of concern is the proposed size of the retention pond. It is my understanding that the data present in the permit application presented a table showing the worst monthly rainfall in the past 25 years was approximately 12 inches during a certain July. The size of the retention pond was calculated using this data.

Data from a NOAA rainfall scan shows that a late June/early July rainstorm in 2002 recorded 18+ inches (scan scale maxes out at 18") at the proposed site. A Davis Instruments weather station owned by one of our residents less than a mile from the proposed plant site recorded almost 29 inches of rain during that time.

These localized flood events are not all that rare and should be taken into account when sizing the retention pond for the WWTP. The real question here is what is a reasonable level of risk of water supply contamination and how should TCEQ go about managing that risk?

We think that TCEQ should insist that those who want to develop an area be responsible for funding appropriate research to clearly establish that the level of risk is acceptable or to perform mitigating work or re-design to reduce risk to an

IP# 179447

mw

acceptable level. You are the unbiased entity that has to reconcile the different concerns of residents and developers.

We are not talking about some abstract concept. We are talking about something very real and personal to all of us who live here. We appreciate the fact that your agency is here to oversee our environmental concerns and to make sure that the proposed wastewater facility does not pose unacceptable risks to our community.

Thanks for listening to my comments.

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AT PUBLIC MEETING

It should also be noted that the Edwards Aquifer Contribution Zone is approximately 400 feet from the proposed package plant and Cibolo Creek which is 1.5 miles downstream.

We are also concerned about the stress on the "slow to recharge – 4%" Trinity aquifer that would result from pumping approximately 438 acre/feet of water annually – especially during drought years.

Many of us on Rolling Acres, Meadow Creek Trail and Post Oak Trail have experienced a drop in the water levels of our wells during this current drought stage. We are all very concerned that a high density development such as the one proposed by Trio Residential Developers will create significant stress on the Trinity Aquifer and thereby negatively affect the long term viability of our sole source of drinking water in water quantity.

The property lies in Kendall County and is therefore under the jurisdiction of the Cow Creek Groundwater Conservation District.

Micah Vulgaris, general manager of CCGCD, has stated his concerns about the impact of 635 homes on the aquifer:

"If ...proposed in our District, using solely groundwater, a 4-acre density would be the maximum allowed (or 86 residential units / 34.6 ac/ft annually based on 360 gallons per day per connection). Everything we have seen so far looks as if 635 residential units are proposed (or 438 ac/ft annually based on the figure of 615 gallons per day per connection in the water availability study). As currently vetted and proposed our Board is not in favor of this development.

Our concern is that most of the existing domestic wells in the immediate area, including private wells located in our District, would be negatively impacted if a well field supplying a minimum yield of 381 gallons per minute (TCEQ requirement of 0.6 gpm per connection / 614.5 ac/ft annually) is placed on the Pfeiffer property. This will result in unreasonable interference with other wells within our District."

Finally, there are some items pertaining to the WWTP application that warrant consideration.

- 1- It should be noted that when Trio Residential Developers applied for the initial permit (posted in April 2014 in the Boerne Star newspaper) it was stated that the property was within the city limits of Fair Oaks Ranch. The petition to annex the property in question was denied on April 17, 2014 and the 345 acre property remains in the ETJ of Fair Oaks Ranch.
- 2- There is also a discrepancy regarding the distance of the proposed plant site to the City of FOR wastewater treatment plant which lies only 2.0 miles away (well within the 3 mile radius criteria). (See attached maps).
- 3- Disposal area of effluent is mainly in a creek bed (Cibolo Tributary #30), not in pasture land as is described in the application. (see attached map).
- 4- When the July application was sent to the Fair Oaks Ranch City Hall for viewing, it was (and still is) missing several pieces of information:
 - a. correspondence from March 7 where Trio replies to TCEQ's preliminary comments
 - b. TCEQ's staff comments on the permit
 - c. The last page, which is a map of the July 2014 draft permit (we only have seen pages 1-34). This last page is a necessary element in the application because it shows that the subdivision plat originally submitted to the city for approval last month has now changed. Increasing the acreage to be used for irrigation by effluent will necessitate a reduction in the number of houses to be built by about 30.
- 5- Finally, it is my understanding that the application must be available for viewing in the county in which the WWTP is proposed. This means it should be available for viewing in Kendall County. The only place I am aware of that we can view the application is at the Fair Oaks Ranch City Hall in Bexar County.

From TCEQ Website:

Application in a Public Place

1. **You must put a copy of the complete application, the executive director's preliminary decision as contained in the technical summary and fact sheet, the draft permit, and any subsequent revisions to these documents, in a public place for review and copying by the public. This public place must be located in the county where the facility is located or proposed to be located, and was previously**

identified by you as the viewing location. (Note: The viewing location is set forth in the enclosed notice.)

- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

I appreciate the opportunity to voice my concerns and hope that you will consider this a request for a public hearing to be held for the benefit of the many residents of Fair Oaks Ranch and their neighboring landowners whom have the potential to be negatively impacted by this proposed facility.

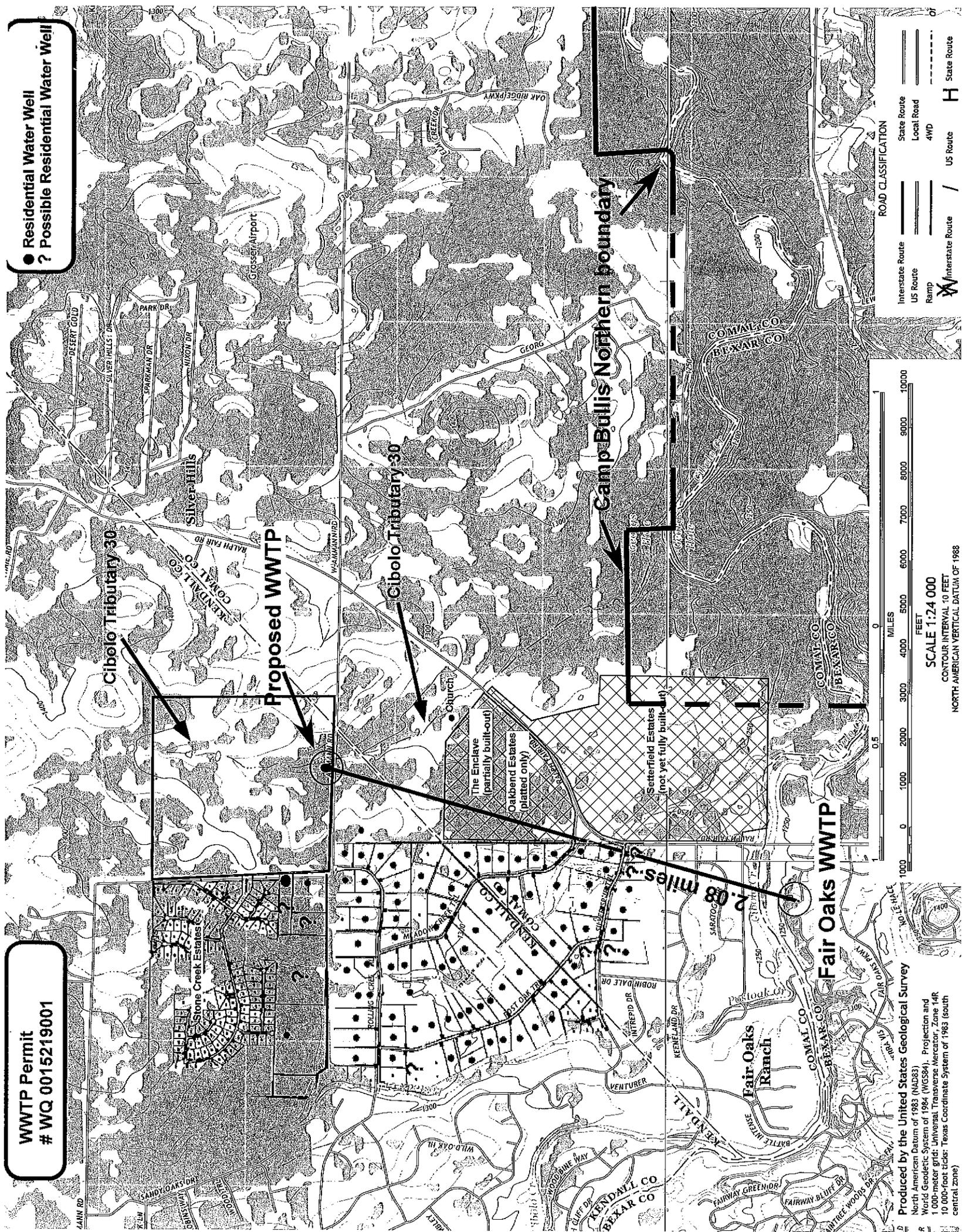
Sincerely,

✓ 

Mary & James McConnell
31036 Post Oak Trail
Fair Oaks Ranch, TX 78015

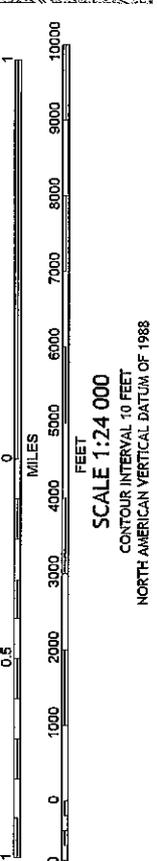
**WWTP Permit
WQ 0015219001**

**● Residential Water Well
? Possible Residential Water Well**

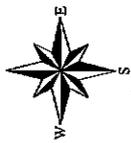


ROAD CLASSIFICATION

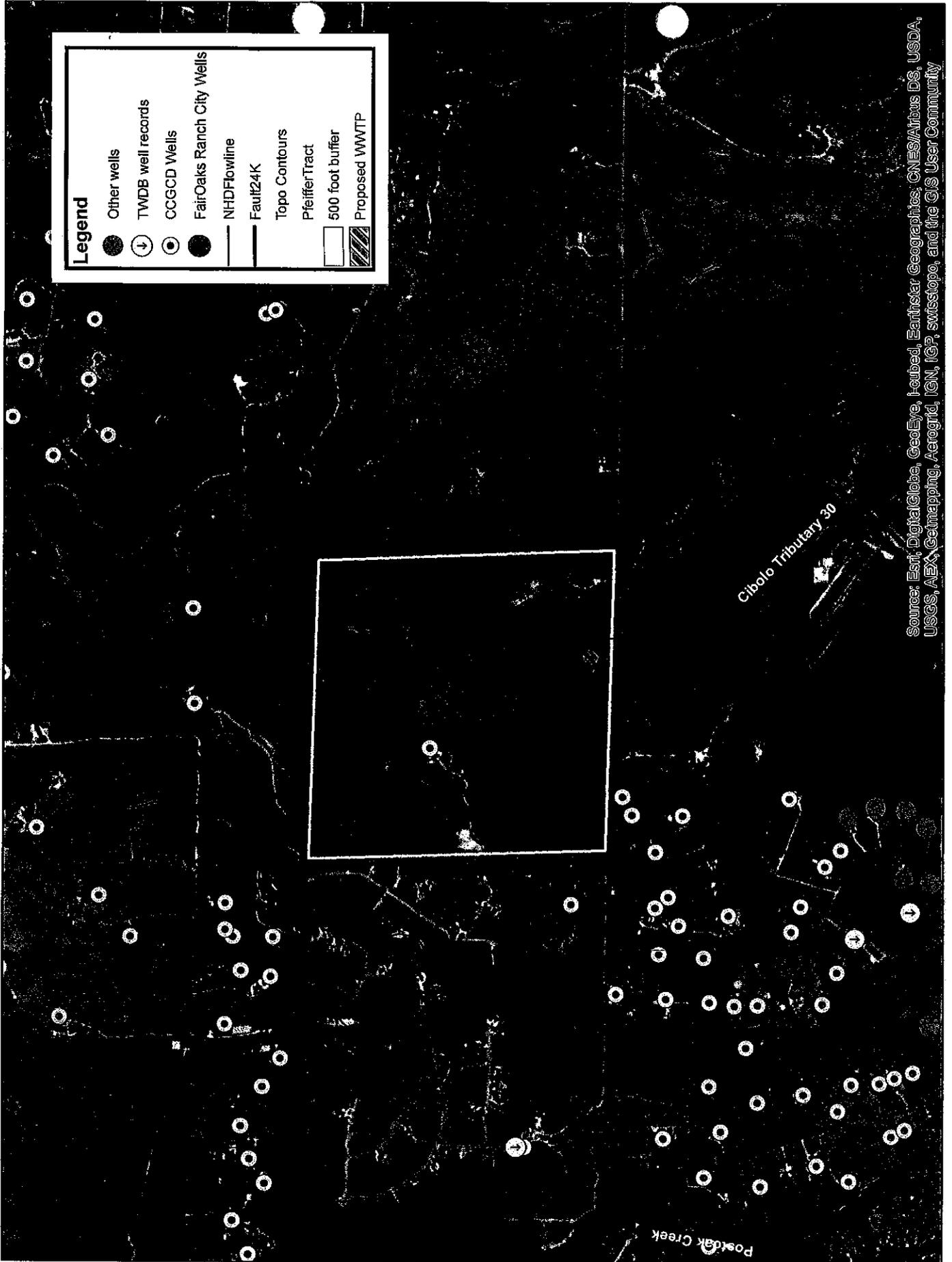
Interstate Route	State Route
US Route	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route



Produced by the United States Geological Survey
 North American Datum of 1983 (NAD83)
 World Geodetic System of 1984 (WGS84). Projection and
 10 000-meter grid: Universal Transverse Mercator, Zone 14R
 10 000-foot ticks: Texas Coordinate System of 1983 (south
 central zone)

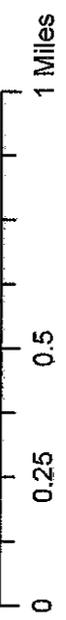


Wells, tributary and fault in the Vicinity of "The Reserve" proposed WWTP



D:\GIS\Working\FOR\Stewells_2.mxd

Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Permit # WQ 0015219001

1:24,000

P.O. Box 1315
BOERNE, TX
78006

SAN ANTONIO, TX 78201
RIO GRANDE DISTRICT
20 AUG 2014 PM 4 L



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AUG 22 2014

TCEQ MAIL CENTER
CS

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2014 AUG 22 AM 9:37

CHIEF CLERKS OFFICE

OFFICE OF THE CHIEF CLERK

MC105

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087

AUSTIN, TX 78711-3087

78711308787



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, January 13, 2015 4:22 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001

*MWD
9/16/32*

From: jmar@gvtc.com [<mailto:jmar@gvtc.com>]
Sent: Tuesday, January 13, 2015 4:16 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0015219001

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: James McConnell *(Mary McConnell)*

E-MAIL: jmar@gvtc.com

COMPANY:

ADDRESS: PO BOX 1315
BOERNE TX 78006-1315

PHONE: 2102195612

FAX:

COMMENTS: Date: 13 Jan 2015 Dear TCEQ: As a resident and landowner in Comal County residing within one mile of the proposed WWTP, I am writing to you regarding the Proposed Permit No. WQ00015219001 submitted by Trio Residential Developers, Inc. After reviewing the latest permit application posted at the Kendall County Courthouse in Boerne, the following issues (in addition to the ones submitted at the public meeting in October 2014) warrant attention: • Correspondence is still missing showing TCEQ's staff comments

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on the permit • Correspondence is still missing from March 7 where Trio replies to TCEQ's preliminary comments • Missing certified response letter from the Fair Oaks Ranch WWTP as required in permit application instructions. • Soil samples should have been taken by an independent state-certified geologist to ensure objectivity. • Missing karst survey Thank you for your attention on this matter. Sincerely, Mary McConnell 31036 Post Oak Trail Fair Oaks Ranch, TX 78015

TCEQ Public Meeting Form
October 30, 2014

8

Trio Residential Developers, Inc.

Water Quality Land Application Permit for
Municipal Wastewater
Permit No. WQ0015219001

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OCT 30 2014

AT PUBLIC MEETING

PLEASE PRINT

Name: Mary McConnell

Mailing Address: 31036 POST OAK TRAIL, FAIR OAKS RANCH TX
78015

Physical Address (if different): _____

City/State: _____ Zip: _____

This information is subject to public disclosure under the Texas Public Information Act

Email: JMAR@GVTC.COM ✓

Phone Number: _____

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? _____

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting. Formal ✓

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting. ✓
(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Mcc

Mary McConnell
31036 Post Oak Trail
Fair Oaks Ranch, TX 78015

RECEIVED
OCT 30 2014
AT PUBLIC MEETING

October 30, 2014

Dear TCEQ staff:

I am a resident of Fair Oaks and live one mile from the proposed WWTP site. Our sole source of water is from a private well on our property.

In the last four months, Fair Oaks Ranch City engineer, Ron Emmons, has denied approval for a Preliminary Subdivision Plat three times. Each time, the plat was disapproved based upon incomplete data and failure to comply with requirements set forth in the Development Agreement signed in Nov. 2013 between Trio Residential Developers and the City of Fair Oaks Ranch.

Attached are copies of all 3 denial letters and a map of the area surrounding the proposed WWTP site.

The most significant issue here is that the Developer has not proven a water source for the project and has not complied with elements of the Development Agreement that would allow him to move forward.

The Developer wishes to build 635 homes on the 345 acres. The property lies in the ETJ of Fair Oaks Ranch and is not inside the City limits. 342 acres are in Kendall County and just 2.39 acres are in Comal County. The Kendall County portion of the property (99%) is subject to the jurisdiction of Cow Creek Groundwater Conservation District which limits the property water usage to (1) water connection per 4 acres. This substantially lowers the number of homes that could be built on the property from 635 to approximately 86. Why then, would TCEQ consider granting the permit as it is proposed?

Additionally, why would TCEQ even consider allowing the building of a WWTP that would service only 86 homes? Individual septic systems would make more sense.

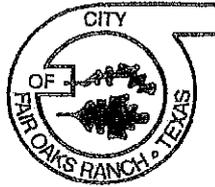
The building and maintenance of the WWTP is to be funded from assessments levied on the property owners that reside within the confines of the 345 acres. Since the Developer has not provided financials on the project to the City, we do not know the projected annual cost to maintain the WWTP. But, the annual assessment levied upon each property owner will no doubt be quite high since there can only be 86 homes; it could doom the project to fail. Then, what happens to the WWTP facility if has to be shut down and is left unmonitored? Who would pay for the facility to be closed and sealed properly?

So, until the water source issue is resolved and the master subdivision plan has been modified to comply with the City of Fair Oaks Ranch subdivision ordinances, the current Development Agreement and CCGCD standards, we ask that you suspend any and all decisions regarding the permitting, construction and placement of a WWTP on the Pfeiffer property on Ammann Road as it is proposed by Trio Residential Developers.



Thank you for your attention to this matter.

Mary McConnell



7286 Dietz Elkhorn · Fair Oaks Ranch, Texas 78015 · (210) 698-0900 · (866) 258-2505

July 11, 2014

Paul Schroeder, P.E., R.P.L.S.
Alamo Consulting Engineering & Surveying, Inc.
4365 East Evans Road
San Antonio, TX 78261

RECEIVED
OCT 30 2014
AT PUBLIC MEETING

RE: The Reserve
Preliminary Plat Unit 1 Comments

Dear Mr. Schroeder,

The Texas Local Government Code Section 242.001(h) is applicable to this development within the City's ETJ. The developer must receive approval from both the City and Kendall County in order to properly file the plat. As such, the City will be unable to approve the preliminary plat until approval has been given by the County. The same will be the case during the Final Plat phase.

Please find below the following comments regarding the preliminary pat submitted for Unit 1 of the Reserve.

1. Please add details to clarify how water will service Unit 1. What is the schedule to develop a well to service this unit? The preliminary water distribution plan does not sufficiently demonstrate where the water comes from.
2. The 12-inch water line must extend to the intersection of Ammann Road and Rolling Acres Trail to enable a future pipeline extension. The 12-inch water line must also extend to the elevated water storage tank.
3. Describe the timeline or planned course of action regarding the sanitary sewer system. How will the wastewater be treated for Unit 1?
4. Have test wells been drilled in accordance with the developer's agreement with the effective date November 20, 2013? The supply goals must be met as outlined in City letter dated March 24, 2014 regarding the Groundwater Resource Investigation Report Study.
5. Submit a stormwater drainage study as required by the Subdivision Ordinance. The drawing of Post Development Drainage Plan is insufficient.
6. Submit the metes and bounds legal description of the land being subdivided, as required by the Subdivision Ordinance.
7. Numbers for each lot shall be labeled as "Lot 1, Lot 2, Lot 3, etc."

8. Submit a Tree Removal and Preservation Plan in accordance with the Subdivision Ordinance.
9. Submit details and explanations how the Open Space and Parkland Dedication requirements will be met.

Specific details and content of the plat were not reviewed as those will be coordinated during final plat review phase. Please contact me if any questions.

Sincerely,



Ronald C. Emmons, P.E.
Public Works Director
City of Fair Oaks Ranch

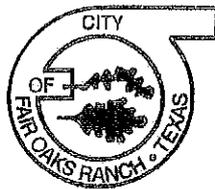
RCE/cp

cc: Marcus Jahns, Interim City Administrator
Terry Anderson, P.E., Kendall County Engineer

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OCT 30 2014

AT PUBLIC MEETING



Attachment 2

7286 Dietz Elkhorn · Fair Oaks Ranch, Texas 78015 · (210) 698-0900 · (866) 258-2505

August 20, 2014

Paul Schroeder, P.E., R.P.L.S.
Alamo Consulting Engineering & Surveying, Inc.
4365 East Evans Road
San Antonio, TX 78261

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AT PUBLIC MEETING

RE: The Reserve
Preliminary Plat Unit 1 Comments

Dear Mr. Schroeder,

This letter represents the City's response to your letter dated July 21, 2014, which was issued as a follow-up to the City's July 11, 2014 letter regarding The Reserve Preliminary Plat Unit 1. There are some considerable concerns regarding this plat process and ensuring that the Texas Local Government Code (TLGC) and Statutes as well as City Ordinances and Requirement conditions are met. There is significant public interest in this project. Compliance with these regulations is the base expectation. Furthermore, the City desires to be kept apprised of all matters that relate to this project and as agreed upon in the Development Agreement.

The City Attorney's position regarding TLGC § 242.001 (h) is that both Kendall County and the City of Fair Oaks Ranch must approve the plat prior to recordation in the county. This matter needs legal opinion and clarification from Trio Residential Developer, Inc. counsel as well as a formal letter from Kendall County Attorney, Dan Allee stating the County's position regarding TLGC § 242.001 (h).

The announcement in your letter dated July 21, 2014 regarding the Canyon Lake Water Service Company (CLWSC) was a surprise and shock to this office. Up to this point, the Development Agreement, with effective date November 30, 2013, has served as the guiding document for City staff to operate as it pertains to The Reserve development. The Development Agreement has provisions that Fair Oaks Ranch Utilities (FORU) will be the operator of the water system once the water supply is installed by the developer. Unfortunately (or fortunately, depending on the perspective), the commitment of CLWSC serves as a difficult evaluation of the water supply as it does not meet the conditions of the Development Agreement. Staff is unable to approve any plats for The Reserve until either the Development Agreement is modified to reflect CLWSC service or the developer stays with the present agreement where FORU is the water utility.

The water matter is an incredibly important issue and should not be taken lightly or concluded quickly. I am presently not convinced that another water provider in the City's limits or its ETJ is in the best interest of the City long term. In the Kendall County and the City of Fair Oaks Ranch Water and Wastewater Planning Study (February 2011) prepared for Guadalupe Blanco River Authority (GBRA), there is data that points to the City having surplus water (using

RECEIVED Page 2

OCT 30 2014

AT PUBLIC MEETING

current allocations) for a population of 10,301 residents in year 2040 (reference tables 2.2 and 3.14 of the report). That said, the City remains cautious and protective with this present allocation of water; therefore, the Development Agreement required additional water supply to increase our allocation. Further evaluation and discussion is required regarding future water supply for The Reserve, which can impact how the City proceeds with its remaining ETJ. This evaluation needs to determine how future water use in the ETJ will directly impact our neighboring Trinity Aquifer users (Camp Stanley, Camp Bullis, Cow Creek GCD, Comal County, Trinity Glen Rose GCD, etc.) and our current residents of Fair Oaks Ranch, including private well owners.

At that, I will respond and address comments as numbered from letters dated July 11, 2014 and July 21, 2014. Responses will be based on assumption CLWSC is the provider; however, The Development Agreement conditions make it difficult to reach a simple conclusion.

1. Please describe how CLWSC will provide service to Unit 1. Are you aware if they plan to drill any wells for this or any future units in The Reserve or ETJ?
2. Since the Development Agreement Exhibit B provides the location of the elevated water reservoir in the southeast corner of the development, a 12-inch water line must be extended to connect the tank to FORU. Again, the CLWSC as the water service provider creates conflict with the Development Agreement. I am unable to resolve this comment and do not find the response satisfactory.
3. The response from letter dated July 21, 2014 does not address the City's comments from letter dated July 11, 2014. Please submit a timeline regarding the sanitary sewer system. How will wastewater be treated for Unit 1? Will the proposed wastewater treatment plant be in operation by the time the first home is connected to the sanitary sewer system? Please note that the submitted master plan of the development does not indicate where the 40.5 acres of public access land for surface irrigation is located.
4. Please provide details and test results regarding the test well in Comal County. What is the plan regarding this well? Will it be used to provide water for any unit in The Reserve or for any other purpose in the City's ETJ or surrounding areas?
5. Submit a stormwater drainage study in accordance with the Subdivision Ordinance regulations. See Chapter 10, Exhibit A, Article V. Drainage, Section 2 Required Drainage Study, where it states "The Subdivider shall submit a drainage study with the preliminary plat".
6. The comment regarding the metes and bounds legal description is complete.
7. The comment regarding the addition of "Lot" as a prefix on lot numbers is complete.
8. Submit a Tree Removal and Preservation Plan in accordance with the Subdivision Ordinance regulations. See Chapter 10, Exhibit A, Article III Subdivision Design,

Section 6 Tree and Habitat Protection, Paragraph C, where it states the plan "shall be submitted with the preliminary plat".

9. Details of the Open Space and Parkland Dedication need clarification. Under Chapter 10, Exhibit A, Article III Subdivision Design, Section 7 Private Open Space Dedication, paragraph C, states that "provisions for private parks, trails, and open space areas shall be indicated on the preliminary plat." While there is no official open space within Unit 1, the preliminary Master Parkland Plan delineates area for proposed park areas. Unfortunately, the plan does not describe if the land meets the criteria established by Section 7. Therefore, this comment remains incomplete.

Based on the above comments, the preliminary plat remains not approved. Specific details and content of the plat were not reviewed as those will be coordinated during final plat review phase. Please contact me if any questions.

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Sincerely,



Ronald C. Emmons, P.E.
Public Works Director
City of Fair Oaks Ranch

RCE/cp

cc: Marcus Jahns, Interim City Administrator
Charles Zech, J.D., City Attorney
Terry Anderson, P.E., Kendall County Engineer



Attachment 3

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October 15, 2014

Paul Schroeder, P.E., R.P.L.S.
Alamo Consulting Engineering & Surveying, Inc.
4365 East Evans Road
San Antonio, TX 78261

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OCT 30 2014

AT PUBLIC MEETING

RE: The Reserve
Preliminary Plat Unit 1 Comments

Dear Mr. Schroeder,

This letter serves as the response to a letter dated September 15, 2014 from David Earl of Earl & Associates. This letter relates to previous correspondence in letters between the City of Fair Oaks Ranch (dated July 11, 2014 and August 20, 2014) and response letter from Alamo Consulting Engineering & Surveying, Inc. (dated July 21, 2014).

As an initial matter the preliminary plat does not satisfy the obligations of the Reserve at Fair Oaks Ranch Development Agreement (the "Development Agreement") which requires the development to be served by groundwater obtained from the drilling of public water supply well(s). As currently submitted the preliminary plat does not utilize public water supply well(s) but rather utilizes a third-party water provider. Additionally, the City has not agreed to the water availability study which has been previously submitted. Finally, test wells have not been drilled to substantiate supply goals for the Project as provided for in the Development Agreement.

Additional comments on the remaining outstanding issues are as follows:

- 1) The preliminary plat does not provide for the locations, dimensions and purposes of recorded and proposed easements necessary for public infrastructure.
 - a) A sanitary control easement is required for the development agreement water well.
 - b) Water line easements are required for the raw water line from the well to a water treatment facility.
 - c) Water line easements are required for the potable water supply to this Unit 1 plat.
 - d) Water line easements for the 12-inch water line extension to the elevated reservoir should be considered.
- 2) Comments regarding the storm water drainage study:
 - a) The entire watershed drainage area(s) shall be depicted on a 7.5 minute series U.S.G.S. map. The submittal only shows the portion of the watershed for the proposed development.
 - b) Submit full-scale engineered drawings of the Pre Development Drainage Plan and the Post Development Drainage Plan. The submitted scaled-down versions on 8½

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OCT 30 2014

AT PUBLIC MEETING

- c) x 11 paper fonts are too small and not reviewable. The engineered drawings must also be dated to be valid.
 - d) There appears to be a culvert on the main street; however, there are no details or descriptions confirming such.
 - e) The Post Development Drainage Plan does not factor storm water flow from outside the limits of the proposed Unit 1. Typically in past submittals, ACES has submitted a Storm Water Management Plan for the complete proposed development. This submittal only addresses Unit 1, which is insufficient.
 - f) There are no proposed drainage easements shown on the preliminary plat; however, a "Natural Low" is shown. Since the development is proposed to be gated, drainage easements will be required for all areas with planned storm water flow.
 - g) Provide additional supplemental information describing the general soil conditions, downstream channel conditions, all weather access, and the presence of special flood hazard areas within the subdivision.
- 3) Comments regarding the Tree Removal and Preservation Plan:
- a) The plan shall designate all trees proposed for removal and shall describe in detail the measures proposed to protect the remaining trees during the development of the property.
 - b) The plan shall reflect that all proposed tree removal will be done in accordance with the Oak-wilt prevention ordinance (not order) of the City.
 - c) The plan must demonstrate that three trees with a caliper of at least two and one-half inches (2.5") will be planted *on the site or at another approved location* for each tree removed that has a caliper of twenty-four inches or larger (heritage tree).
 - d) Show location on the plan of all heritage trees proposed for removal. City staff is interested in walking the site to view all trees proposed for removal.
 - e) Submit details for protection of trees during construction. These barriers shall be in place before any site clearance or other site-disturbing act commences.
- 4) Comments regarding the Open Space and Parkland Dedication:
- a) Drainage ditches, detention ponds, power line easements, steep slopes and similar sites shall not be accepted for private open space dedication. While the proposed Master Parkland Plan provides sufficient acreage for private open space, it lacks any details if the area is usable since these parks are outside the limits of the proposed Unit 1 preliminary plat.
 - b) Confirm whether or not any of the proposed open space parks, or portions thereof, are within a 100-year floodplain. If so, submit documentation as to whether the land consists of the native floodplain that is unaltered by channelization or other man-made stormwater control facilities.

The preliminary plat is denied. Please resubmit the preliminary plat consistent with the comments herein.

Alamo Consulting Engineering & Surveying, Inc
October 15, 2014

Page 3

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Please note that as we continue to work towards compliance with the City's regulations, and the Development Agreement, we will need to address the time line associated with the construction of the wastewater system.

Sincerely,



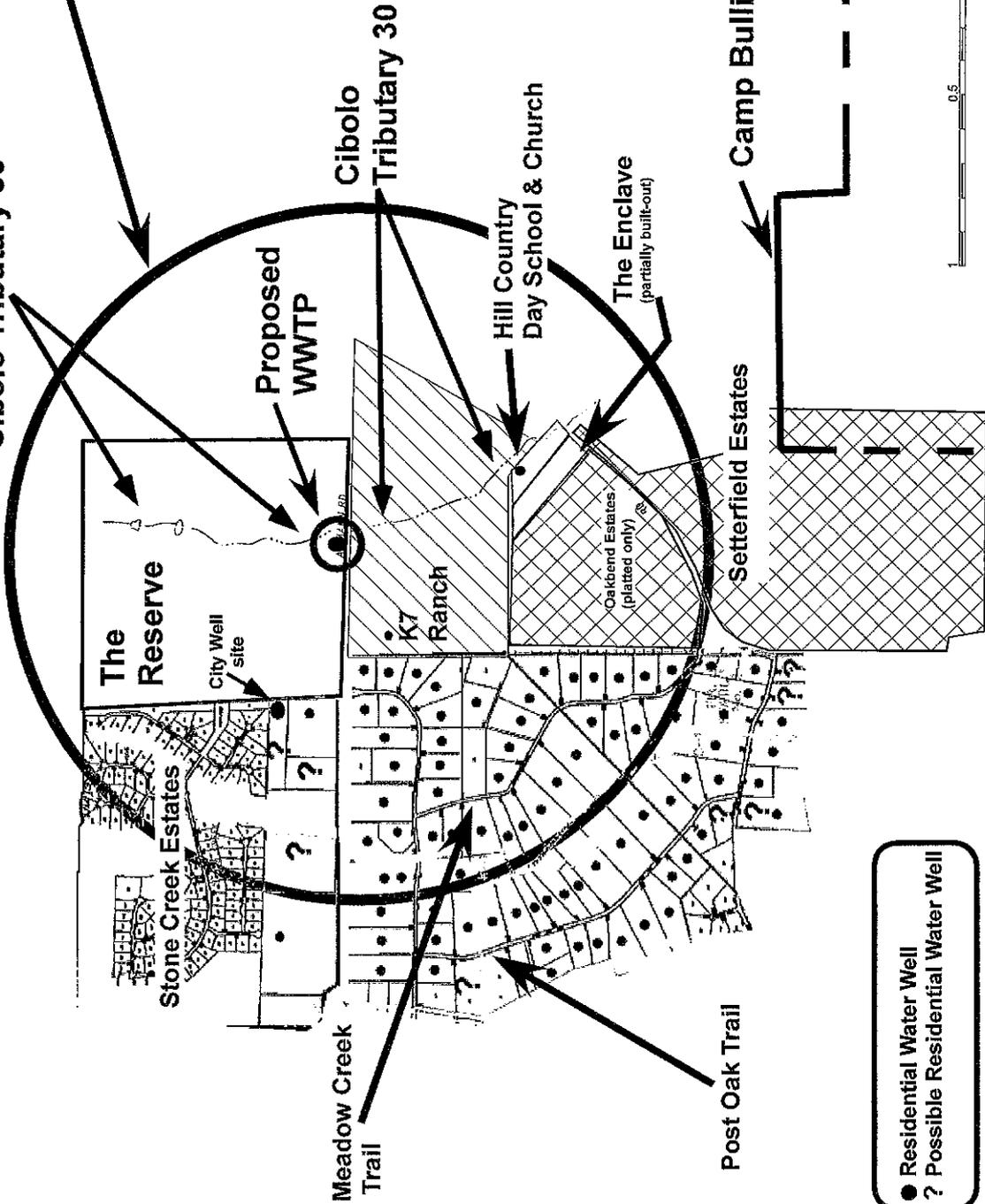
Ronald C. Emmons, P.E.
Public Works Director
City of Fair Oaks Ranch

RCE/cp

cc: Marcus Jahns, Interim City Administrator
Charles Zech, J.D., City Attorney

WWTP Permit
WQ0015219001

Cibolo Tributary 30



Affected Persons

Within 1 mile radius
of
Proposed
Wastewater Treatment
Plant

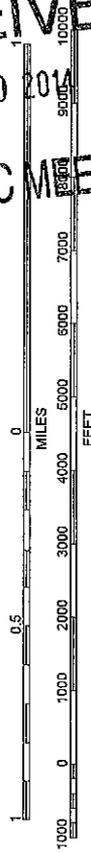
Hill Country Church & Day School
= 3000 ft directly
south along drainage of
Cibolo Tributary 30

K7 Ranch = directly south
across Ammann Road.
Residence = 1500 ft

- Stone Creek Estates
- Meadow Creek Trail
- Rolling Acres Trail
- Amman Road
- Setterfield Estates
- The Enclave
- Oakbend Estates

Camp Bullis Northern boundary
(approximate)

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SCALE 1:24 000
CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

○ Fair Oaks WWTP

● Residential Water Well
? Possible Residential Water Well

submitted by Mary McConnell

WWTP Permit # WQ0015219001

Affected Persons
Within 1 mile radius of Proposed Wastewater Treatment Plant

Hill Country Church & Day School
= 3000 ft directly south along drainage of Cibolo Tributary 30

K7 Ranch = directly south across Ammann Road. Residence = 1500 ft

Stone Creek Estates
Meadow Creek Trail
Rolling Acres Trail
Amman Road
Setterfield Estates
The Enclave
Oakbend Estates

Cibolo Tributary 30

Cibolo Tributary 30

Proposed WWTP

Hill Country Day School & Church

The Enclave (partially built-out)

The Reserve

City Well site

K7 Ranch

Oakbend Estates (platted only)

Setterfield Estates

Stone Creek Estates

Meadow Creek Trail

Post Oak Trail

Camp Bullis Northern boundary (approximate)

AT PUBLIC MEETING

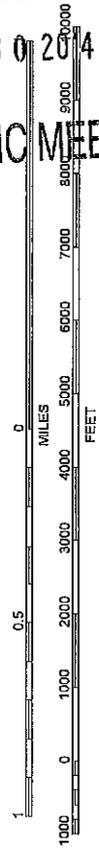
● Residential Water Well
? Possible Residential Water Well



Fair Oaks WWTP

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SCALE 1:24,000

CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

10-30-14

RECEIVED October 30, 2014

OCT 30 2014

AT PUBLIC MEETING

Below are a compilation of comments/questions from concerned landowners in and around Fair Oaks Ranch. Many of these comments and questions will be asked during the formal portion of the Public Meeting on October 30, 2014 in reference to the Proposed Permit no. WQ0015219001. In the event that there is not enough time for all participants to speak, I am submitting these in bulk at the meeting. Thank you for your time and attention to our concerns, Mary McConnell

Elliott McConnell - 32010 Deer Summit - Fair Oaks Ranch, TX 78015 --- Is it TCEQ's role to protect the health of the environment and the people of Texas or is it TCEQ's role to not hinder development even in light of potential risks?

Shouldn't Developer 1st have a proven water source or at least have proven water availability before the WWTP is approved?
Can permit be deferred until water source is proven?

Frank Trepasso - Rolling Acres Trail - Fair Oaks Ranch, TX 78015

What are the rules or procedures for an individual to file a contested case hearing? What is the criteria for a person to be considered "affected" ? Is there a distance limit? There were 9 people listed on permit application but many more are just as close.

Concerned about proximity to 86 property owners whose SOLE SOURCE of water is private wells. What kind of stormwater management will be put in place to BE CERTAIN that WW effluent will not enter adjoining properties to the south along the Cibolo Tributary 30 creekbed when extreme rainfall events occur due to excessive run-off?

Concerned about Security Lighting, Noise and Odor intrusion on nearby properties.

Examples of recent sewage leaks on surface (boerne).

TAC 30, Part 1, Ch 309, SubCh B, Rule 309.13 Unsuitable Site Characteristics. Concerned about locating a WWTP at such a highly visible location. Area is not suited for Industrial style structures - it is residential in at least a 2 mile radius and even then at 2 miles it is only a school and a convenience store with 3 small one room businesses. Dimishes property values of nearby existing residences that will not even use the WWTP.

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Andra Wisian - 319 Ammann Road - Boerne, TX 78006

The vast majority of residents in and around Fair Oaks Ranch are not familiar with WWTP permit applications, but while reading through this particular permit application, we found a troubling number of inconsistencies and omitted information. Maybe TCEQ sees this all the time, but in our eyes, numerous instances where there is a lack of attention to detail leads us to question how much effort was put into significant technical issues that affect the health and safety of the people living in proximity to the WWTP.

1. On permit appl: Trio says there is not a WWTP within 3 miles of the proposed site on Ammann Road. --- FOR WWTP is 2.0 miles away.
2. Permit Application should have been "available for viewing in the County it is proposed to be located in." But, it was only available at the FOR City Hall in Bexar County.

From TCEQ Website:

Application in a Public Place

1. You must put a copy of the complete application, the executive director's preliminary decision as contained in the technical summary and fact sheet, the draft permit, and any subsequent revisions to these documents, in a public place for review and copying by the public. This public place must be located in the county where the facility is located or proposed to be located, and was previously identified by you as the viewing location. (Note: The viewing location is set forth in the enclosed notice.)

* A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).

* This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

3. Permit Appl states that property is within the FOR City Limits. ---- Annexation was denied. Appl should have been amended to reflect this.
4. Permit Application at FOR City Hall is missing documents: a) correspondence from March 7 where Trio replies to TCEQ's preliminary comments b) TCEQ comments on the permit. C) subdivision plat pg #35 showing TCEQ required changes to the acreage to be used for irrigation / disposal of effluent. ---- only original plat is available.
5. GPS coordinates on permit application are incorrect
6. Permit application has listed 9 people that may possibly be affected. One of the affected persons listed is Green Land Ventures, LLC. -- mailing address shows a San Antonio street location but lists Fair Oaks Ranch as the City with a SA zip code. Engineer who prepared application also works for Green Land Ventures. He should know the address....
7. Disposal area of effluent is listed as "Pastureland" -- it is in fact mostly the drainage area of Cibolo Tributary 30
- 8.. Trio has submitted 3 preliminary subdivision plats to the city - all have been denied approval due to missing information/documentation. ---- There seems to be a pattern here of sloppy work. TCEQ should not issue permits to Developers that have a history of overlooking details - especially in the area of WW permits. Details are IMPORTANT and are in place to protect us!

OCT 30 2014

CCGCD Board is not in favor of this proposed development. Siting negative impact on existing domestic wells in the area.

AT PUBLIC MEETING

Rich Nichols - 8115 Windmill Circle - Fair Oaks Ranch, TX 78015

What kind of provisions would be made if drought continues and wells on property dry up - how will WWTP dispose of effluent?

Concerns about water conservation and suggestion to require higher quality processing for purple pipe reuse to the residences instead of application to roadside "green belts" .

Due to stipulations in the Development Agreement between the City of FOR and Trio, the City cannot speak out against the WWTP. But that doesn't change the fact that Public records show that during the November 20, 2013 FOR City Council Meeting, FOR City engineer recommended against a package plant at this site location.

Wastewater Agreement: ".....City consents to and will not offer any oral or written objection of (a) Developer's application to the TCEQ for a Certificate of Convenience and Necessity to provide retail wastewater service for the Property and (b) Developer's application for a discharge permit or any other permit necessary to operate the WWTP and (c) the creation of any type of district necessary to construct and operate the WWTP."

Donna Taylor - Keeneland Drive - Fair Oaks Ranch, TX 78015

Does the proposed WWTP have the capacity and capability to expand its treatment processes as new contaminants are identified? Personal Care products, hormones? What is the useful life of such a WWTP plant?

Examples of recent sewage leaks on surface (boerne).

Shouldn't Developer prove that a WWTP will enhance area, not serve as a detriment to an area of dwindling water resources? TAC Title 30 Part 1, Chapter 309 Subchapter A Rule 309.3 Section (f) "Land disposal of treated effluent. The commission may authorize land disposal of treated effluent when the applicant demonstrates that the quality of ground or surface waters in the state will not be adversely affected. Each project must be consistent with laws relating to water rights..."

Concerned about contamination from Pharmaceuticals and Personal Care Products

Shouldn't TCEQ require that a survey be taken of the effluent disposal area to make sure there are no recharge features or sinkholes? Also take into consideration topography of surrounding areas.

Concerned about High nutrient levels tainting nearby water wells? What is being done to ensure that does not happen?

On Permit it says effluent will not be applied during rainfall events....what if a low depression lingers for several days or weeks? How will effluent be stored? Pond seems to be undersized according to ACTUAL rainfall data. Example: 29" in an 8 day period in June/July 2002.

Terry Thompson - Post Oak Trail - Fair Oaks Ranch, TX 78015

Questions about Financial Security & Reliability:

- a) It is my understanding that the sale of the property is listed as pending. If Trio Residential Developers does not own the property, how can they apply for a WWTP permit?
- b) what is the source of funding for the design and construction of the WWTP?
- c) What is the budget for the operation of the WWTP?
- d) What will be the emergency source of funding?
- e) What is the source of funding for the operation and maintenance of the WWTP?

Cheri Schilling - 31135 Post Oak Trail - Fair Oaks Ranch, TX 78015

Who owns the WWTP site and in what type of legal title?

Who owns the land disposal area and in what type of legal title?

Who will own the plant site and the land disposal area after the facilities are constructed?

Who will own the WWTP facilities?

Does the Applicant have any plans to change ownership to the plant site and the land disposal area in the future?

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AT PUBLIC MEETING

Will the Applicant agree to supply the following information via a website, or to the TCEQ mailing list for this application, or both:

- a) The test results on the effluent and other samples that the Applicant is required to take and test under the draft permit?
- b) The flow measurements the Applicant is required to take under the draft permit?
- c) The results of the Applicant's calibration of its flow measuring devices/equipment (Permit: Monitoring Requirement No. 5)?
- d) Any effluent violation that deviates from the permitted effluent limitation by more than 40%(Permit: Monitoring Requirement No. 7.c.)?
- e) The facts, information, or both that it submits to the TCEQ's Executive Director when it becomes aware that it failed to submit relevant facts in its permit application or submitted incorrect information in its permit application or in any report to the Executive Director (Permit: Permit Conditions 1.a.)?
- f) The notice that it submits to the TCEQ's Executive Director that it plans physical alterations or additions to its permitted facilities because such alterations or additions will require a permit amendment or result in a violation of permit requirements (Permit: Permit Conditions 4.a.)?
- g) The report that it submits to the TCEQ that it is planning on accepting or generating wastes that are not described in the permit application or that which would result in a significant change in the quantity or quality of the existing discharge (Permit: Permit Conditions 4.d.)?
- h) Notice that it is proposing to transfer any permit that the TCEQ issues to the Applicant (Permit: Permit Conditions 5)?
- i) Notice that it is subject to any voluntary or involuntary bankruptcy or insolvency proceeding or application (Permit: Permit Conditions 10)?

Polly Sparks - 31220 Post Oak Trail - Fair Oaks Ranch, TX 78015

According to TCEQ rules – a permit should not be issued unless the proposed site has been thoroughly evaluated. Where are the studies, surveys, assessments that need to be conducted in order to ensure that contamination of surface and groundwater are minimized? We have not seen any documentation provided by Trio that they have had the site evaluated by an unbiased, state licensed geologist.

When private landowners wish to put in septic systems, we are required to conduct percolation tests and other assessments before we are issued permits. Shouldn't Trio be required to do the same? Especially since it is actually noted in the standards rules below.

**CHAPTER 309 DOMESTIC WASTEWATER EFFLUENT LIMITATION AND PLANT SITING SUBCHAPTER B LOCATION STANDARDS
RULE §309.12 Site Selection To Protect Groundwater or Surface Water**

The commission may not issue a permit for a new facility or for the substantial change of an existing facility unless it finds that the proposed site, when evaluated in light of the proposed design, construction or operational features, minimizes possible contamination of surface water and groundwater. In making this determination, the commission may consider the following factors:

- (1) active geologic processes;
- (2) groundwater conditions such as groundwater flow rate, groundwater quality, length of flow path to points of discharge and aquifer recharge or discharge conditions;
- (3) soil conditions such as stratigraphic profile and complexity, hydraulic conductivity of strata, and separation distance from the facility to the aquifer and points of discharge to surface water; and
- (4) climatological conditions.

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Garry Manitzas - 30850 Man O War - Fair Oaks Ranch, TX 78015

My name is Garry Manitzas. My wife and I reside at 30850 Man O War in Fair Oaks Ranch. As a starting point, let me state that our home gets both water and wastewater treatment services through the city of FOR.

Tonight I would like to express our concerns about potential contamination of our water supply from intense, localized and extended storms causing overflow from the proposed retention pond associated with this permit request. I will disqualify myself as an expert immediately because I'm a CPA and a Realtor, not an engineer or a geologist or a scientist.

The first area of concern is the topography of the area proposed for surface application of the treated effluent. An environmental scientist has surveyed the property down gradient from the proposed site and found many recharge features on the surface. While I am not an expert in this area, I know enough to be concerned that this type of karst topography lends itself to allowing effluent to find its way into the groundwater supply.

Due to the absence of a formal survey of the proposed application site, we don't really know the exact composition of the land proposed for surface application but we believe the use of "pasture land" to describe the area may be glossing over a potential environmental issue.

Rather than just throwing the dice and charging ahead with approving this application, I would certainly hope that you would insist on an independent geologic assessment of the recharge features on the proposed site. We believe this is a reasonable expectation since all of us look to you as the state agency charged with protecting our environment by balancing the risks to the residents with the desires of developers.

The second area of concern is the proposed size of the retention pond. It is my understanding that the data present in the permit application presented a table showing the worst monthly rainfall in the past 25 years was approximately 9 and a half inches during a certain July. The size of the retention pond was calculated using this data.

Research from a NOAA rainfall scan shows that a late June/early July rainstorm in 2002 recorded 18+ inches (scan scale maxes out at 18") at the proposed site. A Davis Instruments weather station less than a mile from the proposed plant site recorded almost 29 inches of rain during that time.

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There have been storms as recently as this past August when a storm west of Boerne dropped more than 10 inches in less than 24 hours. These localized flood events are not rare and should be taken into account when sizing the retention pond for the WWTP.

The ultimate question here is pretty simple from the standpoint of neighboring landowners. What is a reasonable level of risk of water supply contamination and how should TCEQ go about managing that risk?

From our perspective, we think that TCEQ should insist that those who want to develop an area be responsible for funding appropriate research to clearly establish that the level of risk is acceptable or to perform mitigating work or re-design to reduce risk to an acceptable level. There is a natural resistance for developers to want to do that because it costs money and hurts their return.

Therefore, we need an unbiased entity to play referee on this natural difference in viewpoints between developers and residents. TCEQ is that government entity. :

I'm not a proponent of big government but I recognize that there are some areas such as environmental protection where it takes government intervention to achieve desirable results.

In this situation we are not talking about some abstract concept like carbon emissions. We are talking about something very real and personal to all of us who live here. We appreciate the fact that your agency is here to oversee our environmental concerns and to make sure that the proposed wastewater facility does not pose unacceptable risks to our community.

Thanks for listening to my comments.

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Mary McConnell - 31036 Post Oak Trail - Fair Oaks Ranch, TX 78015

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I am a resident of Fair Oaks and live one mile from the proposed WWTP site. Our sole source of water is from a private well on our property.

AT PUBLIC MEETING

In the last four months, Fair Oaks Ranch City engineer, Ron Emmons, has denied approval for a Preliminary Subdivision Plat three times. Each time, the plat was disapproved based upon incomplete data and failure to comply with requirements set forth in the Development Agreement signed in Nov. 2013 between Trio Residential Developers and the City of Fair Oaks Ranch.

Attached are copies of all 3 denial letters and a map of the area surrounding the proposed WWTP site.

The most significant issue here is that the Developer has not proven a water source for the project and has not complied with elements of the Development Agreement that would allow him to move forward.

The Developer wishes to build 635 homes on the 345 acres. The property lies in the ETJ of Fair Oaks Ranch and is not inside the City limits. 342 acres are in Kendall County and just 2.39 acres are in Comal County. The Kendall County portion of the property (99%) is subject to the jurisdiction of Cow Creek Groundwater Conservation District which limits the property water usage to (1) water connection per 4 acres. This substantially lowers the number of homes that could be built on the property from 635 to approximately 86. Why then, would TCEQ consider granting the permit as it is proposed?

Additionally, why would TCEQ even consider allowing the building of a WWTP that would service only 86 homes? Individual septic systems would make more sense.

The building and maintenance of the WWTP is to be funded from assessments levied on the property owners that reside within the confines of the 345 acres. Since the Developer has not provided financials on the project to the City, we do not know the projected annual cost to maintain the WWTP. But, the annual assessment levied upon each property owner will no doubt be quite high since there can only be 86 homes; it could doom the project to fail. Then, what happens to the WWTP facility if has to be shut down and is left unmonitored? Who would pay for the facility to be closed and sealed properly?

So, until the water source issue is resolved and the master subdivision plan has been modified to comply with the City of Fair Oaks Ranch subdivision ordinances, the current Development Agreement and CCGCD standards, we ask that you suspend any and all decisions regarding the permitting, construction and placement of a WWTP on the Pfeiffer property on Ammann Road as it is proposed by Trio Residential Developers.

Karol McDowell - 30811 Robin Dale, Fair Oaks Ranch, TX 78015 -- What autonomy does the permit writer have in granting / denying a permit request when there is overwhelming public support / opposition that is well founded?

Garry Manitzas - 30850 Man O War - Fair Oaks Ranch, TX 78015 - -Has there been a geologic assessment of the effluent application area/ stormwater drainage area? Performed by a state licensed, unbiased, geologist and submitted to TCEQ

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OCT 30 2014

AT PUBLIC MEETING

Question for Dedie?

In the February 2011, Guadalupe Blanco River Authority (GBRA) in association with the Texas Water Development Board commissioned a Planning Study titled:

Kendall County and the City of Fair Oaks Ranch Water and Wastewater Planning Study

In this study, it should be noted that " the use of packaged treatment units is not recommended as a generalized approach for long-term wastewater planning for Kendall County."

Below is an excerpt from that study:

4.4.5 Packaged Treatment Plants

Packaged treatment plants have the advantages of low capital cost and rapid design and construction.

These attributes make packaged plants attractive to land developers seeking to achieve wastewater service quickly while deferring capital costs. Properly designed, constructed, and operated packaged plants are capable of achieving outstanding effluent quality, although some units on the market do not meet these design and construction standards, and operation of package plants with minimal operator attention during under-loaded startup conditions may not achieve such desirable results.

The principal disadvantage of typical packaged treatment units is that the materials utilized, (such as painted or galvanize carbon steel tanks, pipes, and structural supports), provide a shorter service life than "permanent" treatment facilities using concrete tanks and stainless steel/aluminum metals components. Therefore, the life cycle cost of packaged treatment units is typically higher than for a "permanent" treatment plant due to the recurring replacement cost of the units. Consequently, use of packaged treatment units is not recommended as a generalized approach for long-term wastewater planning for Kendall County.

The developer is here to develop the land, make money and move on to the next conquest. He is looking for ways to maximize profit, he is not looking for ways to ensure the long-term viability of handling the wastewater needs of the future residents of the Reserve.

So, if local experts studying packaged WWTPs have deemed this type of facility inappropriate for long-term planning in Kendall County, shouldn't TCEQ take this into consideration when deciding whether to issue a permit for such a facility?

<http://www.gbra.org/documents/studies/kendall/FinalReport.pdf>

RECEIVED

OCT 30 2014

AT PUBLIC MEETING

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, May 29, 2015 7:41 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001
Attachments: GEAA-RequestTCEQreconsideration5-28-20152.pdf

MWD
91632

RFR

From: annalisa@aquiferalliance.org [<mailto:annalisa@aquiferalliance.org>]
Sent: Thursday, May 28, 2015 6:00 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0015219001

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: MS Annalisa Peace

E-MAIL: annalisa@aquiferalliance.org

COMPANY: Greater Edwards Aquifer Alliance

ADDRESS: PO BOX 15618
SAN ANTONIO TX 78212-8818

PHONE: 2103206294

FAX: 2103208518

COMMENTS: Please see the attached comments.

MWD



Member Organizations

- Alamo Group of the Sierra Club
- Aquifer Guardians in Urban Areas
- Austin Regional Sierra Club
- Bexar Audubon Society
- Bexar Green Party
- Boerne Together
- Cibolo Nature Center
- Citizens Allied for Smart Expansion
- Citizens for the Protection of Cibolo Creek
- Environment Texas
- First Universalist Unitarian Church of San Antonio
- Friends of Canyon Lake
- Friends of Government Canyon
- Fuerza Unida
- Green Party of Austin
- Headwaters at Incarnate Word
- Hays Community Action Network
- Helotes Heritage Association
- Helotes Nature Center
- Hill Country Planning Association
- Guadalupe River Road Alliance
- Guardians of Lick Creek
- Kendall County Well Owners Association
- Kinney County Ground Zero
- Leon Springs Business Association
- Lone Star Chapter of Sierra Club
- Medina County Environmental Action Association
- Native Plant Society of Texas – SA
- Northwest Interstate Coalition of Neighborhoods
- Preserve Castroville
- Preserve Lake Dunlop Association
- San Antonio Audubon Society
- San Antonio Conservation Society
- San Geronimo Nature Center
- San Geronimo Valley Alliance
- San Marcos Greenbelt Alliance
- San Marcos River Foundation
- Save Barton Creek Association
- Save Our Springs Alliance
- Scenic Loop/Boerne Stage Alliance
- Securing a Future Environment
- SEED Coalition
- Solar San Antonio
- Sisters of the Divine Providence
- Texas Water Alliance
- Travis County Green Party
- West Texas Springs Alliance
- Water Aid – Texas State University
- Wildlife Rescue & Rehabilitation
- Wimberley Valley Watershed Association

PO Box 15618
San Antonio, Texas 78212

May 28, 2015

Bridget C. Bohac, Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Greater Edwards Aquifer Alliance Comment on Proposed Permit NO. WQ0015219001; CN604516112 RN107104929

Dear Ms. Bohac:

We request reconsideration of the TCEQ Executive Director’s decision dated May 1, 2015 to approve permit No. WQ0015219001. We request reconsideration because we contend that the serious concerns outlined in comments we submitted at the hearing on October 30, 2014 have not been adequately addressed by the TCEQ in making the decision to approve this permit. We specifically refer to Comment #4 in the May 1st Executive Director’s decision.

The Greater Edwards Aquifer Alliance, comprised of fifty-one member organizations, is primarily concerned about the approval of this permit and related development because we believe it will have a negative impact on water quality. The wastewater project for which the applicant has been granted this permit is located too close to the Edwards Aquifer Contributing Zone. Boundaries of the Contributing Zone are arbitrary, and often do not reflect geology. Given that the boundary in this instance is based upon the County line, it is probably not terribly accurate.

Studies currently being conducted by Southwest Research Institute for the Edwards Aquifer Authority indicate that the Contributing Zone of the Edwards Aquifer, especially areas within the Glenrose formations of the Trinity Aquifer, may be far more significant in terms of recharge to the Edwards than was previously believed.

The site for the package plant and wastewater irrigated greenbelt is in southeastern Kendall County. The site is also approximately 600 feet northwest of the Edwards Aquifer Contributing Zone. The 40.5 acres proposed for land irrigation is more accurately described as karst surface and intermittent creek bed with potential for aquifer recharge. This package plant would be sited in a location that is potentially the boundary of the Upper and Lower Glen Rose formations.

Our understanding is that recharge features are frequently found along this boundary. The presence of karst features on the tract immediately to the south of the Reserve at Ammann Road is a strong indicator that there could be karst features on the Reserve at Ammann Road site. We understand the owner of the K-7 Ranch had submitted a detailed comment letter with maps and photos and that indicate that several karst features have been found. The applicant should be required to hire a consultant to conduct a professional survey for cave or recharge features on the proposed site and the results reported to TCEQ. Then the wastewater permit writers at TCEQ should evaluate the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

Also, the site is approximately 1.5 miles north (upstream) of Cibolo Creek and runoff may end up in Cibolo Creek via tributaries during heavy rain events. Also, a package plant may be insufficient to handle the large nutrient load from 635 houses (51 million gallons per year maximum capacity, 140,000 gallons per day per the NORI and draft permit) and could result in groundwater or surface water contamination. This is a large volume for a package plant and it will be difficult to treat this much effluent to appropriate standards for ammonia, phosphorus, and total suspended solids and to contain this on site during heavy rain events. Even if permit limits are met, if the 40.5 acres are indeed located over karst features, this may contaminate the Trinity Aquifer, possibly the Edwards Aquifer, or local groundwater wells.

GEAA's 2011 study on "Land-Applied Wastewater Effluent Impacts on the Edwards Aquifer" (<http://www.aquiferalliance.net/Library/GEAAPublications/GlenroseEdwardsWastewaterReport20111103.pdf>) outlines many causes for concern with this type of project. The report examines existing evidence that wastewater effluent discharged in the San Antonio Edwards Aquifer contributing zones under Texas Land Application Permits (TLAPs), issued by the Texas Commission on Environmental Quality, have failed to protect springs, creeks, rivers, and groundwater. Significant findings of the study include:

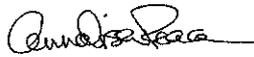
- TLAPs are wildly inconsistent in terms of requirements for wastewater treatment, offline effluent storage volume, irrigation area size, or downgradient monitoring. The result of these inconsistencies is widely different levels of protection for downgradient springs, streams, rivers, and wells.
- Sparsely available monitoring data from streams and/or springs downstream from TLAPs indicate significant degradation of the high quality water that would naturally occur at those locations.
- Regulations governing TLAPs should be overhauled to provide a consistent and high level of water quality protection across the Edwards Aquifer.

In the context of the thin soils, numerous springs, and sensitive Texas Hill Country streams, rivers, and aquifers, any wastewater effluent system represents a threat of permanent and significant

degradation. Only by soundly based and strictly enforced regulations can we balance the provision of wastewater infrastructure to suburban residences with protection of the natural streams and springs that draw people to these areas.

Thank you for the opportunity submit this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Annalisa Peace". The signature is fluid and cursive, with a long horizontal stroke at the end.

Annalisa Peace
Executive Director

TCEQ Public Meeting Form
October 30, 2014

14

Trio Residential Developers, Inc.

Water Quality Land Application Permit for
Municipal Wastewater
Permit No. WQ0015219001

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OCT 30 2014

AT PUBLIC MEETING

PLEASE PRINT

Name: ANNALISA PEACE

Mailing Address: PO Box 15618, SAN ANTONIO, TX 78212

Physical Address (if different): 1809 BLANCO RD, SA, TX, 78212 ✓

City/State: _____ Zip: _____

This information is subject to public disclosure under the Texas Public Information Act

Email: annalisa@aquiferalliance.org ✓

Phone Number: 210-320-6294

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? GREATER EDWARDS AQUIFER ALLIANCE

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting. ✓

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting. ✓
(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

mu



Member Organizations

- Alamo Group of the Sierra Club
- Aquifer Guardians in Urban Areas
- Austin Regional Sierra Club
- Bexar Audubon Society
- Bexar Green Party
- Boerne Together
- Cibolo Nature Center
- Citizens Allied for Smart Expansion
- Citizens for the Protection of Cibolo Creek
- Environment Texas
- First Universalist Unitarian Church of San Antonio
- Friends of Canyon Lake
- Friends of Government Canyon
- Fuerza Unida
- Green Party of Austin
- Hays Community Action Network
- Headwaters Coalition
- Helotes Heritage Association
- Helotes Nature Center
- Hill Country Planning Association
- Guadalupe River Road Alliance
- Guardians of Lick Creek
- Kendall County Well Owners Association
- Kinney County Ground Zero
- Medina County Environmental Action Association
- Northwest Interstate Coalition of Neighborhoods
- Preserve Castroville
- Preserve Lake Dunlop Association
- San Antonio Audubon Society
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- San Geronimo Valley Alliance
- San Marcos Greenbelt Alliance
- San Marcos River Foundation
- Save Barton Creek Association
- Save Our Springs Alliance
- Scenic Loop/Boerne Stage Alliance
- Securing a Future Environment
- SEED Coalition
- Solar San Antonio
- Sisters of the Divine Providence
- Texas Water Alliance
- Water Aid, Texas State University
- West Texas Springs Alliance
- Wildlife Rescue & Rehabilitation
- Wimberley Valley Watershed Association

October 30, 2014

Bridget C. Bohac, Chief Clerk
 MC105
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, TX 78711-3087

RECEIVED
 OCT 30 2014
 AT PUBLIC MEETING

Re: Greater Edwards Aquifer Alliance Comment on Proposed Permit NO. WQ0015219001; CN604516112 RN107104929

Dear Ms. Bohac:

Thank you for the opportunity to submit comments. The comments below are in reference to proposed permit No. WQ0015219001 submitted by Trio Residential Developers, Inc., the Notice of Preliminary Decision which was published on August 1, 2014 in the Boerne Star and draft permit that was issued on July 17, 2014.

The Greater Edwards Aquifer Alliance, comprised of fifty-one member organizations, is concerned about this draft wastewater permit and related development due to water quality concerns and water quantity issues. The wastewater project for which the applicant seeks this permit is located too close to the Edwards Aquifer Contributing Zone. The Contributing Zone is a mere 600 yards from the sewer plant and irrigation area, and 600 feet from the edge of the development. (see attachments 1 and 2) Boundaries of the Contributing Zone are arbitrary, and often do not reflect geology. Given that the boundary in this instance is based upon the County line, it is probably not terribly accurate.

Studies currently being conducted by Southwest Research Institute for the Edwards Aquifer Authority indicate that the Contributing Zone of the Edwards Aquifer, especially areas within the Glenrose formations of the Trinity Aquifer, may be far more significant in terms of recharge to the Edwards than was previously believed.

Therefore, our primary concerns are related to water quality. The site for the package plant and wastewater irrigated greenbelt is in southeastern Kendall County. The site is also approximately 600 feet northwest of the Edwards Aquifer Contributing Zone. The 40.5 acres proposed for land irrigation is more accurately described as karst surface and intermittent creek bed with potential for aquifer recharge. This package plant would be sited in a location that potentially is the boundary of the Upper and Lower Glen Rose formations. Our understanding is that recharge features are frequently found along this

PO Box 15618
San Antonio, Texas 78212
(210) 320-6294
www.AquiferAlliance.org

MW

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AT PUBLIC MEETING

boundary. The presence of karst features on the tract immediately to the south of the Reserve at Ammann Road is a strong indicator that there could be karst features on the Reserve at Ammann Road site. We understand the owner of the K-7 Ranch will be submitting a detailed comment letter, with maps/ photos and that several karst features have been found. The applicant should be required to hire a consultant to conduct a professional survey for cave or recharge features on the proposed site and the results reported to TCEQ. Then the wastewater permit writers at TCEQ should evaluate the results of such a study and evaluate the propriety of siting a wastewater plant and 40.5 acre irrigation system at this location.

Also, the site is approximately 1.5 miles north (upstream) of Cibolo Creek and runoff may end up in Cibolo Creek via tributaries during heavy rain events. Also, a package plant may be insufficient to handle the large nutrient load from 635 houses (51 million gallons per year maximum capacity, 140,000 gallons per day per the NORI and draft permit) and could result in groundwater or surface water contamination. This is a large volume for a package plant and it will be difficult to treat this much effluent to appropriate standards for ammonia, phosphorus, and total suspended solids and to contain this on site during heavy rain events. Even if permit limits are met, if the 40.5 acres are indeed located over karst features, this may contaminate the Trinity Aquifer and possibly the Edwards Aquifer or at least local groundwater wells.

In addition, it appears that the package plant may be undersized based on the size of the development and expected outflow volume. Under 30 TAC §217.32, "For a (wastewater treatment) facility less than 1.0 mgd, the permitted flow is the maximum 30-day average flow estimated by multiplying the average annual flow by a factor of at least 1.5." Assuming 71 gallons per day per person (American Water Works Association, AWWA, 1999 study) for wastewater generation sent to the wastewater package plant and an average 2.81 people per household (Texas, 2010 census), the average wastewater treatment plant load would be about $635 \times 2.81 \times 71 = 127,000$ gal/day (46 million gal/yr), which is very close to the 140,000 gal/day (51 million gal/yr) used in the draft permit. Using the 1.5 factor above, the permitted 30-day average flow rate should be 190,000 gal/day. If the water numbers per household from the rest of Fair Oaks Ranch are used per their 2012 Annual Drinking Water Quality Report (see enclosure 4), the result is even farther away from 30 TAC §217.32's mandate of at least 1.5 times average annual flow.

GEAA's 2011 study on "Land-Applied Wastewater Effluent Impacts on the Edwards Aquifer" (<http://www.aquiferalliance.net/Library/GEAAPublications/GlenroseEdwardsWastewaterReport20111103.pdf>) outlines many causes for concern with this type of project. The report examines existing evidence that wastewater effluent discharged in the San Antonio Edwards Aquifer contributing zones under Texas Land Application Permits (TLAPs), issued by the Texas Commission on Environmental Quality, have failed to protect springs, creeks, rivers, and groundwater. Significant findings of the study include:

- TLAPs are wildly inconsistent in terms of requirements for wastewater treatment, offline effluent storage volume, irrigation area size, or downgradient monitoring. The result of these inconsistencies is widely different levels of protection for downgradient springs, streams, rivers, and wells.

• Sparsely available monitoring data from streams and/or springs downstream from TLAPs indicate significant degradation of the high quality water that would naturally occur at those locations.

• Regulations governing TLAPs should be overhauled to provide a consistent and high level of water quality protection across the Edwards Aquifer.

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AT PUBLIC MEETING

In the context of the thin soils, numerous springs, and sensitive Texas Hill Country streams, rivers, and aquifers, any wastewater effluent system represents a threat of permanent and significant degradation. Only by soundly based and strictly enforced regulations can we balance provision of wastewater infrastructure to suburban residences with protection of the natural streams and springs that draw people to these areas.

There are also several administrative irregularities in the applicant's application, which create gaps in the draft permit. For example, on page 10 of the permit application technical report item 3 "[a]re there any domestic permitted wastewater treatment facilities and/or collection systems located within a three-mile radius of the proposed facility?" The answer is checked "No", however, the City of Fair Oaks Ranch has a wastewater treatment plant 2.0 miles from the proposed facility. Following from this error, the applicant did not include certified letters to the wastewater treatment plant owner and a response whether they would be willing to allow the applicant to connect to their facility, or analysis on the cost to connect versus the cost to expand the existing facility.

Also, the copy of the application at Fair Oaks Ranch City Hall (the public place for viewing) does not contain the full correspondence from the file. No TCEQ correspondence is included. The developer should provide this full information and the 30-day comment period should be extended to allow the public to view this additional information. For example, none of the correspondence explaining why the irrigation area was increased from the application's projected 26.6 acre to the draft permit's 40.5 acres is in the public viewing file, which is a substantial change. This deprives interested parties from fully participating in the comment process. Also, the application and draft permit were not placed in the county (Kendall County) where the site is located as the draft permit requires (page 3 under PROCEDURES FOR FINAL DECISION), but instead were placed at Fair Oaks City Hall in Bexar County.

The other substantive concern is related to water quantity. This package plant would support 635 houses on 345 acres and from our understanding, would use wells from the Trinity Aquifer as their source of drinking water. If these 635 houses use the same rate cited in the Fair Oaks Ranch 2012 Safe Drinking Water Act Consumer Confidence Report of 556 gallons per household, that would equate to nearly 129 million additional gallons a year. In 2012 Fair Oaks Ranch pumped 242 million gallons from the Trinity Aquifer and obtained 276 million gallons from Canyon Lake. This new pumping rate would constitute a 53% increase in local groundwater withdrawals by the City of Fair Oaks Ranch (129 million gallons divided by 242 million gallons).

While almost all of this development is within Kendall County which is covered by the Cow Creek Groundwater Conservation District, the developer's plan to drill wells in Comal County precludes limits

on his groundwater pumping. There is currently no groundwater conservation district in Comal County, thus there would be no regulatory mechanism to restrain the developer from exporting large amounts of water into Kendall County. TCEQ had designated a Priority Groundwater Management Area (PGMA), the Hill Country PGMA, which included western Comal County, and had pursued an action to put western Comal County under a groundwater conservation district. We believe that enabling legislation to create a groundwater district for Comal County will be submitted during the 2015 Session of the Legislature..

This development has a level of density that cannot be supported by the already depleted aquifer in this area.

This water quality permit may be followed by an application for a Municipal Utility District (MUD) and the criteria for such include the public welfare and sufficiency of water quantity. These issues should be looked at now as part of this water quality permit, rather than handled piecemeal.

30 TAC §293.11. Information Required to Accompany Applications for Creation of Districts. (c)(5)

(G) an investigation and evaluation of the availability of comparable service from other systems including, but not limited to, water districts, municipalities, and regional authorities;

(J) complete justification for creation of the district supported by evidence that the project is feasible, practicable, necessary, will benefit all of the land and residents to be included in the district, and will further the public welfare;

30 TAC §293.11. Information Required to Accompany Applications for Creation of Districts.

(c) Creation applications for TWC, Chapter 51, Water Control and Improvement Districts, within two or more counties shall contain items listed in subsection (a) of this section and the following:

...

(5) (H) an evaluation of the effect the district and its systems and subsequent development within the district will have on the following:

- (i) land elevation;
- (ii) subsidence;
- (iii) groundwater level within the region;
- (iv) recharge capability of a groundwater source;
- (v) natural run-off rates and drainage; and
- (vi) water quality;

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OCT 30 2014
AT PUBLIC MEETING

Given the water quality and water quantity concerns this development poses, the Greater Edwards Aquifer Alliance requests a public meeting to address these issues. We share the concerns of the 2,300 residents of Fair Oaks Ranch who have signed a petition in April 2014 opposing this development on the grounds that such high density development is not appropriate for this environmentally sensitive area.

We further recommend necessary regulatory changes to protect the character and quality of Texas Hill Country streams and springs against an onslaught of expanding development and larger wastewater effluent volumes that come with increased human habitation. We hope you will review the new Edwards Aquifer Authority report when it is released, and act accordingly to revise the Edwards Rules to include protection, as warranted, for any areas deemed essential to Edwards Aquifer Recharge.

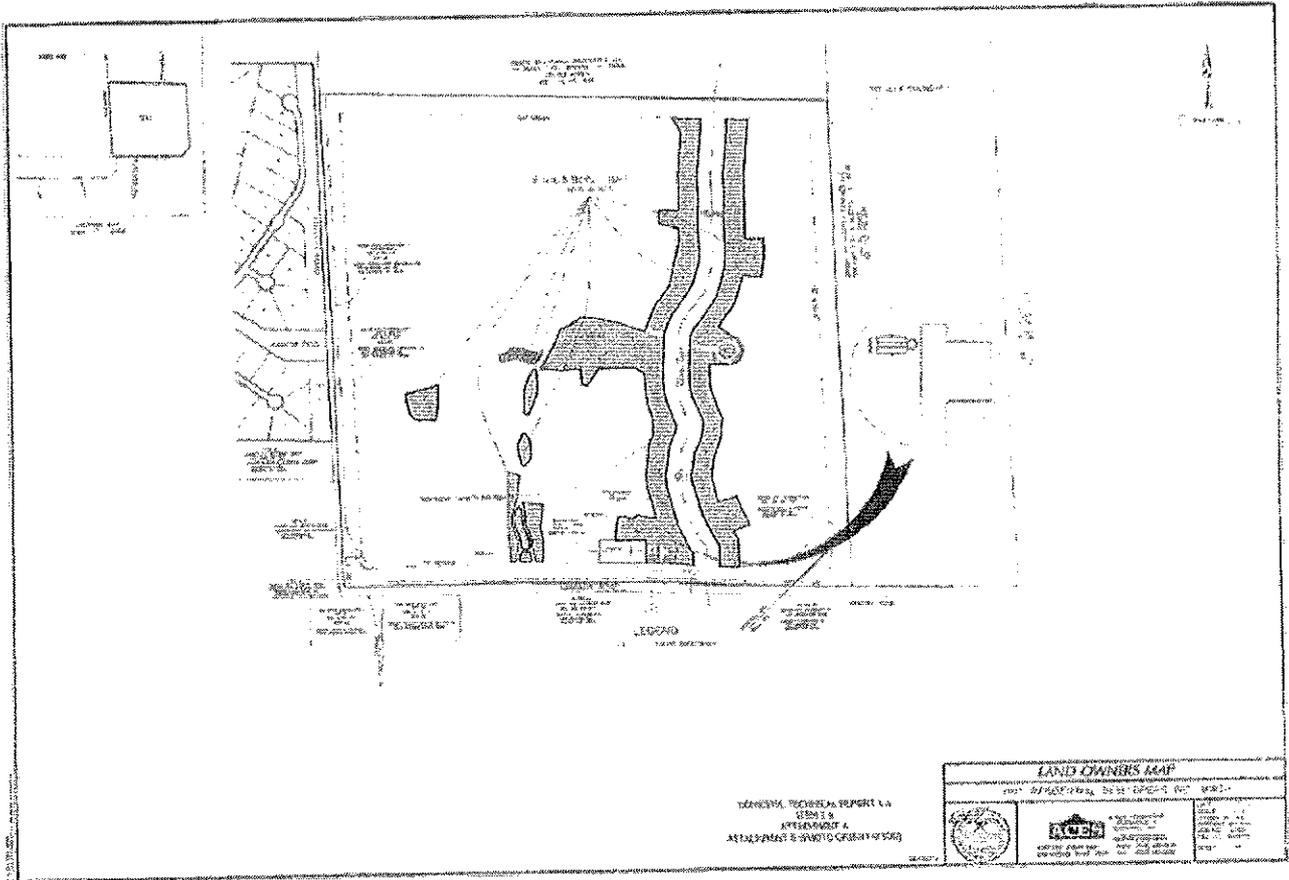
Thank you for the opportunity to comment.

Respectfully,



Annalisa Peace
Executive Director

RECEIVED
OCT 30 2014
AT PUBLIC MEETING



RECEIVED
 OCT 30 2014
 AT PUBLIC MEETING

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, August 29, 2014 1:28 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 2383
Attachments: Scanltr.pdf

H

This clearly meant for WQ00015219001, but somehow she got into 2383.

From: schillin@gvtc.com [<mailto:schillin@gvtc.com>]
Sent: Friday, August 29, 2014 11:58 AM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 2383

*MWD
91632*

REGULATED ENTY NAME 130 ENVIRONMENTAL PARK

RN NUMBER: RN106897036

PERMIT NUMBER: 2383

DOCKET NUMBER:

COUNTY: CALDWELL

PRINCIPAL NAME: 130 ENVIRONMENTAL PARK LLC

CN NUMBER: CN604375972

FROM

NAME: Cheryl Schilling

E-MAIL: schillin@gvtc.com

COMPANY:

ADDRESS: 31135 POST OAK TRL
FAIR OAKS RANCH TX 78015-4122

PHONE: 8309818470

FAX:

COMMENTS: I request a public hearing regarding proposed permit no. WQ00015219001. I am attaching my letter. Thank you.

MWD

Harry and Cheryl Schilling
31135 Post Oak Trail
Fair Oaks Ranch, TX 78015

Date: 29 August 2014

Office of the Chief Clerk MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear TCEQ:

I am a landowner in Kendall County residing within the city limits of Fair Oaks Ranch. I am writing to you regarding the Proposed Permit No. WQ00015219001 submitted by Trio Residential Developers, Inc. dated July 17, 2014. I request a public hearing regarding this proposed permit for the benefit of the residents and landowners who will be affected.

I understand that the Fair Oaks Ranch city engineer has recommended against a package plant at this location.

As one of 86+ landowners located on the south side of Ammann Road, adjacent to the proposed site for the Package Plant, I am greatly concerned about the significant negative impact that this facility will have on the quality and quantity of our drinking water. I have not seen any studies conducted by Trio Residential Developers that address the controls that would/should be in place to prevent irrigated effluent from affecting surface water/runoff in times of heavy rains. Many properties in the affected area have standing water following heavy rains. The same goes for studies to address the effect of the irrigation of effluent on groundwater in the surrounding area where numerous recharge features exist.

I also have concerns regarding noise, odors and the issue of the water source for the WWTP. The property lies in Kendall County and according to the Cow Creek Groundwater conservation district rules, can only support a maximum of 86 homes (compared to the 635 homes proposed.)

The proposed site for the wastewater package plant is directly across Ammann Road from the homes of 86+ City of Fair Oaks Ranch residents whom rely solely on individual wells for their water source. I am one of those residents completely supplied by my individual well and I am concerned about the quality of our water.

The topography in this area with its many caves and recharge features increase my concern that effluent from a wastewater plant up dip from our homes will eventually make its way into our drinking water. Due to the nature of the topography in this area, there is likely to be a significant introduction of high nutrient levels into our groundwater system if the level of treatment is not sufficient. To my knowledge, there has not been an independent and objective study conducted on the proposed property to assess risk factors associated with drinking water contamination due to the presence of caves and recharge features in the area of disposal and along drainage areas to the south.

It should also be noted that the Edwards Aquifer Contribution Zone is approximately 400 feet from the proposed package plant and Cibolo Creek which is 1.5 miles downstream.

Finally, there are some items pertaining to the WWTP application that warrant consideration.

- 1- It should be noted that when Trio Residential Developers applied for the initial permit (posted in April 2014 in the Boerne Star newspaper) it was stated that the property was within the city limits of Fair Oaks Ranch. The petition to annex the property in question was denied on April 17, 2014 and the 345 acre property remains in the ETJ of Fair Oaks Ranch.

2- There is also a discrepancy regarding the distance of the proposed plant site to the City of FOR wastewater treatment plant which lies only 2.0 miles away (well within the 3 mile radius criteria). (See attached maps).

3- Disposal area of effluent is mainly in a creek bed (Cibolo Tributary #30), not in pasture land as is described in the application. (see attached maps)

4- When the July application was sent to the Fair Oaks Ranch City Hall for viewing, it was (and still is) missing several pieces of information:

- a. correspondence from March 7 where Trio replies to TCEQ's preliminary comments
- b. TCEQ's staff comments on the permit
- c. The last page, which is a map of the July 2014 draft permit (we only have seen pages 1-34). This last page is a necessary element in the application because it shows that the subdivision plat originally submitted to the city for approval last month has now changed. Increasing the acreage to be used for irrigation by effluent will necessitate a reduction in the number of houses to be built by about 30.

5- Finally, it is my understanding that the application must be available for viewing in the county in which the WWTP is proposed. This means it should be available for viewing in Kendall County. The only place I am aware of that we can view the application is at the Fair Oaks Ranch City Hall in Bexar County.

From TCEQ Website:

Application in a Public Place

1. You must put a copy of the complete application, the executive director's preliminary decision as contained in the technical summary and fact sheet, the draft permit, and any subsequent revisions to these documents, in a public place for review and copying by the public. This public place must be located in the county where the facility is located or proposed to be located, and was previously identified by you as the viewing location. (Note: The viewing location is set forth in the enclosed notice.)

- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.

I appreciate the opportunity to voice my concerns and hope that you will consider this a request for a public hearing to be held for the benefit of the many residents of Fair Oaks Ranch and their neighboring landowners whom have the potential to be negatively impacted by this proposed facility.

Sincerely,



Harry and Cheryl Schilling
31135 Post Oak Trail
Fair Oaks Ranch, TX 78015

TCEQ Public Meeting Form
October 30, 2014

4

Trio Residential Developers, Inc.

Water Quality Land Application Permit for
Municipal Wastewater
Permit No. WQ0015219001

PLEASE PRINT

Name: Cheri Schilling

Mailing Address: 31135 Post Oak Trail, Fair Oaks Ranch, TX
78015

Physical Address (if different): _____

City/State: Fair Oaks Ranch
FOR, TX Zip: 78015

****This information is subject to public disclosure under the Texas Public Information Act****

Email: schillin@gvrc.com ✓

Phone Number: 830-981-8470

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? _____

Please add me to the mailing list.

I wish to provide formal **ORAL COMMENTS** at tonight's public meeting. ✓

I wish to provide formal **WRITTEN COMMENTS** at tonight's public meeting.
(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

MS

Frank Trapasso

31820 Rolling Acres Trail • Fair Oaks Ranch, TX 78015 (830) 456-7036



Date: May 28, 2015

MWD
9/16/32

REVIEWED

JUN 01 2015

By _____

H

CHIEF CLERK'S OFFICE

2015 JUN -1 AM 9:55

OFFICE OF THE CHIEF CLERK

Bridget C. Bohac, Chief Clerk

Texas Commission on Environmental Quality, MC-105

P.O. Box 13087

Austin, TX 78711-3087

Subject: Trio Residential Developers, Inc. Proposed Permit NO. WQ0015219001 / CN 604516112 / RN 107104929 - Request for Contested Case Hearing

Dear Ms. Bohac:

I am respectfully requesting a contested case hearing on the proposed permit listed in the subject line above.

I am an affected person by virtue of the fact that my primary residence and the well that acts as the sole source of my water supply is located approximately 4/10th mile from the proposed facility as shown on the attached map.

My well is just west of many recharge features that are south of the proposed facility in the drainage area referred to as Cibolo Tributary 30. Subsurface water flow does not necessarily follow the above ground gradient and I am concerned that effluent infiltration into recharge features, especially during significant rain events (such as that experienced just this past Memorial Day weekend), has significant potential to affect my water supply.

The recent Executive Director decision – Comment #4 response refers to soil depth on the proposed effluent application site, but does not address the significant potential for the presence of recharge features on the proposed site. At a minimum, an appropriate karst survey should be submitted to TCEQ for inclusion and consideration for permit issuance. Although SP8 prohibits irrigation within a specified distance of surface water features, *the lack of documentation of surface water recharge features existence or lack thereof on the effluent irrigation sites is a substantial gap to SP8 having any beneficial affect at all.* SP18 does little to assure me that during severe rain events, effluent will not be applied and subsequently enter recharge.

When the treatment process is completed but it has been raining for more than a week, will there be enough storage capacity to ensure effluent will not be applied to saturated soils? The effluent must go somewhere.

The Greater Edwards Aquifer Alliance Study "Land-Applied Wastewater Effluent Impacts on the Edwards Aquifer" which can be found at



<http://www.aquiferalliance.net/Library/GEAAPublications/GlenroseEdwardsWastewaterReport20111103.pdf> shows the susceptibility of recharge areas to Texas Land Application Permit discharges. Evidence shows increased levels of nutrients and degradation of groundwater. The addition of SP10 to the permit would provide some assurance on paper, but lack of enforcement on TCEQ's part in other TLAP situations, gives little assurance to me that it will be of any benefit to ensure my drinking water is not tainted by nutrient levels that exceed the acceptable drinking water standards.

In regards to comment #13 and nuisance odors, there have been many complaints filed with TCEQ already for the WWTP that currently exists in Fair Oaks Ranch. I am concerned that the same issues may affect my ability to enjoy my property and possibly market my property in the future. Wind rose information found on the TCEQ website at <http://www.tceq.texas.gov/assets/public/compliance/monops/air/windroses/satall.gif> indicates that the prevailing wind from the NE could be blowing odors over my home 8% of the time over the course of the year, but substantially more during the winter months.

It is for these primary reasons that I am requesting a contested case hearing. My contact information is shown at the top of this letter.

Respectfully submitted,

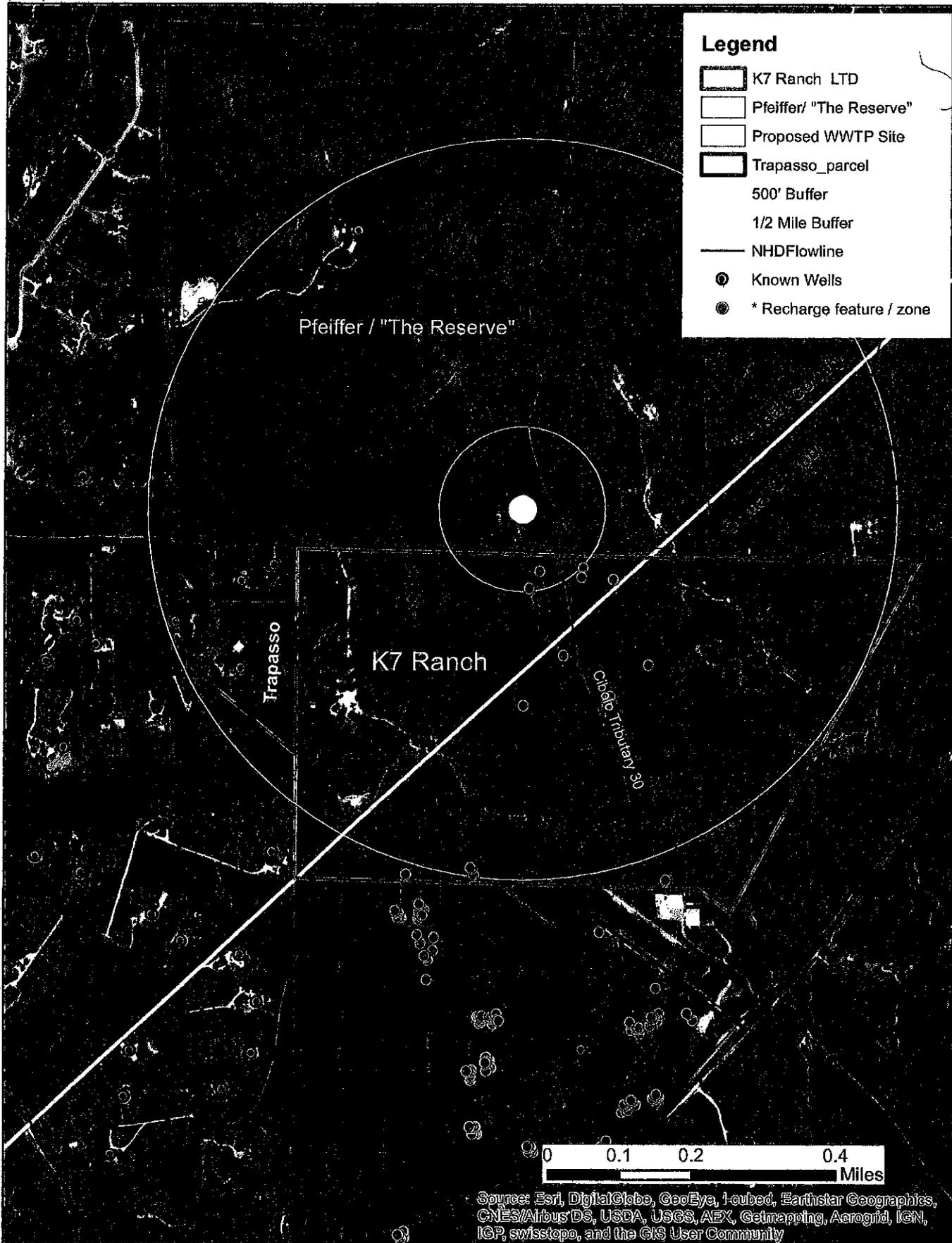


Frank Trapasso

Contested Case Affected Party - Location



Document Path: D:\GIS\Working\FOR\Trapasso_TCEQ.mxd



1:12,000

* The recharge features shown on K7 are the result of a very limited search. A true geologic assessment could provide a complete dataset not shown here. Recharge zones to the south of K7 are from plats for Oak Bend Subdivision held by the City of Fair Oaks Ranch.

Date Saved: 5/28/2015 12:45:03 PM

TRAPASSO
31820 ROLLING ACRES TRAIL
FAIR OAKS RANCH, TEXAS
78015

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

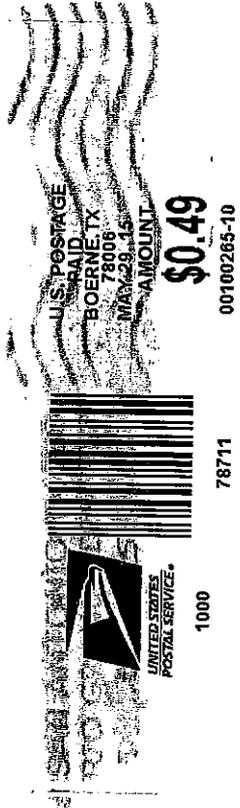
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CHIEF CLERKS OFFICE

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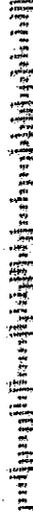
JUN 01 2015

TCEQ MAIL CENTER
CS



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

78711308787



Marisa Weber

From: PUBCOMMENT-OCC
Sent: Friday, May 29, 2015 7:40 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number WQ0015219001
Attachments: CC Req_signed.pdf

*MWD
9/16/32*

H

From: fttrapasso@gvtc.com [<mailto:fttrapasso@gvtc.com>]
Sent: Thursday, May 28, 2015 9:43 PM
To: DoNot Reply
Subject: Public comment on Permit Number WQ0015219001

REGULATED ENTY NAME THE RESERVE AT FAIR OAKS RANCH

RN NUMBER: RN107104929

PERMIT NUMBER: WQ0015219001

DOCKET NUMBER:

COUNTY: KENDALL

PRINCIPAL NAME: TRIO RESIDENTIAL DEVELOPERS INC

CN NUMBER: CN604516112

FROM

NAME: MR Frank Trapasso

E-MAIL: fttrapasso@gvtc.com

COMPANY:

ADDRESS: 31820 ROLLING ACRES TRL
FAIR OAKS RANCH TX 78015-4049

PHONE: 8304567036

FAX:

COMMENTS: Please find attached a scan of my request for a contested case hearing. The original will also be mailed.

MWD

Frank Trapasso

31820 Rolling Acres Trail • Fair Oaks Ranch, TX 78015 (830) 456-7036

Date: May 28, 2015

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

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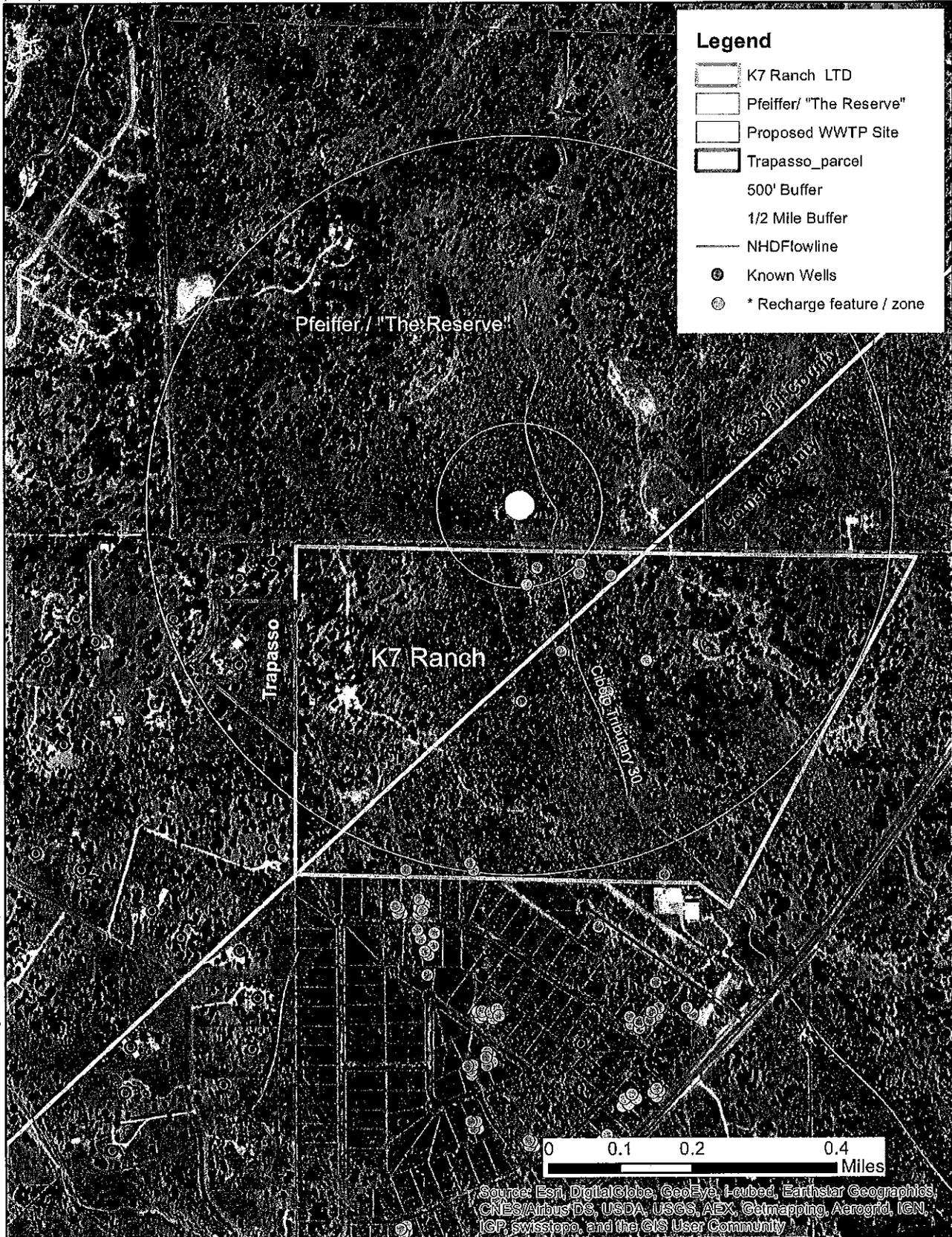
Respectfully submitted,



Frank Trapasso



Contested Case Affected Party - Location



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1:12,000

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Date Saved: 5/28/2015 12:45:03 PM

TCEQ Public Meeting Form
October 30, 2014

15

Trio Residential Developers, Inc.

Water Quality Land Application Permit for
Municipal Wastewater
Permit No. WQ0015219001

PLEASE PRINT

Name: FRANK TRAPASSO

Mailing Address: 31820 Rolling Acres Trail

Physical Address (if different): _____

City/State: Fair Oaks Ranch Zip: 78015

This information is subject to public disclosure under the Texas Public Information Act

Email: FTRAPASSO@GVTC.COM ✓

Phone Number: 830-456-7036

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? _____

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting. ✓

~~XXXX~~ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.
(Written comments may be submitted at any time during the meeting) host

Please give this form to the person at the information table. Thank you.

MW

Date: 17 July 2014

Office of the Chief Clerk
MC105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

MWD
91632

REVIEWED *PM*
JUL 21 2014
By *[Signature]*

2014 JUL 18 AM 10:44
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Dear TCEQ:

Thank you for the opportunity to comment. The comments below are in reference to Proposed Permit NO. **WQ0015219001** submitted by Trio Residential Developers, Inc. the NORI of which was published on 4 April 2014 in *The Boerne Star*.

Many residents in the immediate area of this proposed site are not only concerned about the proximity of this proposed facility to their residences, justifiably so, but also are greatly concerned about the potential contamination surface effluent application may cause to their drinking water supply.

There is concern that a package plant will not provide the level of treatment needed to ensure our drinking water supply will be untainted by high nutrient levels.

Please consider this a request for a public meeting to be held for the benefit of the many residents of Fair Oaks Ranch that have the potential to be negatively impacted by this proposed facility.

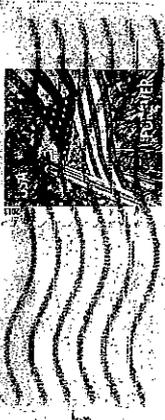
Sincerely,

Frank A. Trapasso

FRANK A. TRAPASSO
PATRICIA S. TRAPASSO
31820 ROLLING ACRES TRAIL
FAIR OAKS RANCH, TX 78015 4049

MWD

FRANKA TRAPASSO
PATRICIA S. TRAPASSO
31820 ROLLING ACRES TRAIL
FAIR OAKS RANCH, TX 78015-4049



SAN ANTONIO TX 782
RIO GRANDE DISTRICT
16 JUL 2014 PM 11

RECEIVED

JUL 18 2014

TCEQ MAIL CENTER
BC

Office of the Chief Clerk

MC 105

Texas Commission on Environmental Quality

P.O. Box 13187

Austin, Texas 78711-3187

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QUALITY

2014 JUL 18 AM 9:55
CHIEF CLERKS OFFICE

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