

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 26, 2007

TO: Persons on the attached mailing list.

RE: Lerin Hills, Ltd.
TPDES Permit No. WQ0014712001

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** Unless a timely request for contested case hearing or reconsideration is received (see below), the TCEQ executive director will act on the application and issue the permit.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Boerne Public Library, 210 North Main Street, Boerne, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be in writing and must be **received** by the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

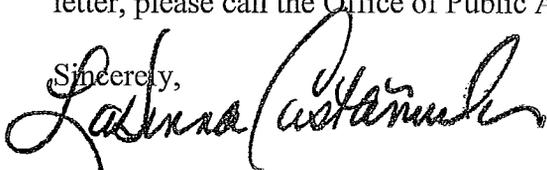
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/cz

Enclosures

MAILING LIST
for
Lerin Hills, Ltd.
TPDES Permit No. WQ0014712001

FOR THE APPLICANT:

J. Abel Godines
Lerin Hills, Ltd.
4820 Bacon Road
San Antonio, Texas 78249

Charles Hallenberge, P.E.
Pate Engineers, Inc.
8200 Interstate 10 West, Suite 440
San Antonio, Texas 78230

Richard Kammerman
Richard Kammerman, P.C.
7200 North Mopac, Suite 150
Austin, Texas 78731

PROTESTANTS/INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR:

Kathy Humphreys, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Mary Ann Dimakos Airey, Technical Staff
Texas Commission on Environmental Quality
Water Quality Division MC-148
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

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

ROBERT ABERNETHY
310 OAK RIDGE DR
BOERNE TX 78006-8221

E W BLANCH JR
415 HIGHWAY 46 W
BOERNE TX 78006-8121

THE HONORABLE CARTER CASTEEL
TEXAS HOUSE OF REPRESENTATIVES
PO BOX 2910
AUSTIN TX 78768-2910

ANDREW ABRAMEIT
STE 200
1580 S MAIN ST
BOERNE TX 78006-3311

BILL & SUSAN BLOCK
418 FM 3351 N
BERGHEIM TX 78004-1800

CAL CHAPMAN
301 LAKE VIEW DR
BOERNE TX 78006-5616

BRIAN LEE ADAMS
121 CHINKAPIN PASS
BOERNE TX 78006-8131

PAMELA A BRANSFORD
4603 SHAVANO CT
SAN ANTONIO TX 78230-5888

ROBERTA CHURCHIN
221 EDGE FALLS RD
KENDALIA TX 78027-2006

CLAIRE ALEXANDER
149 DODGE RD
BOERNE TX 78006-8526

ANDREW L BURGE
38 BLASCHKE RD
COMFORT TX 78013-3013

WILLIAM A CLAMP
307 DEEP HOLLOW DR
BOERNE TX 78006-9407

TERRY ANDERSON
204 ANTLERS WAY
BOERNE TX 78006-7327

DONALD BURGER
402 E BLANCO RD
BOERNE TX 78006-2008

DAVE COLTON
102 MORNINGVIEW CIR
BOERNE TX 78006-9414

CINDY BAGWELL
409 PARADISE POINT DR
BOERNE TX 78006-9402

C ROSS CARLSON JR
810 FAWNWAY
SAN ANTONIO TX 78260-4311

CONCERNED CITIZEN
MOUNTAIN VIEW OF TAPATIO LP, TAPATIO SP
PO BOX 5501
BOERNE TX 78006

DAVID BAGWELL
409 PARADISE POINT DR
BOERNE TX 78006-9402

CRAIG CARLSON
19208 REATA TRL
SAN ANTONIO TX 78258-4024

CONCERNED CITIZEN
103 N SOMEDAY DR
BOERNE TX 78006

JOHN & PATRICIA S BAKKE
305 STATE HIGHWAY 46 W
BOERNE TX 78006-8113

DIANNE CARLSON
19208 REATA TRL
SAN ANTONIO TX 78258-4024

RITA CUNNINGHAM
323 WILD TURKEY BLVD
BOERNE TX 78006-8021

PATRICIA S BAKKE
305 HWY 46 W
SAN ANTONIO TX 78259

LYNN CARLSON
810 FAWNWAY
SAN ANTONIO TX 78260-4311

MATT DIANA
16 DEEP HOLLOW DR
BOERNE TX 78006-9413

MICHELLE BERRY D.O.
214 W BANDERA
BOERNE TX 78006

JIM & JUDY CASEY
14352 SANTA RITA
HELOTES TX 78023-2954

BRENT EVANS EXECUTIVE DIRECTOR
CIBOLO CONSERVANCY
25 SPRING CREEK RD
BOERNE TX 78006-8234

MANA FABILA
300 S PLANT AVE
BOERNE TX 78006-2463

NEIL HERNANDEZ
14124 TOBIANO TRL
HELOTES TX 78023-2828

PATRICK LINDER
KENDALL CO UTILITY, TAPATIO SPRINGS SER
PO BOX 550
BOERNE TX 78006-0550

VICTOR H FARIAS
109 CHINKAPIN PASS
BOERNE TX 78006-8131

PAMELA M HODGES
414 MOUNTAIN SPRING DR
BOERNE TX 78006-6211

PATRICK W LINDER
DAVISON & TROILO
7550 W IH 10 STE 800
SAN ANTONIO TX 78229-5814

ROD FOWLER
131 RANCH DR
BOERNE TX 78015-8319

RANDALL HOUSTON
103 ROBIN CT
BOERNE TX 78006-8935

PATRICK W LINDNER
DAVIDSON & TROILO PC
STE 800
7550 W IH 10
SAN ANTONIO TX 78229-5803

ALFRED GARZA
5 CAZNEAU LN
BOERNE TX 78006

TIFFANY JENNINGS
#316
8727 HUEBNER RD
SAN ANTONIO TX 78240-1841

RICHARD LINES
108 CHINKAPIN PASS
BOERNE TX 78006-8127

LEE ROY HAHNFELD
306 STATE HIGHWAY 46 W
BOERNE TX 78006-8104

RANDY T JOHNSON
PO BOX 12928
SAN ANTONIO TX 78212-0928

DARRELL & LINDA MARTIN
107 TOWNE VIEW CIR
BOERNE TX 78006-9431

AL & SANDRA HAMILTON
301 EAGLE DR
BOERNE TX 78006-9411

GRADY B JOLLEY
NUNLEY DAVIS JOLLEY CLUCK AELVOET LLP
STE 200
1580 S MAIN ST
BOERNE TX 78006-3311

MR & MRS GEORGE E MARTIN
107 AXIS CIR
BOERNE TX 78006-9468

TOM HARDILEK
417 PARADISE POINT DR
BOERNE TX 78006-9402

RICHARD E KAMMERMAN PC
7200 N MO PAC EXPY
AUSTIN TX 78731-3069

SUE MARTIN
101 LANDA ST
BOERNE TX 78006-2631

MERVIN G HAYNER
202 VIEW POINT DR W
BOERNE TX 78006-8941

JOHN C KIGHT
33 TOWER RD
BOERNE TX 78006-7921

TOMMY MATHEWS PRESIDENT
COW CREEK GROUNDWATER CONSERVATION
STE 105
216 MARKET AVE
BOERNE TX 78006-3003

AMY HERNANDEZ
125 TIMBER TR
BOERNE TX 78006

LAWRENCE LAMB
157 N TOWER DR
SAN ANTONIO TX 78232

SPENCER MCCLURE
116 TOWNE VIEW CIR
BOERNE TX 78006-9431

JOHN M HERNANDEZ
19186 BANDERA RD
HELOTES TX 78023-2802

DAVID & SHAWN LEWIS
409 KENDALL PKWY
BOERNE TX 78015-8358

MILAN J MICHALEC
12 BRANDT RD
BOERNE TX 78006-5707

DAVE & KATHY MOORE
106 WILD HORSE DR
BOERNE TX 78006-8552

ED ROGERS
4410 HWY 46 W
BOERNE TX 78006

DON TITUS
9 COUGHRAN RD
BOERNE TX 78006-8103

BRANDON NATION
4698 WETZ
SAN ANTONIO TX 78217

JAY W ROTEN
226 PALO GRANDE
SAN ANTONIO TX 78232

MICHAEL VALENTINE
217 DOESKIN DR
BOERNE TX 78006-8925

TARA PEEL
PO BOX 604
BOERNE TX 78006

ROBERT R ROTEN
17342 FOUNTAIN MIST
SAN ANTONIO TX 78248

THE HONORABLE EDDIE J VOGT
KENDALL COUNTY JUDGE
STE 120
201 E SAN ANTONIO
BOERNE TX 78006-2013

LARRY PIRMANTGEN
107 MORNINGVIEW CIRLCE
BOERNE TX 78006

STAN SCOTT
KENDALL COUNTY UTILITY CO
PO BOX 1335
BOERNE TX 78006-1335

MICAH VOULGARIS OPERATIONS MGR
COW CREEK GROUNDWATER CONSERV DIST
STE 105
216 MARKET AVE
BOERNE TX 78006-3003

ALIA PLASENCIA-BISHOP LEGAL ASSISTANT
LOWERRE & FREDERICK
44 EAST AVE STE 100
AUSTIN TX 78701-4386

W C SMOTHERS
136 SPRING HILL DR
BOERNE TX 78006-8611

M WALTERS
106 ROADRUNNER TRL
BOERNE TX 78006-8938

JO RASH
108 MORNINGVIEW CIR
BOERNE TX 78006-9414

CHRISTINE SWAIN
3638 ALPINE ASTER
SAN ANTONIO TX 78259

BOB WEBSTER
335 STATE HIGHWAY 46 W
BOERNE TX 78006-8113

ANN REISSIG
227 W HIGHLAND DR
BOERNE TX 78006-2619

GEORGE SWAIN
18123 APACHE SPRINGS DR
SAN ANTONIO TX 78259

ROBERT WEBSTER
335 STATE HIGHWAY 46 W
BOERNE TX 78006-8113

JAMES RICHMOND
331 WILD TURKEY BLVD
BOERNE TX 78006-8021

RUTH SWAIN
18123 APACHE SPRINGS DR
SAN ANTONIO TX 78259

W F WEIDLER
109 HUMMINGBIRD HILL DR
BOERNE TX 78006-9456

RAUN RICHMOND
331 WILD TURKEY BLVD
BOERNE TX 78006-8021

WILLIAM SWAIN
3638 ALPINE ASTER
SAN ANTONIO TX 78259

THE HONORABLE JEFF WENTWORTH
TEXAS SENATE
PO BOX 12068
AUSTIN TX 78711-2068

MICHELLE RIOJAS
524 THEISEN
BOERNE TX 78006

AL TAPIA
107 COTTONTAIL CIR
BOERNE TX 78006-9417

NANCY WHITE
401 S BRACKENRIDGE
BOERNE TX 78006-2215

JOHN WOLTERS
47 STATE HIGHWAY 46 W
BOERNE TX 78006-8123

PATRICK WOOD
306 STATE HIGHWAY 46 W
BOERNE TX 78006-8104

WILLIAM R WOOD P.E.
306 STATE HIGHWAY 46 W
BOERNE TX 78006-8104

LUCY K ZIEGLER
STE 4
706 S MAIN ST
BOERNE TX 78006-2601

APPLICATION BY
LERIN HILLS, LTD.
FOR TPDES PERMIT NO.
WQ0014712001

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

OFFICE OF THE
CHIEF CLERK

APR 11 2011

APR 11 2011

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014712001 by Lerin Hills, Ltd. (Lerin Hills) and the Executive Director's preliminary decision. Pursuant to 30 Texas Administrative Code (TAC) Section 55.156, before an application is approved and a permit is issued, the Executive Director must prepare a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk timely received comments from: Robert Abernethy, Brian Adams, John and Patricia Bakke, Grady B. Jolley on behalf of Edgar Blanch, Jr., J. Dale and Pamela Bransford (the Bransfords), Dr. Craig Carlson, Cal Chapman, Brent Evans on behalf of the Cibolo Conservancy (Cibolo), Rod Fowler, Tommy Mathews on behalf of Cow Creek Groundwater Conservation District (Cow Creek), Al Hamilton, Mervin Hayner, Le Roy Hahnfeld, Eddie J. Vogt and Terry Anderson on behalf of the Kendall County Commissioners Court (Kendall County), John Kite, Milan J. Michalec, Ed Rodgers, Patrick W. Lindner on behalf of Mountainview at Tapatio, L.P., Tapatio Springs Real Estate Holdings, L.P., Kendall County Development Co., L.P., Tapatio Springs Service Company, and Kendall County Utility Company (Tapatio), Michael Valentine, Robert Webster, Patrick Wood, and William "Rick" Wood. Additionally, the Office of the Chief Clerk received two timely petitions (see

Attachments A and B for a complete list of signatories). This Response addresses all timely filed public comments received, whether or not withdrawn.

BACKGROUND

Description of Facility

Lerin Hills applied to the TCEQ for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.18 million gallons per day (MGD) in the Interim I Phase, 0.36 MGD in the Interim II Phase, and 0.5 MGD in the Final Phase. The proposed wastewater treatment facility will serve a proposed development.

The plant site will be located approximately 4.1 miles west of Interstate Highway 10, as measured along State Highway 46, and then approximately 200 feet due west from that point on State Highway 46 in Kendall County, Texas.

The treated effluent will be discharged to an unnamed tributary; thence to the headwaters of an impoundment on Deep Hollow Creek; thence to Deep Hollow Creek; thence to Frederick Creek; thence to the Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin. The unclassified receiving water uses are no significant aquatic life uses for the unnamed tributary and high aquatic life uses for the impoundment on Deep Hollow Creek and Deep Hollow Creek. The designated uses for Segment No. 1908 are high aquatic life uses, public water supply, aquifer protection, and contact recreation.

Procedural Background

The application was received May 3, 2006 and declared administratively complete on May 26, 2006. The Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NOR) was published on June 9, 2006, in the *Boerne Star and Recorder*. The Executive Director completed the technical review of the application and prepared an initial

TPDES draft permit. The combined Notice of Application and Preliminary Decision (NAAPD) and Public Meeting was published on September 22, 2006 in the *Boerne Star and Recorder*. The Office of the Chief Clerk received requests for a public meeting from Senator Jeff Wentworth, Representative Carter Casteel, the Cow Creek Groundwater Conservation District, and the Indian Springs Homeowners Association. The public meeting was held on October 24, 2006. The comment period ended at the conclusion of the public meeting. House Bill 801 applies to this permit application.

COMMENTS AND RESPONSES

Comment 1:

Robert Abernethy asked what the whole effluent toxicity requirements are.

Response 1:

Whole effluent toxicity (WET) testing, also known as biomonitoring, is required in permits where the potential exists for the effluent to cause toxicity in the receiving water.¹ TCEQ' rules require WET testing for domestic wastewater facilities with a final permitted average flow of one MGD or greater, most major industrial facilities, and other facilities that have the potential to cause toxicity in the receiving water. Because Lerin Hills applied for a domestic wastewater permit with a flow limit of less than one MGD to serve a proposed residential subdivision with no significant industrial users, the Executive Director has determined that the facility would not have the potential to cause toxicity; therefore, the draft permit does not include biomonitoring requirements.

Comment 2:

Robert Abernethy expressed concern that the effluent will comprise the total flow in the

creek most of the time.

Response 2:

The proposed daily average flow of 0.5 MGD or 0.8 cubic feet per second (cfs) will probably comprise the total flow in the creek most of the time. The immediate receiving stream (the intermittent unnamed creek) normally has no flow; Deep Hollow Creek has an estimated low flow of 0.1 cfs. The effluent limits in the draft permit were developed based on minimum low flow, i.e., the critical low flow conditions to be protective of the dissolved oxygen criteria for the receiving streams. The draft permit, therefore, requires that the effluent must be treated to a level that is protective of human health and the environment without dilution from the receiving waterbody.

Comment 3:

John and Patricia Bakke expressed concern over air quality because they live directly in the path of the prevailing winds. Robert Webster expressed concern over odor from the proposed wastewater treatment plant. Tapatio and Rick Wood expressed concern that the proposed wastewater treatment plant will produce nuisance odors and asked if Lerin Hills proposed an adequate buffer zone. Mervin Hayner expressed concern over odor from both the proposed wastewater treatment plant and the creek that it would discharge to.

Response 3:

The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health

¹ 30 TEX. ADMIN. CODE § 307.6(e)(2)(A).

and the environment will be protected. Wastewater treatment plants have undergone this review and are permitted by rule as long as the wastewater treatment plant only performs the functions listed in the rule.² Lerin Hills, therefore, is not required to obtain an air permit for the proposed wastewater treatment plant because it should not have an effect on air quality.

TCEQ rules provide three options for applicants to satisfy nuisance odor abatement and control requirements. An applicant can: own the buffer zone area, obtain a restrictive easement from the adjacent property owners for any part of the buffer zone they do own, or provide odor control.³

Lerin Hills intends to meet the buffer zone requirements by obtaining restrictive easements. Other Requirement No. 5 in the draft permit requires Lerin Hills, to submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone it does not own prior to construction of the wastewater treatment facilities not owned by the permittee.⁴

You may contact the TCEQ at 1-888-777-3186 to reach the TCEQ region office and request an investigation of any ordors or any other issues in your area.

Comment 4:

John and Patricia Bakke stated that a contested case hearing should be held before the Commission makes a final decision on the permit.

Response 4:

A contested case hearing may be held before the Commission makes a final decision on

² 30 TEX. ADMIN. CODE § 116.532.

³ 30 TEX. ADMIN. CODE § 309.13.

⁴ 30 TEX. ADMIN. CODE § 309.13(e)(3).

the Lerin Hills permit if a request for a contested case hearing is made by an affected person.⁵

If a contested case hearing is requested by an affected person,⁶ the Commission may refer the permit to

the State Office of Administrative Hearings (SOAH) for a contested case hearing. John and Patricia

Bakke's comment will be considered as a request for a contested case hearing.

Comment 5:

Edgar Blanch, Jr., stated that the proposed permit will discharge water directly over and across my property, which has been developed into a high-quality, residential subdivision. Similarly, Al Hamilton expressed concern that the wastewater would be discharged directly onto property owned by other people, without their consent.

Response 5:

If this permit is issued, it does not grant Lerin Hills the right to use private or public property for conveyance of wastewater along the discharge route.⁷ The permit does not authorize any invasion of personal rights or any violation of federal, state, or local laws or regulations.⁸ It is the responsibility of Lerin Hills to acquire all property rights necessary to use the discharge route.⁹

Comment 6:

Cow Creek and Cibolo expressed concern that the proposed development would compromise the integrity of the groundwater. The Bransfords expressed concern over the

⁵ 30 TEX. ADMIN. CODE §55.201.

⁶ See 30 TEX. ADMIN. CODE § 55.203 for a description of an affected person. An affected person is one who has a personal justiciable interest affected by the application.

⁷ See Page 1 of the draft permit.

⁸ See Page 1 of the draft permit

impact the proposed discharge would have over their water source. Ed Rogers expressed concern over the two drinking water wells on the Double Diamond Ranch. Tapatio expressed concern that the proposed wastewater treatment plant and discharge would adversely impact groundwater and drinking water. Robert

Webster is concerned about his drinking water wells. Mr. Webster stated that he has been told by civil engineers that there is the potential for groundwater contamination of his wells. He noted that he also irrigates an organic garden with creek water.

Response 6:

ED staff generally agrees that Mr. Webster's wells are shallow, not fully cased, and one is located within twenty feet of Deep Hollow Creek. Therefore, the groundwater that supplies the wells may be hydraulically connected to the creek. Water quality modeling indicated that a first order decay constituent (such as nitrate), assuming a starting concentration of 20 milligrams per liter (mg/l), a discharge would travel 900 meters to the impoundment on Mr. Webster's property. The Executive Director's staff estimates that the when Lerin Hills is discharging, the concentration of the constituent in the impoundment will be 3.76 mg/l. At the outlet from the impoundment dam into Deep Hollow Creek, approximately 200 meters upstream from Mr. Webster's well, the concentration is estimated at 1.64 mg/l. These concentrations are less than the drinking water maximum contaminant level (MCL) for nitrate, 10 mg/l and contamination of the wells is not expected. However, it is not advisable to use untreated surface water as a drinking water source, regardless of whether or not there is a permitted discharger into the waterbody.

⁹ See Page 1 of the draft permit.

Comment 7:

Cow Creek stated that an on-site investigation of existing conditions should be performed. Cibolo recommended that the TCEQ do a more extensive study on the receiving lake to determine background nutrient levels, existing aquatic life and the like. Rick Wood stated that someone should perform a baseline study to determine what the appropriate discharge levels should be. Mervin Hayner asked if there had been a complete study on everything south or east of the proposed discharge point. Bob Webster asked how studies were performed without anyone coming onto his property. Cow Creek also stated that the data available to determine appropriate water quality standards for the discharge to the dry creek and the flood control pool is limited and conflicting.

Response 7:

Receiving waters are water bodies that receive effluent from a wastewater treatment plant and can be assigned several different aquatic life uses based on the best available information obtained by the Executive Director. These aquatic life uses, in order of increasing quality, are: no significant aquatic life use, limited aquatic life use, intermediate aquatic life use, high aquatic life use and exceptional aquatic life use. The immediate receiving stream is an unnamed tributary flowing down a steep gradient to the impounded Deep Hollow Creek. The unnamed tributary was presumed to be intermittent due to its minimal watershed and steep gradient. According to the current TCEQ *Procedures to Implement the Texas Surface Water Quality Standards (IPs)*, dated January 2003, an intermittent stream is defined as having a period of zero flow for at least one week during most years. A site visit to the unnamed tributary prior to the public meeting supports this presumption. Since there are currently no permitted discharges to Deep Hollow Creek and

no site specific data was available for this creek, aerial photography was obtained from Texas Natural Resource Information Systems records. The Executive Director concluded that the impounded portion of Deep Hollow Creek within the discharge route would have water levels sufficient to support a high aquatic life use during most years. Therefore, a high aquatic life use was presumed for impounded Deep Hollow Creek. This requires that the draft permit provide for a higher level of protection for water quality to protect the higher aquatic life use.

No site-specific studies have been conducted regarding the modeling assessment. Conventional effluent discharge limits, such as biochemical oxygen demand, ammonia nitrogen, and minimum dissolved oxygen, were determined by regular analysis with a water quality model (QUAL-TX) following guidelines codified in the IPs and the QUAL-TX Standard Operating Procedure (SOP) document.

Comment 8:

The Bransfords expressed concern over the concentrated destruction of habitat. Robert Webster stated that the lake is under a conservation easement to ensure that it will continue to support a wide range of organisms and a diverse ecosystem.

Response 8:

Provided the operator of the wastewater treatment plant operates within the permitted limits, the ecosystem should continue to be diverse and support a wide range of organisms. In addition to the usual effluent limitations, phosphorus limits were added to the draft permit to ensure that nutrient levels do not become elevated to levels that might lead to excessive algal or aquatic vegetation growth.

Comment 9:

The Bransfords expressed concern over the impact the proposed discharge would have on the creeks and the environment. Similarly, Al Hamilton expressed general concern over the impact of the proposed discharge on the environment. Mervin Hayner expressed concern over the impact of the proposed discharge on waterfowl and fish downstream of Boerne. Michael Valentine stated that his children enjoy feeding the ducks and fishing in Cibolo Creek. Cibolo, and Tapatio expressed concern that the proposed discharge would negatively impact surface water.

Response 9:

TCEQ modeling predicts that the proposed discharge will maintain the 5.0 mg/l dissolved oxygen criterion associated with the high aquatic life use for both Deep Hollow Creek and the in-stream impoundments. The draft permit includes stringent effluent limits based on this criterion for the protection of human health and aquatic life, i.e., fish, and by extension, waterfowl. The Executive Director has determined that the proposed draft permit will be protective of the environment, water quality, and human health and that it meets TCEQ rules.

Comment 10:

Cibolo expressed concern over the impact of the proposed discharge on aquatic life in Cibolo Creek. Cibolo specifically noted that Texas Parks and Wildlife recently discovered a genetically pure population of the Guadalupe River Bass, which is the Texas state fish. Cibolo is particularly concerned over phosphate, total suspended solids, and chlorine. Kendall County also expressed concern over phosphates and suspended solids in Lerin Hills effluent. Robert Webster expressed concern over the potential for severe nutrient loading resulting in algal blooms, fish die-off, and potential harmful, even deadly, bacteria and

parasite accumulation.

Response 10:

The proposed discharge is approximately seven miles upstream of Cibolo Creek (Segment 1908) and travels through three separate impoundments before reaching Cibolo Creek. Because of the distance between the discharge location and Segment 1908, dissolved oxygen impacts to Segment 1908 from this discharge will be non-existent. Conventional pollutant concentrations are expected to be at background concentrations downstream of the impoundment on Bob Webster's property.

The genetically pure strain of Guadalupe Bass was found in Cibolo Creek. Since Guadalupe Bass are typically found in the flowing waters of clear streams, it is unlikely that the Guadalupe Bass reside in the impounded Deep Hollow Creek. Additionally, the effluent limitations proposed for this wastewater treatment facility were determined to be protective of high aquatic life uses, which the Executive Director has determined would be consistent with maintaining the existing aquatic life uses of the impoundment, including Guadalupe Bass, should any reside in that water body.

To help reduce nutrient loading, bacteria and parasite accumulation in the impoundment on Deep Hollow Creek, the ED has recommended stringent phosphorus and ammonia limits to safeguard against such algal blooms and is requiring Lerin Hills to disinfect the treated effluent via chlorination to reduce, if not eliminate harmful bacteria levels. The disinfected treated wastewater will then be dechlorinated prior to discharge.

Comment 11:

Cibolo expressed concern over the possibility of large amounts of potentially contaminated storm water entering the lake because of the large increase in impervious

cover. Similarly, Le Roy Hahnfeld expressed concern over site drainage.

Response 11:

This permit application is limited to authorizing the discharge of pollutants from the proposed wastewater treatment facility. The draft permit includes effluent limits and other requirements that Lerin Hills must meet even during rainfall events and periods of flooding. The domestic wastewater permit does address the stormwater runoff from impervious cover from the proposed development. The Construction General Permit regulates the stormwater runoff.

Additionally, during construction, Lerin Hills must comply with the requirements in the Construction General Permit for Storm Water Controls (TXR 150000). More information on the general permit can be found at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html.

Comment 12:

Al Hamilton stated Lerin Hills should be required to use an adjacent existing wastewater treatment plant. Tapatio stated that Tapatio Spring Service Company owns and operates a wastewater treatment plant with excess capacity within three miles of the proposed wastewater treatment plant. Moreover, Tapatio stated that Lerin Hills did not contact either Tapatio Springs Service Company or Kendall County Utility Company to see if they had excess capacity. Tapatio also asked if Lerin Hills' permit should be denied based on the Commission policy of regionalization.

Response 12:

According to the Texas Water Code, when the Commission is considering the issuance, amendment, or renewal of a permit to discharge waste, they may deny or alter the terms and

conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as areawide or regional disposal systems by Commission order.¹⁰ This section is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater.

Additionally, the legislature mandated that TCEQ must encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state.¹¹ The Domestic Wastewater Permit Application Technical Report requires information concerning regionalization of wastewater treatment plants. Lerin Hills was required to review a three-mile area surrounding the proposed facility to determine if there are existing wastewater treatment plants or sewer collection lines with sufficient existing capacity to accept wastewater from Lerin Hills.

Tapatio Springs Service Company, Texas Land Application Permit No. WQ0012404001, is the only permitted wastewater treatment facility located within a three-mile radius of Lerin Hills' proposed facility. Tapatio Springs Service Company is authorized to dispose treated domestic wastewater at a volume not to exceed a daily average flow of 150,000 gallons per day via irrigation on 40 acres of a golf course. Lerin Hills applied for a permit to authorize the discharge of treated domestic wastewater for a proposed development

¹⁰ TEX. WATER CODE § 26.0282.

¹¹ TEX. WATER CODE § 26.081.

with a final flow of 500,000 gallons per day. Therefore, Tapatio does not have the capacity to provide wastewater service to the proposed development.

Lerin Hills indicated that it did not send a letter to Tapatio Springs Service Company because it met with the owners of Tapatio Springs Service Company and discussed wastewater service. According to Lerin Hills, Tapatio Springs Service Company stated that it would not provide wastewater service to Lerin Hills. In addition, the proposed facility is located on the opposite side of a major topographic ridge from the Tapatio Springs Service Company facility.

If the Lerin Hill's permit is issued, wastewater would be collected in gravity sanitary sewers and then pumped at relatively low pressures to the proposed facility; however for Lerin Hill to connect to the Tapatio Springs Service Company facility, wastewater would first have to be centrally collected in the lower part of the Lerin Hills area and then pumped over the ridge, requiring a vertical lift over 200 feet. Lerin Hills indicates this is undesirable because it will increase costs for the future Lerin Hills homeowners and it will increase the risk of raw sewage spills due to higher pressure in the sewage force main.

Comment 13:

Al Hamilton stated that the volume of wastewater that the permit would authorize Lerin Hills to discharge is excessive. Cal Chapman stated that the proposed wastewater treatment plant will be oversized by a factor of about two.

Response 13:

Lerin Hills provided justification for the proposed flows in the draft permit based on estimates of wastewater flows from the proposed development, which includes homes, an elementary school and some commercial/retail development. Review of the proposed

wastewater flow estimates for the development indicates the requested daily average flows are appropriate.

Comment 14:

Kendall County and Rick Wood stated that Lerin Hills should be required to disinfect its effluent using ultra-violet light instead of chlorine. Cibolo expressed concern that the chlorine used for disinfection could cause an accident that would impact the recharge features of the aquifer. Bob Webster stated that he does not want to be exposed to chlorine in his drinking water.

Response 14:

Disinfection of treated effluent is required and can be accomplished by using various methods, such as chlorination or ultra-violet light. The draft permit includes a requirement to disinfect the treated effluent via chlorination. To address concerns about chlorine levels in the receiving stream, the draft permit requires Lerin Hills to dechlorinate its treated effluent to a maximum chlorine residual of 0.1 milligram per liter before discharging it to the unnamed tributary.

Comment 15:

Mr. Michalec requested that TCEQ review its policy on interbasin transfers. He commented that since Lerin Hills is planning on obtaining its water from the Guadalupe-Blanco River Authority, but discharging the wastewater to the San Antonio River watershed, Lerin Hills is proposing an interbasin transfer.

Response 15:

A wastewater discharge permit may not be the only permit that Lerin Hills is required to obtain. If Lerin Hills was planning on transferring water from one basin to another, it would

be required to obtain a permit under Texas Water Code § 11.085. In this case, however, Lerin Hills intends to purchase its water from the Gaudalupe-Blanco River Authority (GBRA). It is GBRA's responsibility to ensure it obtains all necessary permits.

Comment 16:

Mr. Michalec requested that the TCEQ evaluate the projected effects of loading from the Lerin Hills proposed wastewater treatment plant on Segment 1908 of Cibolo Creek, including its tributaries and surface water impoundments.

Response 16:

The proposed discharge is approximately seven miles upstream of Cibolo Creek (Segment 1908) and travels through three separate impoundments before reaching Cibolo Creek. Because of the distance between the discharge location and Segment 1908, dissolved oxygen impacts to Segment 1908 from this discharge will be non-existent. Conventional pollutant concentrations are expected to be at background concentrations downstream of the impoundment on Bob Webster's property.

Comment 17:

Mr. Michalec suggested that TCEQ establish impervious cover limits similar to those proposed by the Edwards Aquifer Authority. The Bransfords expressed concern over the amount of impervious cover in the proposed project.

Response 17:

The permitting process is intended to control the discharge of pollutants into water in the state from point sources and to protect the water quality of the state's rivers, lakes, and coastal waters. TCEQ does not have jurisdiction to address impervious cover concerns.

Comment 18:

Mr. Michalec stated that since the proposed Lerin Hills discharge would have an impact on the Edwards Aquifer contributing zone, a study should be initiated to measure the impact.

Response 18:

TCEQ rules define the Edwards Aquifer as that portion of an arcuate belt of porous, waterbearing, predominantly carbonate rocks known as the Edwards (Balcones Fault Zone) Aquifer trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties.¹² The contributing zone is defined as all points in watersheds that drain to the recharge zone within five stream miles, and all of the watersheds in the specified counties that drain to the recharge zone according to 30 TAC § 213.22.¹³ Lerin Hills' proposed facility is located in Kendall County, more than ten stream miles from the contributing zone and much farther than five miles from the recharge zone. Therefore, the proposed facility is not subject to the Edwards Aquifer rules and the discharge is not expected to have an adverse impact on the contributing zone.

TCEQ's rules require stringent effluent limits for all new or increased discharges of treated wastewater from zero to five miles upstream of the Edwards Aquifer recharge zone.¹⁴

The proposed discharge location is more than 13 miles from the Edwards Aquifer recharge zone; however the effluent limits in the draft permit are more stringent than what are required for new discharges eight miles closer to the recharge zone. The following table demonstrates the difference between the effluent limits required upstream of the Edwards Aquifer recharge zone and the effluent limits in the draft permit.

¹² 30 TEX. ADMIN. CODE § 213.3(8).

¹³ 30 TEX. ADMIN. CODE § 213.6(c).

¹⁴ 30 TEX. ADMIN. CODE § 213.6.

Parameter	30 TAC § 213.6 mg/l, based on 30-day average	Lerin Hills Draft Permit mg/l, based on 30-day average
Carbonaceous Biochemical Oxygen Demand	5	5
Total Suspended Solids	5	5
Ammonia Nitrogen	2	1
Phosphorus	1	0.5
Nitrate-nitrogen	Not Applicable	Report
Total Nitrogen	Not Applicable	Report

Comment 19:

Mr. Michalec and Mr. Fowler expressed concern that there is not sufficient groundwater in the area to serve the proposed development. Tapatio stated that the volume of effluent that the permit would authorize is too much considering the limited amount of water available for the project.

Response 19:

Water supply issues are not part of the application for a domestic wastewater permit. The ED is limited to addressing water quality issues related to the proposed wastewater discharge and cannot address issues related to the water supply for the proposed development.

Comment 20:

Tapatio stated that the mailed notice was defective because the envelopes containing the notice of application sent to Mountainview at Tapatio, Tapatio Springs Real Estate Holdings, and Kendall County Development Company only contained blank paper.

Response 20:

Errors can occur in the administrative process, however, Mountainview at Tapatio, Tapatio Springs Real Estate Holdings, and Kendall County Development Company had actual notice of the notices, as evidenced by their written comments and their attendance at the public meeting on October 24, 2006. Moreover, along with mailed notice both notices were published, in the *Boerne Star and Recorder*.

Comment 21:

Tapatio expressed concern that the proposed wastewater treatment plant would not comply with the siting requirements in 30 TAC § 309.12.

Response 21:

The permitting process assures compliance with section 309.12. This section requires that the commission may not issue a permit 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.” Lerin Hills has proposed a treatment process at a particular location to treat domestic sewage. This proposed treatment process is routinely used to treat sewage to levels appropriate for discharge to surface water. Furthermore, the Executive Director has evaluated the application and Lerin Hills must meet all siting requirements specified in subchapter B of chapter 309. Lerin Hills has not proposed to locate the discharge within the recharge zone as prohibited by section 213.8(a)(6). The factors listed in section 309.12 that the commission may consider in evaluating an application are more appropriate to evaluate an application for authorization to the land application of effluent, not a direct discharge to surface water. There is no indication that contamination of either surface water or groundwater will occur by the

location of this facility. The Executive Director's staff evaluated Lerin Hill's application and determined that the discharge from the proposed facility will minimize the possible contamination of both surface water and groundwater.

Comment 22:

Rick Wood expressed concern that after the wastewater treatment plant is built it will be turned over to a Home Owners Association, or some other entity that does not have the experience needed to operate the wastewater treatment plant.

Response 22:

TCEQ's rules require permittees to submit an application at least 30 days prior to an ownership change to transfer the permit to the new owner if the wastewater treatment facility is sold.¹⁵ The application requires information from both the current owner and proposed owner of the facility. The Executive Director reviews the application and transfers the permit if the application is administratively complete. TCEQ rules do not require notice to the public to transfer ownership of the facility. The Executive Director may refuse to approve a transfer if the conditions of a judicial decree, compliance agreement, or enforcement order have not been met. The Executive Director shall consider the prior compliance record of the transferee, if any. The wastewater treatment facility can be sold separately from the property in the development. However, any transferee will be required to comply with all permit terms, TECQ regulations, including the operation of the facility by a licensed operator. Failure to do so may subject the transferee to enforcement.

Comment 23:

¹⁵ 30 TEX. ADMIN. CODE § 305.64.

Tapatio asked if the proposed permit would be protective of the health and safety of nearby residents. Robert Webster expressed concern over the health of people that use the lake.

Response 23:

The draft permit includes disinfection requirements to reduce or eliminate bacteria levels in the treated effluent prior to discharge. The draft permit also requires Lerin Hills to disinfect the treated effluent via chlorination and then dechlorinate it before it is discharged. Disinfection is a standard method to remove bacteria to protect human health.

Comment 24:

Tapatio asked if the proposed permit would protect the use and enjoyment of property by nearby residents. Robert Webster stated that the proposed discharge could destroy his ability to use and enjoy his property.

Response 24:

TCEQ was charged by the legislature to maintain the quality of water in Texas, consistent with public health and enjoyment, and the draft permit is compliant with all TCEQ's rules.¹⁶ The wastewater permit, does not allow the permit holder to create or maintain a nuisance that interferes with a landowner's use and enjoyment of his property. The draft permit does not limit the ability of a landowner to seek relief from a court in response to any such activities.

Comment 25:

¹⁶ TEX. WATER CODE § 26.003.

Tapatio asked if a bond would be necessary to ensure the safe operation and possible closure of the facility.

Response 25:

According to TCEQ rules, Lerin Hills is not required to post a bond to ensure that adequate funds are available to construct and operate the wastewater treatment plant. TCEQ may appoint a person to temporarily operate or manage a facility if Lerin Hills discontinues or abandons operations.¹⁷

Comment 26:

Tapatio stated that if Lerin Hills digs into the caliche hillside to create its plant site, it will cause erosion and sediment that will damage water quality.

Response 26:

Lerin Hills is required to comply with the Construction General Permit to minimize water quality impacts to the receiving stream from its construction activities. Specifically, Lerin Hills is required to comply with the general permit requirements for discharges from construction sites into surface water in the state. Information on the stormwater general permits for construction projects and developed areas can be found at:

http://www.tceq.state.tx.us/nav/permits/wq_cities.html

Comment 27:

Tapatio expressed concern over Lerin Hills inconsistent answers in its application for the wastewater discharge permit and in its petition to create a district.

Response 27:

The information provided by Lerin Hills in the domestic wastewater permit application was reviewed by staff and was determined to be administratively and technically complete. A representative of Lerin Hills certified that the information contained in the application was true and complete. The process for obtaining wastewater discharge permit and process to create a district are separate and distinct processes and are each evaluated on their own merits.

Comment 28:

Rick Wood asked who would operate the Lerin Hills Wastewater Treatment Plant. Tapatio expressed concern that the operator of the proposed wastewater treatment plant is not an applicant for the permit and Lerin Hills lacks experience in operating a wastewater treatment plant.

Response 28:

As a permittee, Lerin Hills will be responsible for the operation of the facility; however, it may contract with an individual operator, company, and other entity to perform the day to day operations. Anyone who operates a domestic wastewater facility is required to hold a current wastewater operator registration issued by the TCEQ.

TCEQ rules require a licensed wastewater operator to operate the facility. The specific level of license required is based on the type of treatment and permitted daily average flow. The Lerin Hills facility must be operated by a chief operator or an operator holding a Category C license or higher.¹⁸

¹⁷ 30 TAC § 291.142.

¹⁸ A category C operator must have two years of work experience and 60 hours of training. 30 TEX. ADMIN. CODE § 30.304.

According to the draft permit, the facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding a Category C license or higher. The licensed chief operator must be available by telephone or pager seven days per week.

Comment 29:

Tapatio expressed concern over the amount of wastewater that Lerin Hills will need to discharge during the first five-year term of the permit.

Response 29:

Lerin Hills indicated that the wastewater treatment facility would be constructed in three phases with the a daily average flow not to exceed 0.18 million gallons per day (MGD) in the Interim I Phase, 0.36 MGD in the Interim II Phase, and 0.5 MGD in the Final Phase. Although construction of the wastewater treatment facility is not authorized until a wastewater permit is issued, Lerin Hills estimated in the application that construction on the Interim I Phase could begin in the winter of 2006, on the Interim II Phase in the winter of 2008, and on the Final Phase in the spring of 2011. Lerin Hills indicates the development will include about 1,475 single family homes, an elementary school, and retail/commercial development. Lerin Hills estimates that about 200 homes will be constructed each year and therefore, the facility includes three phases to accommodate the anticipated increase in wastewater flows. At 200 homes per year with an estimated wastewater flow of 300 gallons per day from each home and additional flow from the proposed retail/commercial development, the proposed Interim I Phase at 0.18 MGD should provide adequate treatment capacity for the first two to three years of the development.

Comment 30:

Tapatio asked if a discharge authorized by the proposed permit would cause a violation

of the general criteria of the stream standards as set forth in 30 TAC Section 307.4, including but not limited to the aesthetic parameters, nutrients, salinity, and aquatic life uses and dissolved oxygen.

Response 30:

The Executive Director staff has evaluated the proposed discharge and has determined that the proposed effluent limits will be protective of both the numerical and narrative criteria in the Texas Water Quality Standards. After reviewing the available information, Executive Director established stringent effluent limits to address pollutants of concern which are also protective of the numerical and narrative criteria.

Comment 31:

Robert Webster stated that the permit application is inaccurate because Lerin Hills stated that his lake is used solely for livestock watering. According to Mr. Webster, his lake is also used for swimming, skin diving, and water sports by children and adults. Rick and Patrick Wood also noted that the lake is used for recreation; specifically he stated that there are piers and paddleboats on the lake. Le Roy Hahnfeld stated that the lake is a recreational lake, not a cattle watering hole. Specifically, he stated that his family swim and fish in the lake. Craig Carlson stated that his family and friends have been swimming and fishing in the lake for 20 years, and if the proposed permit is issued they will quit. The individuals who signed Petitions #1 and #2 expressed concern over their ability to use the lake for recreation.

Response 31:

The permit limits given to Lerin Hills are very stringent and should be protective of the existing conditions and should not hinder the ability of nearby residents to safely enjoy contact recreation within water bodies along the discharge route.

Comment 32:

Robert Webster stated that people eat fish from the lake and is concerned that they could be impacted. The individuals who signed Petitions #1 and #2 expressed concern that all the fish in the receiving lake would die.

Response 32:

The stringent treatment levels proposed for the Lerin Hills discharge permit are expected to remove the pollutants of concern and maintain high dissolved oxygen concentrations downstream so that the propagation and consumption of fish will be protected. The draft permit requires Lerin Hills remove oxygen demanding constituents to ensure the dissolved oxygen levels will be met and to protect high aquatic life uses.

Comment 33:

Rod Fowler expressed concern that Lerin Hills has started construction without a permit, and that Lerin Hills has started to put in the roads and other infrastructure and asked how the environment was being protected.

Response 33:

Lerin Hills may begin construction of the development without a wastewater discharge permit; however, it can not begin construction of the wastewater treatment plant until it obtains a permit for the plant.

During construction of the development, Lerin Hills must comply with the requirements in the Construction General Permit for Storm Water Controls (TXR 150000). More information on the general permit can be found at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html.

Comment 34:

Rod Fowler asked if the wastewater treatment plant would be completed before the development is completed, or if Lerin Hills would have to truck the waste to another facility for a while.

Response 34:

Lerin Hills indicates that the wastewater treatment facility will be constructed in three phases to meet the needs of the proposed development. For a wastewater treatment plant to perform correctly, it must receive a minimum amount of wastewater. Initially, there may be a period where insufficient wastewater flows are generated from the development to operate the interim I facility and Lerin Hills would have to pump and haul its effluent to another wastewater treatment facility for a short period of time.

Comment 35:

Rick Wood expressed concern over the location of the proposed wastewater treatment plant. According to Mr. Wood, a better location would be at the most downstream end of the property near the large lake, where it would be out of sight of existing homes. He also stated that the receiving stream is larger there and thus there would be more of a buffer to absorb the discharge if there was an upset. Cibolo, Kendall County, and Le Roy Hahnfeld suggested that Lerin Hills discharge to its own lake where there would be more dilution.

Response 35:

The Texas Water Code, authorizes discharges into wates in the state, provided the discharger obtains a permit from the Commission.¹⁹ TCEQ does not have the authority to

¹⁹ TEX. WATER CODE § 26.121.

mandate a different discharge location or different type of wastewater treatment plant if the proposed discharge will not adversely affect human health and the environment.

Comment 36:

Rick Wood expressed concern over the permit limits being on a 30-day average. According to Mr. Wood, the effluent limits could be exceeded everyday, but yet still meet the 30-day average limit.

Response 36:

The facility is required to meet the 30-day average effluent limits based on an average of the measurements taken during a single month, although some variability may occur in the quality of the treated effluent. In addition to the 30-day average effluent limits, the draft permit includes 7-day average (or weekly average) effluent limits, daily maximum effluent limits, and single grab effluent limits to ensure that the facility is operating properly on a consistent basis.

Comment 37:

Mervin Hayner asked if there would be green sludge in the creeks after a dry spell. Michael Valentine expressed concern over the impact of the proposed wastewater treatment plant on the creeks after a drought.

Response 37:

The draft permit includes a requirement for the discharge to be free of floating solids or visible foam in other than trace amounts and for no discharge of visible oil. The facility, if operated properly, should not discharge any sludge into the receiving stream. The effluent limits in the draft permit were set to be protective at low flow conditions, when little or no ambient flow is occurring in the receiving stream; therefore the discharge of treated effluent

should not adversely affect the receiving stream after drought conditions. In addition, the phosphorus limit is expected to preclude excessive vegetation growth in the stream.

Comment 38:

Cal Chapman expressed concern that the municipal utility district (MUD) creation and the TPDES permit were being processed independently of each other. Also, Mr. Chapman is concerned that the MUD customers will be required to pay for a wastewater treatment plant that is too big for the number of customers it will serve.

Response 38:

The process for obtaining wastewater discharge permit and the process to create a district are separate and distinct processes and are evaluated on their own merits. It is possible for a MUD to be created many years before it obtains a wastewater discharge permit.

Lerin Hills is not required to obtain a Certificate of Convenience and Necessity (CCN) from the TCEQ in order to obtain a wastewater discharge permit. However, it must obtain a CCN before it can start billing customers for water and wastewater services.

Comment 39:

Brian Adams expressed concern over Lerin Hills' compliance history. According to Mr. Adams, Lerin Hills and KGME construction have been blasting within 500 feet of a well and within 1,000 feet of a private residence. Mr. Adams also stated that a water truck has been parked near the rock crusher, but water has not been used to control the dust. Based on his experience thus far, Mr. Adams is concerned that Lerin Hills will not properly operate the wastewater treatment plant and will endanger the entire ecosystem.

Response 39:

During the technical review, a compliance history review of the company and the site

is conducted based on the criteria in Title 30, Chapter 60 of the Texas Administrative Code (TAC). These rules may be found at the following website: <http://www.tceq.state.tx.us/rules/index.html>. The compliance history for the company and site is reviewed for the five-year period prior to the date the permit application was received by the Executive Director. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance.

This permit application was received after September 1, 2002; the company and site have been rated and classified pursuant to Title 30, Chapter 60 of the Texas Administrative Code. A company and site may have one of the following classifications and ratings:

High: rating < 0.10 (above-average compliance record)

Average by Default: rating $= 3.01$ (these are for sites which have never been investigated)

Average: $0.10 < \text{rating} < 45$ (generally complies with environmental regulations)

Poor: $45 < \text{rating}$ (performs below average)

This site has a rating of 3.01 and a classification of average by default. The company rating and classification, which is the average of the ratings for all sites the company owns, is 3.01 and a classification of average by default. You may contact the TCEQ at 1-888-777-3186 to reach the TCEQ region office and request an investigation of any issues in your area.

Comment 40:

Bob Webster expressed concern over contamination from an accidental discharge. Tapatio asked if the proposed wastewater treatment plant will have controls and operators to prevent the discharge of improperly treated waste.

Response 40:

Lerin Hills is required to minimize the possibility of an accidental discharge of untreated wastewater. For example, Lerin Hills must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or equipment to retain inadequately treated wastewater. In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Executive Director. Also, Standard Provision No. 7 of the proposed draft permit states that when the flow reaches 75 percent of the permitted daily average flow for three consecutive months, Lerin Hills must initiate engineering and financial planning for expansion or upgrade of the domestic wastewater treatment or collection facilities. When the flow reaches 90 percent of the permitted daily average flow for three consecutive months, Lerin Hills must obtain authorization from TCEQ to begin constructing the necessary additional treatment or collection facilities. These permit provisions are designed to help prevent an unauthorized discharge due to insufficient capacity. If an unauthorized discharge occurs, Lerin Hills is required to report it to TCEQ within 24 hours. Finally, Lerin Hills is subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

Comment 41:

Milan Michalec suggested that the TCEQ should review the statutory ramifications of

mixing ground and surface water and distributing it as surface water.

Response 41:

Typically, the source of water for the proposed development does not have a legal impact on whether the TCEQ can issue a wastewater discharge permit under Chapter 26 of the Texas Water Code.

Comment 42:

Cow Creek, Cibolo, Kendall County, Bob Webster, and Le Roy Hahnfeld stated that other alternatives such as zero discharge or drip irrigation should be considered to reduce the impact to groundwater.

Response 42:

The Executive Director evaluates the method of treatment and the discharge route that were proposed in the application. If the Executive Director determines that the proposed method of treatment and disposal are protective of human health and the environment and comply with the rules, the Executive Director does not have the authority to mandate a different type of wastewater treatment plant. The Executive Director evaluates applications for wastewater treatment plants, based on the information provided in the application, and the existing quality of the water body.

Comment 43:

Milan Michalec stated that GBRA should provide data that shows the impact of a wastewater treatment plant constructed in the Cibolo Creek watershed and that the TCEQ should conduct surveys to identify critical recharge features. In addition, the study that the US Army Corps of Engineers, SARA, GBRA, and SAWS is working on for the Cibolo Creek Enhancement Project should be completed; and as part of GBRA statutory authority, a

study should be developed for the Cibolo Creek Watershed in order to measure impact to the Trinity Aquifer.

Response 43:

The TCEQ regulations and application forms request the information that is required to apply for a domestic wastewater TPDES permit. The Executive Director reviews the material in the application, request any additional information that may be needed and provide recommendations on whether a draft permit can be prepared and if so, what the requirements should be included in the draft permit. Studies from these other entities are not required to complete the permitting process.

Comment 44:

John and Patricia Bakke expressed concern over their quality of life and the economic value of their home. Edgar Blanch, Jr., and Robert Webster expressed concern over property values. The Bransfords expressed concern over the density of the proposed development. Milan Michalec stated that TCEQ should encourage the developer of Lerin Hills to consider subdivision design criteria that encourages low impact development and supports existing county subdivision rules. Milan Michalec stated that TCEQ should support established county density limits, and this should be extended to situations where new rules reflect the limitations established by new growth trends. Milan Michalec stated that TCEQ should complete the PGMA process to provide a Groundwater Conservation District for Comal County. Robert Webster expressed concern that the additional effluent could hinder the dam for flood control. Rod Fowler expressed concern that the plats have not been approved by the Commissioners Court. Michael Valentine expressed concern that the proposed facility would be an eye-sore.

Response 44:

The permitting process is intended to control the discharge of pollutants into water in the state and to protect the water quality of the state's rivers, lakes, and coastal waters. TCEQ does not have jurisdiction to address concerns such as those listed in the above comment in the wastewater permitting process. Regarding the County's subdivision rules, issuance of a permit would not authorize Lerin Hills to violate any other state, local or federal regulations.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENT

Based on concerns about the introduction of chlorine in the receiving stream from commentors, the draft permit was revised to include a requirement for Lerin Hills to dechlorinate the treated effluent after disinfection via chlorination. The draft permit includes a requirement to dechlorinate the treated effluent to a chlorine residual not to exceed 0.1 milligrams per liter.

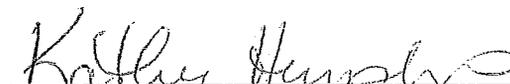
In addition, the applicant submitted comments concerning the disposal of sludge from the proposed wastewater treatment facility. Lerin Hill submitted a letter from the San Antonio Water System (SAWS) that indicates it will accept sludge for disposal from the proposed wastewater treatment facility. Therefore, the draft permit has been revised to include an additional other requirement, Other Requirement No. 8, that authorizes the disposal of sludge by taking it to the SAWS Dos Rios Recycling Center Wastewater Treatment Facility, TPDES Permit No. WQ0010137033.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle
Executive Director

Robert Martinez, Director
Environmental Law Division



Katly Humphreys, Staff Attorney
Environmental Law Division

State Bar No. 24006911

P.O. Box 13087, MC 173

Austin, Texas 78711-3087

(512) 239-3417

(512) 239-0606

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

ATTACHMENT A

Lerin Hills – Letter #1

Lerin Hills – Letter #1	
Concerned Citizen	Pilcher, Dodie
Concerned Citizen	Pilcher, Erin
Concerned Citizen	Roberts, Codie
Concerned Citizen	Roberts, Colton
Concerned Citizen	Roberts, Michelle
Couch, Harrison	Rush, John
Couch, Jackson	Scheumack, Laci
Couch, Nancy Lee	Smothers, W.C. "Dub"
Del Greco, Joanna	Turek, Kando
Dronet, L.A.	Turek, Stephen Jr.
Frogg, Andy	Tyner, Carrie
Frogg, Missy	Wood, Anne
Gilbert, Darlene	Wood, Betty
Gilbert, Jessica	Wood, Chad
Gilbert, Kyle	Wood, Charlene
Gilbert Mack	Wood, Connie D.
Lewis, Shawn	Wood, David
Lewis, Terre	Wood, Greg
Lewis, Troy	Wood, Jack
Moehr, Tiffany	Wood, Jennifer

ATTACHMENT B

Lerin Hills – Letter #2

Acebedo, Elvia	Millhollon, E.L.
Amaya, Jamie	Morres, Silvio O.
Andreson, Carol J.	Muchkenhirn, Marion
Anderson, Michael	Muckenhirn, Rosie
Andreoff, Evan	Nation, Brandon
Askey, Dawn L.	Nation, Ryan
Bakke III, J.E.	Obiedo, Adrian
Bakke, Patricia S.	Olson, Carl
Ballard, Joel	Olson, Heather
Barfknecht, Dale	Olson, Jenna
Barfknecht, Evan	Olson, Shannon
Barfknecht, Garrett	Olson, Tyler
Barfknecht, Justine	O'Neal, Davy
Barfknecht, Linda	O'Neal, Kelly
Becker, Wayne	Otten, Arthur
Beckham, Cindy	Otten, Betty
Beckham, Cynthia	Otten, Bernard
Beckham, Roy	Otten, Dale
Beckham, Shane	Otten, Duane
Beckham, Shayne	Otten, Gene
Beilke, Sami	Otten, Jeanette
Berry, Michelle D.O.	Otten, Jennifer
Bethke, Amanda	Otten, Jenny
Bills, Terri	Otten, Jessica
Blanch, Dylan	Otten, Kari
Blanch, Ted	Otten, Lacey
Bolzle, Julia	Otten, Linda
Bolzle, Wes	Otten, Marilyn
Bowen, Taryn	Otten, Megan
Boynton, Jacob	Otten, Molly
Brieger, Lisa	Otten, Nichol
Briody, Jake	Otten, Rick
Brown, Jessica	Otten, Tamra
Bruner, Linsey	Otten, Tracy
Buehl, Clarence	Pahl, Alex N.
Buehl, Lorraine	Pahl, Jordan R.
Cameron, Michael	Pahl, Lois A.
Capps, Cheryl	Pahl, Robert H.
Capps, Jared	Peel, Dorothy
Carlson, Angela	Peel, Kristi

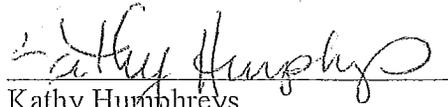
Carlson Jr., C. Ross	Peel, Penny
Carlson, Craig	Peel, Sidney
Carlson, Diane	Peel, Tara
Carlson, Lynn	Perkins, Robert
Cartwright, Elaine	Peters, Matt
Cervantes, Angelica	Powell, Cita
Chacon, Elise	Powell, Clark
Chacon, Rocky	Raines, Clifford
Chamberlain, B.L.	Rancour, Bill
Chambers, Jared	Rancour, Kitty
Chenault, Kasey	Reeh, James
Childers, Jason	Riojas, Shannon
Collins, Shannon	Rislund, Curt
Concerned Citizen	Rislund, Mary
Concerned Citizen	Rodriguez, David
Concerned Citizen	Rodriguez, Elmo J.
Conzelman, Denise	Rogers, Ed
Conzelman, Roy	Rogers, Tonya
Corbes, Seth	Rojas, Amanda
Cortez, Lupe	Roten, Jay W.
Courpas, Mike	Roten, Robert R.
Courpas, Seth	Rux, Gerald
Cuellar, Fidel	Rux, Lonnie
Davenport, Patti	Ryan, Blanche
Davies, Craig	Salonek, Brittany
Davies, Lindi Jo	Salonek, Lexi
Davis, Alan	Salonek, Lindsay
Davis, Rob	Salonek, Travis
Del Toro, J.J.	Salonek, Lori
Dempsey, Maria	Salonek, John
Dempsey, Monica	Sanchez, Samuel A.
Doris, Rachael	Sandy, Chrisie
Dube, Kathy	Sandy, Donald S.
Dufour, Brandi	Saunders, William S.
Dykstra, Brad	Schneider, Kirk
Dykstra, Grace	Schorp, Katie A.
Dykstra, Trisha	Scott, Paul
Ellis, Ronnie	Shaw, Lindsey
Endreson, Michael R.	Sichter, Smantha
Ervin, Wendy	Smith, Austin
Evans, Charlotte	Smith, Claude
Evans, Dana	Smith, Dwayne
Fabila, Mana	Smith, Forrest
Farley, Brad	Smith, Jet

Fernandez, Michael	Smith, Mark
Figueiredo, Breno	Smith, Rickey G.
Gaiel, Jocelyn	Smith, Tyler
Galbreath, Kim	Smith, Vera
Garcia, Antonia	Smith, Walton
Garcia, Benjamin	Snodgrass, Greg
Garcia, Jasmin	Solberg, Austin
Garcia, Jonathan	Solbert, Jessica
Garcia, Steven R.	Solberg, Shane
Garza, Alfred	Soltero, Roque
Geisler, Nadine R.	Soto, Donovan
Golden, Josh	Stakes, Trevor
Gonzales, Tina	Staton, Tommy
Haas, Haiden	Stephens, Erlene M.
Haas, Jr., Herman H.	Swain, Christine
Hanson, Pamela	Swain, George W.
Hernandez, Amy	Swain, Ruth A.
Hernandez, Claudia	Swain, William
Hernandez, Greg	Tate, Lisa
Hernandez, Lucia	Teitrek, Bill
Hess, Mazie	Teitrek, Jill
Hess, Mike	Teitrek, Matt
Hollingsworth, Janelle	Teitrek, Nate
Hopkins, Patrica	Thompson, Allen
Hughes, Sandy	Topel, Fred
Janel, Jannell	Topel, Sue
Jennings, Tiffany	Towery, Carol
Jewell, Troy	Trickett, Brittany
Joseph, Gil	Underwood, Jinkie
Julin, Sherrie	Underwood, Michael
Keneson, Michael D.	Underwood, Randall
Klatt, Chad	Underwood, Wilma
Klatt, Donald	Vanhorn, Cynthia
Klatt, Heidi	Vanhorn, David
Klatt, Mary Ellen	Venegasl, Carlos A.
Klatt, Robet	Viana, Amy
Lamb, Lawrence E.	Walter, Charles
Langehennig, Matt	Weems, Lin
Lavender, Mickey	Welch, Becky
Lerma, Bronson	Western, Dale
Lester, Cheryl	Western, Marian
Linscott, H.S.	Wiatrek, Elvin
Linscott, Roxanne	Wiatrek, Sherry
Lopez, Christina	Wood, Eugenia

Louisiana, Kari	Wundt, Michael
Macdonald Jr., Robert	Wundt, Sandra
Macdonald III, Robert	Zerlotti, Mario
May, David	Zimmel, Roger
McCrelless, Kendall	Zitzloff, Karen
McCrelless, Klaiten	Zryzavy, Aimee
McCrelless, Patti	

CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing document has been filed with the Texas Commission on Environmental Quality, Office of the Chief Clerk on this 21st day of June, 2007.

A handwritten signature in cursive script, appearing to read "Kathy Humphreys", written over a horizontal line.

Kathy Humphreys
Staff Attorney
Environmental Law Division