

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 22, 2015

Re: **City of Wimberley**
TPDES Permit No. WQ0013321001; SOAH DOCKET NO. 582-15-3337;
TCEQ Docket No. 2015-0482-MWD

Dear Commentor:

Enclosed is a copy of the Executive Director's Response to Comments (RTC). You are receiving this RTC because you made comments on the application for a major amendment to the City of Wimberley's Permit No. WQ0013321001.

If you have any questions, you may call me at (512) 239-0600 or Rudy Calderon at the Office of Public Interest Counsel at (512) 239-6363.

Sincerely,

A handwritten signature in cursive script that reads "Kathy J. Humphreys".

Kathy J. Humphreys, *Staff Attorney*
Environmental Law Division
State Bar No. 24006911

Enclosure

TPDES PERMIT NO. WQ0013321001
SOAH DOCKET NO. 582-15-3337
TCEQ DOCKET NO. 2015-0482-MWD

APPLICATION BY THE CITY OF	§	BEFORE THE TEXAS
WIMBERLEY	§	COMMISSION ON
FOR TPDES	§	ENVIRONMENTAL QUALITY
PERMIT NO. WQ0013321001	§	

EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response) on the application by the City of Wimberley (Wimberley), for a major amendment to Texas Land Application (TLAP) permit number WQ0013321001 and on the Executive Director’s preliminary decision. As required by 30 Texas Administrative Code (TAC) Section 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of the Chief Clerk (OCC) received timely comments from: Adam Richard Abrams on behalf of Save Our Springs Alliance (SOS), David Baker on behalf of Wimberley Valley Watershed Association (WVWA), M. Robert Dussler on behalf of Friends of Blue Hole (FBH), Gail Ann Hamrick-Pigg on behalf of the Blanco River Cypress Creek Water Association (BRCCWA), Rue Hatfield on behalf of Rocky River Ranch, Inc. (RRR), Lee Jackson on behalf of Wagon Wheel Property Owners Association (WWPOA), Steven Jagers on behalf of Paradise Valley Property Owners Association (PVPOA), Kirk Scott Johnson on behalf of Cedar Stump, LP (Cedar Stump), Susan Nenny and Louis B. Parks on behalf of Citizens for Responsible Development (CRD), Joan Byrne, Sarah “Sally” Johnson, John W. Kimbrew on behalf of Wimberley Valley Chamber of Commerce (WVCC), Laura Linhart-Kistner on behalf of the Friends of Blue Hole (FBH), Geoffrey P. Kirshbaum on behalf of Aqua Texas, Inc., Aqua Utilities, Inc., and Aqua Development, Inc. d/b/a Aqua Texas (Aqua Texas), John Meyer on behalf of Paradise Hills Residents Association (PHRA), Meredith Miller on behalf of The Meadows Center for Water & the Environment (MCWE), and Shari Miller on behalf of Wimberley Valley Merchant’s Association (WVMA), as well as the individuals listed in Attachment A.

A public meeting was held in Wimberley on March 12, 2015, at which 27 individuals provided formal oral comment. The Executive Director recorded both the informal and formal portions of the public meeting; however, due to a technical issue the first 11 speakers (Gail Pigg, Merry Gibson, Ashley Gibson, John Dunn, Alice Wightman, Debby Spears, Monica Mitchell, Sandy Dunn, Ronald Taylor, LeeAnn Bower, and Steven Jagers) that spoke during the formal portion of the meeting were not captured on the Executive Director’s recording. The technical issue was not discovered until the morning of March 13, 2015, when staff attempted to download the recording.

Don Ferguson, Wimberley's City Manager, also recorded the formal portion of the public meeting on his cell phone. Wimberley had Kennedy Reporting Services transcribe the entire formal portion of the public meeting from Mr. Ferguson's phone. The entire transcript for the formal part of the meeting was verified by Wimberley. The Executive Director independently verified the transcript for the final 16 speakers against the Executive Director's recording. The transcript is available in the TCEQ Office of the Chief Clerk.

This response addresses all such public comments received, whether or not withdrawn. If you need more information about this permit application or the wastewater permitting process, please call the TCEQ's Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

I. Background

A. Description of Facility

Wimberley has applied for a major amendment to Permit No. WQ0013321001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 50,000 gallons per day to a daily average flow not to exceed 75,000 gallons per day. This major amendment would also convert the existing permit from disposal via subsurface drip irrigation (Texas Land Application Permit) to discharge into water in the state. The current permit authorizes the Interim Phase disposal rate of 15,000 gallons per day via eleven (11) pressure dosed absorption beds and a Final Phase disposal rate of 50,000 gallons per day. The draft permit would incorporate the Interim Phase of the current permit, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 15,000 gallons per day to eleven 11 pressure dosed absorption beds with a total surface area of 94,500 square feet of non-public access land. The draft permit incorporates a Final Phase that authorizes the discharge of treated domestic wastewater into a receiving body of water with a daily average flow not to exceed 75,000 gallons per day. In the Final Phase the permit will be a Texas Pollutant Discharge Elimination System (TPDES) permit. Wimberley is only authorized to discharge to the Interim Phase (TLAP) for one year from the date the permit is issued. This permit amendment does not include authorization for a surface irrigation phase.

The existing wastewater treatment facility (WWTF) serves the Deer Creek Nursing Home and Rehabilitation Center and the Blue Hole Regional Park; the Final Phase WWTF will also serve the downtown area of the City of Wimberley.

The treated effluent will be discharged to Deer Creek, then to the Upper Blanco River in Segment No. 1813 of the Guadalupe River Basin. The unclassified receiving water use is minimal aquatic life use for Deer Creek. The designated uses for Segment No. 1813 are exceptional aquatic life use, public water supply, aquifer protection, and

primary contact recreation. The effluent limitations in the draft permit will maintain and protect the existing instream uses.

In accordance with 30 TAC §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards (TSWQS), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the Upper Blanco River, which has been identified as exceptional aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The plant site is located approximately one mile northeast of the intersection of Ranch-to-Market Road 12 and Ranch-to-Market Road 3237 in Hays County, Texas 78676. The existing WWTF and disposal site are located approximately 500 feet to the west of the proposed facility on the same property.

B. Procedural Background

The application for a major amendment was received on May 13, 2014, and declared administratively complete on July 7, 2014. The Notice of Receipt of Application and Intent to Obtain Permit (NORI) was published on July 24, 2014, in the *Wimberley View* and the *News Dispatch*, Hays County, Texas. The Executive Director completed the technical review of the application on November 12, 2014, and prepared a draft permit. The Notice of Public Meeting and the Notice of Application and Preliminary Decision (NAPD) were published on February 5, 2015, in the *Wimberley View* and the *News Dispatch*, Hays County, Texas. A public meeting was held March 12, 2015, at the Wimberley Community Center. The comment period for this application closed on March 12, 2015. This application was administratively complete on or after September 1, 1999; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999.

C. Access to Rules, Laws, and Records

Please consult the following websites to access the rules and regulations applicable to this permit:

- to access the Secretary of State website: <http://www.sos.state.tx.us>;
- for TCEQ rules in Title 30 of the Texas Administrative Code: www.sos.state.tx.us/tac/ (select “View the current *Texas Administrative Code*” on the right, then “Title 30 Environmental Quality”);
- for Texas statutes: <http://www.statutes.legis.state.tx.us/>;

- to access the TCEQ website: www.tceq.texas.gov (for downloadable rules in Adobe PDF format, select “Rules” then “Download TCEQ Rules”);
- for Federal rules in Title 40 of the Code of Federal Regulations: www.ecfr.gov; and
- for Federal environmental laws: <http://www2.epa.gov/laws-regulations>.

Commission records on the Application are available for viewing and copying and are located at Wimberley City Hall, Office of the City Secretary, 221 Stillwater, Wimberley, Texas.

II. Comments and Responses

General Opposition

Comment 1:

Cedar Stump, PVPOA, WWPOA, and several individuals expressed general opposition to the permit.

Response 1:

The Executive Director acknowledges the comment.

Comment 2:

BRCCWA and several individuals commented that the permit should not be issued unless it is revised to protect water quality, aquatic life and air quality.

Response 2:

The draft permit prepared by the Executive Director complies with all applicable statutory and regulatory requirements, and therefore, will be protective of water quality, aquatic life, and air quality. Specifically, to ensure that aquatic life will be protected, a dissolved oxygen (DO) modeling analysis was performed. The DO modeling ensures that instream DO levels will be maintained above the criteria established for Deer Creek (2.0 mg/L) and the Upper Blanco River (6.0 mg/L) in the presence of the proposed City of Wimberley discharge. These DO criteria correspond to the respective levels of aquatic life use protection accorded to the two water bodies by the Standards Implementation Team reviewer (minimal aquatic life use for Deer Creek and exceptional aquatic life use for the Upper Blanco River). The proposed effluent limits of 5 mg/L CBOD₅ (5-Day Carbonaceous Biochemical Oxygen Demand), 2 mg/L ammonia-nitrogen, and 6.0 mg/L minimum effluent DO are predicted to be adequate to ensure that instream DO concentrations will be maintained above these levels. The effluent limits contained in the draft permit are also consistent with the requirements stipulated in the Edwards Aquifer Rules.¹

¹ 30 TEX. ADMIN. CODE Chapter 213.

Additionally, a nutrient screening, consistent with the current 2010 Procedures to Implement the Texas Surface Water Quality Standards (IPs), was performed by the Standards Implementation Team reviewer to determine if nutrient limits may be needed to preclude degradation in the Blanco River. The results indicated that nutrient limits may be needed. Because of the clear water, open canopy, and shallow bedrock nature of the Blanco River in the vicinity of the discharge, it was determined that a permit limit to address nutrients in the treated effluent was appropriate. Total phosphorus is typically the nutrient of concern in freshwater streams and lakes in Texas, so that was the nutrient of concern addressed in the draft permit. Flow data from an existing United States Geologic Survey gaging station located at Ranch Road 12 in Wimberley was used to determine flow in the Blanco River. Based on this information, and the comparatively low flow of treated effluent proposed, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns.

Finally, 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 and the environment will be protected. According to the TCEQ rules, WWTFs have undergone this review and are permitted by rule, provided the WWTF only performs the functions listed in the rule 30 TAC §106.532. The treatment process (activated sludge) proposed for the City of Wimberley Blue Hole WWTF will not make a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code, the Texas Clean Air Act, §382.057 and §382.05196, and is therefore, permitted by rule.

General Support

Comment 3:

Citizens Alliance for Responsible Development (CARD), Friends of Blue Hole, Wimberley Merchants Association, Wimberley Central Improvement Area (WCIA), Wimberley Valley Chamber of Commerce, and several individuals expressed support for the draft permit.

Response 3:

The Executive Director acknowledges the comments.

Method of Discharge and Treatment Technology

Comment 4:

Cedar Stump and several individuals stated that the permit should be a land application (TLAP) only permit.

Response 4:

The Executive Director cannot mandate which method of effluent disposal an applicant requests. In its application, Wimberley requested authorization to change the method of disposal from TLAP to discharge to water in the state.² The Executive Director evaluated that amendment according to the applicable statutory and regulatory requirements and Commission policies. After completing both the administrative and technical review the Executive Director was able to prepare a draft permit that complies with all applicable statutory and regulatory requirements and Commission policies.

Comment 5:

BRCCWA, WVWA, Rocky River Ranch, and several individuals commented that the permit should have the same limits as Hays County Water Control and Improvement District (WCID)#1 (also referred to as Belterra). According to WVWA, the TCEQ has set a precedent with the stricter limits. Additionally, BRCCWA stated that all of the other conditions incorporated into the Belterra permit should be added to the City of Wimberley permit. Similarly, Scott Johnson commented that the effluent limits in the draft permit are not stringent enough.

Response 5:

The Executive Director evaluates each application for a wastewater discharge permit individually. Permit-specific factors, such as the volume of discharge and the type and quality of receiving water, are considered for each permit application. The Belterra permit is a unique permit that includes provisions from a settlement agreement and contested case hearing. Additionally, the Belterra permit authorizes discharges to a different watershed than the watershed that Wimberley requested authorization to discharge into, therefore, it is not appropriate to include many of the provisions in the Belterra permit in the draft permit for the City of Wimberley.

The level of treatment related to oxygen-demanding constituents (specifically CBOD₅ and ammonia-nitrogen) required in other permits is not considered in a permit application analysis, other than if the two (or more) permitted discharges are expected to potentially have a combined impact on dissolved oxygen levels in the surface waters along the discharge route. A dissolved oxygen (DO) modeling analysis was performed for the application submitted by Wimberley, in order to ensure that DO levels will be maintained above the criteria established by the Standards Implementation Team for Deer Creek (2.0 mg/L) and the Upper Blanco River (6.0 mg/L). The proposed effluent limits of 5 mg/L CBOD₅, 2 mg/L ammonia-nitrogen, and 6.0 mg/L minimum effluent DO are predicted to be adequate to ensure that instream DO concentrations will be maintained above these levels.

In addition, both the Wimberley permit application and the Belterra permit

² City of Wimberley Permit Application, Attachment A, pg. A-1.

application were evaluated to ensure that the effluent limits included in the permits are consistent with the requirements of the Edwards Aquifer Rules.³ The discharge point authorized by the Belterra permit is located between five and ten miles upstream of the Edwards Aquifer Recharge Zone, as is the proposed City of Wimberley discharge point. Consequently, both permits must comply with the effluent limit requirements stipulated by the rules for discharges located between five and ten miles upstream of the recharge zone; specifically effluent limits of, at a minimum, 10 mg/L CBOD₅, 15 mg/L TSS, 3 mg/L ammonia-nitrogen, based on a 30-day average, and 4 mg/L minimum effluent DO. The effluent limits included in Wimberley's draft permit of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L ammonia-nitrogen, 0.5 mg/L total phosphorus, based on a 30-day average, and 6.0 mg/L minimum effluent DO, are more stringent than the limits required in the Edwards Aquifer Rules for a discharge this distance upstream from the recharge zone.

Nutrient limits are given based on site-specific conditions in the receiving stream and the proposed flow of treated effluent. Flow data from an existing United States Geologic Survey gaging station located at Ranch Road 12 in Wimberley was used to determine flow in the Blanco River. Based on this information, and the comparatively low flow of treated effluent proposed, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns.

Comment 6:

BRCCWA and several individuals commented that a discharge permit is not appropriate for the chosen location. An individual stated that she is against a direct discharge into Deer Creek.

Response 6:

The Executive Director cannot mandate which method of effluent disposal an applicant requests. In its application, Wimberley requested authorization to change the method of disposal from TLAP to discharge to surface waters.⁴ The Executive Director evaluated the amendment request according to applicable statutory and regulatory requirements, as well as Commission policies, and determined that the draft permit complies with all applicable statutory and regulatory requirements, as well as Commission policies.

There are no rules prohibiting a discharge at the location proposed by Wimberley. A DO modeling analysis was performed in order to ensure that DO levels will be maintained above the criteria established by the Standards Implementation Team for Deer Creek (2.0 mg/L) and the Upper Blanco River (6.0 mg/L). These criteria have been established in order to protect aquatic life in these water bodies. The proposed effluent limits of 5 mg/L CBOD₅, 2 mg/L ammonia-nitrogen, and 6.0 mg/L minimum effluent DO are predicted to be adequate to ensure that instream

³ 30 TEX. ADMIN. CODE Chapter 213.

⁴ City of Wimberley Permit Application, Attachment A, pg. A-1.

DO concentrations will be maintained above these levels.

In addition, there is a disinfection requirement with a corresponding permit limit of 126 Colony Forming Units (CFU) or Most Probable Number (MPN) of *E. coli* per 100 ml to ensure that treated effluent discharged to public waters will be safe for contact recreational activities. Furthermore, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns. The effluent limits contained in the draft permit are also consistent with the requirements stipulated in the Edwards Aquifer Rules for discharges between five and ten miles upstream from the recharge zone.⁵ The TSS effluent limit of 5 mg/L is taken from the effluent set required by the rule for discharges between zero and five miles upstream from the Edwards Aquifer recharge zone.⁶

Comment 7:

An individual commented that Wimberley should use innovative design and engineering. An individual commented that the design of the WWTF is mediocre. Cedar Stump stated that there are available treatment technologies that could have been incorporated into the application, but were not. Similarly, BRCCWA and several individuals stated that there are higher technological treatment options that are capable of producing higher quality effluent that are a feasible alternative. An individual stated that with certain upgrades to the proposed plant the water will be clean enough.

Response 7:

TCEQ's rules define innovative technology as a "process not addressed in this chapter or a process specifically identified as innovative by this chapter."⁶ The Executive Director does not mandate the treatment technology that a permittee uses, provided the treatment technology will be able to produce effluent that conforms to the effluent limits in the permit.

The existing Blue Hole WWTF is an activated sludge process plant operated in the extended aeration mode in all phases. Treatment units in the Final Phase will include the Interim package plant and another similar package plant. Chemical phosphorus removal will be added to the existing processes, which will also include additional effluent filters, a chlorine contact basin, and cascade reaeration.

The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater, and the use of the extended aeration variation has been known to produce highly treated effluent with low biosolids production. The TCEQ's rules describe the design criteria for activated sludge systems, including the activated sludge extended aeration process.⁷ Chemical addition for phosphorus removal is not typically employed unless necessary to meet

⁵ 30 TEX. ADMIN. CODE Chapter 213.

⁶ 30 TEX. ADMIN. CODE §217.2.

⁷ 30 TEX. ADMIN. CODE §217, subchapter F.

stringent effluent limits. For tertiary treatment, Wimberley proposes to use cloth media disk filters. This is an innovative technology that can polish the secondary effluent from the biological process to meet the stringent effluent quality of Type I reclaimed water uses and total phosphorus effluent limits.⁸

Comment 8:

BRCCWA stated that if Wimberley intends on using the maximum amount of effluent for irrigation of Blue Hole Park, then it needs to provide sufficient storage soil data, and water balance calculations to show that they meet the requirements of a land application permit. Similarly, an individual commented that the City does not have sufficient storage to meet the requirements of a Texas Land Application Permit (TLAP).

Response 8:

This permit was initially issued during the early 1990s. In September 1993, the WWTF was operating under a temporary permit that authorized a 15,000 gallons per day (GPD) low pressure dosing system. The application rate of 15,000 GPD in a 2.16-acre site is the same as the currently authorized rate of 0.16 gallons/square foot/day. This permit has been renewed on approximately 5-year cycles with the same maximum land application rate of 15,000 GPD on 2.16 acres. The dosing rate in the permit of 0.16 gallons/square foot/day in the initial permit was obtained using the guidance from the on-site sewage regulations in 30 TAC Chapter 285.

The historical application rate data in the application (February 2012 through January 2014) indicate an average daily application rate less than 8,900 gallons per day (less than 8,700 gallons per day in the last twelve months of this reported period), to the 2.16-acre land application field, which is equivalent to an application rate less than 0.1 gallon/square foot/day.

Based on the information of the soils that characterize the 2.16-acre land application site, obtained from the Natural Resources Conservation Service (NRCS) for Hays County, there is sufficient soil depth and water holding capacity to hold a daily application rate less than 8,900 gallons of treated effluent within the rooting zone of the grass vegetative cover.

This flow rate is not expected to significantly change during the short one-year duration of the interim (land application) phase.

Comment 9:

BRCCWA and an individual stated that there are other feasible, viable alternatives to a discharge permit that TCEQ should consider. An individual commented that instead of a discharge permit, the downtown area could be served by a closed septic system that is pumped as needed.

⁸30 TEX. ADMIN. CODE §210.33.

Response 9:

Wimberley applied for a major amendment to its TLAP to both increase flow and change the method of discharge from subsurface irrigation to discharge to water of the state. The Texas Water Code provides that the TCEQ may authorize discharges into water in the state.⁹ The Executive Director does not have the authority to mandate a different discharge location or different type of WWTF. The Executive Director evaluates applications for WWTFs based on the information provided in the application.

Comment 10:

WVWA commented that the permit should require either proven wetland technologies or membrane treatment to polish the effluent before it enters Deer Creek.

Response 10:

The Executive Director cannot mandate which treatment technology Wimberley chooses to use to meet the requirements in the draft permit. According to its application, Wimberley intends to use two activated sludge package plants operated in the extended aeration mode.¹⁰ Chemical phosphorus removal will be added to the existing process. Process units added for the Final Phase would include effluent filters, a chlorine contact basin, and a cascade reaeration.¹¹ The Executive Director evaluated that technology according to applicable rules and Commission policies and determined that the process design criteria appear to comply with the TCEQ's design criteria.¹² Additionally, if a permit is issued, Wimberley will be required to apply to and obtain approval from the TCEQ for the final engineering design (plans and specifications) of the proposed WWTF before construction.

Comment 11:

An individual stated that the type of treatment proposed by the City of Wimberley has only been effective in marsh regions.

Response 11:

The activated sludge process Wimberley indicated it intends to use is the most frequently used biological wastewater treatment process for treating municipal wastewater, and the use of the extended aeration variation of the activated sludge process, particularly suited for small communities, has been well established. The design criteria for activated sludge systems and the extended aeration process are

⁹ TEX. WATER CODE §26.027 (West 2014).

¹⁰ City of Wimberley Permit Application, Technical Report, Attachment F.

¹¹ City of Wimberley Permit Application, Technical Report, Attachment F.

¹² See, 30 TEX. ADMIN. CODE, Chapter 217.

available at 30 TAC Chapter 217, Subchapter F.

Antidegradation and Nutrients

Comment 12:

BRCCWA and several individuals stated that the permit should require stricter limits for nutrient removal. Similarly, BRCCWA stated that the total phosphorus limit should be set to be protective of the established exceptional aquatic life use designations in Cypress Creek and the Blanco River. WVWA, SOS, Rocky River Ranch, and several individuals commented that the permit should have a nitrogen limit to prevent nitrate toxicity and algae blooms.

Several individuals stated that the effluent limit in the draft permit should be lowered to 0.1 mg/L for total phosphorus, and an effluent limit of 6 mg/L should be added for total nitrogen. Similarly, BRCCWA stated that the draft permit should have an effluent limit for total nitrogen.

Response 12:

A nutrient screening consistent with the current 2010 IPs was performed by TCEQ staff to determine if nutrient limits may be needed to preclude degradation in the Blanco River. The results indicated that nutrient limits may be needed. Because of the clear water, open canopy, and shallow bedrock nature of the Blanco River in the vicinity of the discharge, it was determined that a permit limit to address nutrients in the treated effluent was appropriate.

Total phosphorus is typically the nutrient of concern in freshwater streams and lakes in Texas, so that was the nutrient of concern addressed in the draft permit. Nutrient limits are derived based on site specific conditions in the receiving stream and the proposed flow of treated effluent. Flow data from an existing United States Geological Survey gaging station located at Ranch Road 12 in Wimberley was used to determine flow in the Blanco River. Based on this information, and the comparatively low flow of treated effluent proposed, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns.

The Executive Director does not typically recommend a nitrogen limit because it has not been clearly demonstrated that reductions in nitrogen result in reductions in algal growth in Texas streams.

Comment 13:

The Executive Director received numerous comments regarding potential for degradation of the receiving waters from Aqua Texas, BRCCWA, PVPOA, Rocky River Ranch, SOS, WVWA, and many individuals. The comments include general concerns that the permit will not protect against future degradation, and specific concerns that the discharge will: alter aquatic ecology; cause algae blooms; cause dissolved oxygen swings; cause a nutrient-rich sediment layer; degrade the aesthetics of the stream (including the clarity of the Blanco River); adversely impact the exceptional water

quality of the Blanco River; impair all types of contact recreation (including swimming, fishing, and kayaking); negatively impact wildlife; and negatively impact aquatic life. One individual commented that the effluent will degrade water quality in violation of TCEQ's anti-degradation policy in 30 TAC §307.5.

Response 13:

The Executive Director has determined that, provided Wimberley complies with all of the terms of its permit, the discharge from the WWTF will not cause degradation of Deer Creek or the Upper Blanco River. To evaluate degradation the Executive Director's staff performed an antidegradation review, which included a nutrient screen. To ensure compliance with TSWQS, a dissolved oxygen (DO) modeling analysis was performed by the Executive Director's staff to ensure protection of aquatic life and other water quality concerns.

The antidegradation review was performed in accordance with 30 TAC §307.5 and the 2010 TCEQ Procedures to Implement the Texas Surface Water Quality Standards (IPs). Additionally, part of the antidegradation review for this permit included a nutrient screen consistent with the current 2010 IPs to determine if nutrient limits may be needed to preclude degradation in the Blanco River. The results indicated that nutrient limits may be needed. Because of the clear water, open canopy, and shallow bedrock nature of the Blanco River in the vicinity of the discharge, it was determined that a permit limit to address nutrients in the treated effluent was appropriate. Total phosphorus is typically the nutrient of concern in freshwater streams and lakes in Texas, so that was the nutrient of concern addressed in the draft permit. Flow data from an existing United States Geological Survey gaging station located at Ranch Road 12 in Wimberley was used to determine flow in the Blanco River. Based on this information, and the comparatively low-flow of treated effluent proposed, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns and preclude degradation.

A DO modeling analysis was performed to ensure that instream DO levels will be maintained above the criteria established for Deer Creek (2.0 mg/L) and the Upper Blanco River (6.0 mg/L) in the presence of the proposed Wimberley discharge, in order to ensure that the effluent limits in the draft permit would be protective of aquatic life. These DO criteria correspond to the respective levels of aquatic life use protection accorded to the two water bodies by the Standards Implementation Team reviewer (minimal aquatic life use for Deer Creek and exceptional aquatic life use for the Upper Blanco River). The proposed effluent limits of 5 mg/L CBOD₅ (5-Day Carbonaceous Biochemical Oxygen Demand), 5 mg/L TSS, 2 mg/L ammonia-nitrogen, and 6.0 mg/L minimum effluent DO are predicted to be adequate to ensure that instream DO concentrations will be maintained above these levels. The effluent limits contained in the draft permit are also consistent with the requirements stipulated in the Edwards Aquifer Rules.¹³

¹³ 30 TEX. ADMIN. CODE Chapter 213.

Comment 14:

BRCCWA, Rocky River Ranch, and several individuals commented that the application does not protect against future degradation of water quality, and therefore, the permit should include water quality monitoring with triggers that would require Wimberley to add storage, add irrigable land or other mitigation.

Response 14:

The Executive Director has determined that, provided Wimberley complies with the provisions in its draft permit, the treated effluent will not degrade water quality. The draft permit requires Wimberley to monitor its effluent on a regular basis and in the Final Phase, report the results to the Executive Director.

The TCEQ does not typically monitor conditions at WWTF outfalls; however, the TCEQ regional office is always available to investigate complaints should conditions warrant, and corrective measures would be required if the WWTF were found to be in violation of its permit or otherwise be in violation of the TSWQS. The TCEQ Austin regional office can be reached at 512-339-2929 or toll free at 1-888-777-3186.

Comment 15:

Several individuals stated that the draft permit should include baseline monitoring, including measuring attached algae, so that any potential algal impact can be detected before it is found chemically in the water column.

Response 15:

The TCEQ's rules do not require water quality permits to include baseline monitoring. The TCEQ regional office is always available to investigate complaints should conditions warrant, and corrective measures would be required if the WWTF were found to be in violation of its permit or otherwise be in violation of the TSWQS. The TCEQ Austin regional office can be reached at 512-339-2929 or toll free at 1-888-777-3186.

Comment 16:

WVWA and an individual stated that the effluent should be treated to the highest level.

Response 16:

The effluent limits in the Final Phase of the draft permit for CBOD₅, total suspended solids (TSS), ammonia-nitrogen, and minimum effluent DO are among the most stringent effluent limits included in any domestic WWTF permit in the state. When a permit application is submitted, the modeling analysis evaluates the effluent limits proposed by an applicant, and makes a determination of what effluent limits

related to dissolved oxygen to recommend for inclusion in the draft permit. The effluent limits for CBOD₅, ammonia-nitrogen, and minimum effluent DO in a draft permit are therefore the more stringent of those proposed by the applicant,¹⁴ those that are predicted to be necessary to ensure that instream DO levels will be maintained above their established criteria, or those that are required by any applicable watershed or aquifer protection rules or other guidelines requiring specific minimum effluent treatment.

The effluent limits proposed in the application and included in the draft permit are predicted to be adequate to ensure that DO levels in the water bodies along the discharge route will be maintained above their established criteria, and are also consistent with the effluent limit requirements in the Edwards Aquifer Rules. The Edwards Aquifer Rules require, at a minimum, effluent limits of 10 mg/L CBOD₅, 15 mg/L TSS, 3 mg/L NH₃-N, and 4 mg/L minimum effluent DO, based on a 30-day average, for discharges between five and ten miles upstream from the Edwards Aquifer recharge zone; and effluent limits of 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L NH₃-N, and 1 mg/L total phosphorus, at a minimum, based on a 30-day average, for discharges between zero and five miles upstream from the Edwards Aquifer Recharge Zone.¹⁵ This discharge is located between eight and nine miles upstream from the recharge zone.

The proposed effluent limits in the Final Phase of the draft permit, based on a 30-day average, are 5 mg/L CBOD₅, 5 mg/L TSS, 2 mg/L ammonia-nitrogen, 0.5 mg/L total phosphorus, and 6 mg/L minimum effluent DO. This effluent set is more stringent than the level of effluent quality required for discharges between five and ten miles upstream from the Edwards Aquifer Recharge Zone, but, in comparison, is also more stringent than the level of effluent quality that is required for discharges within zero to five miles upstream from the recharge zone.

Additionally, the nutrient limits are given based on site specific conditions in the receiving stream and the proposed flow of treated effluent. Flow data from an existing United States Geological Survey gaging station located at Ranch Road 12 in Wimberley was used to determine flow in the Blanco River. Based on this information, and the comparatively low-flow of treated effluent proposed, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns.

Comment 17:

BRCCWA and several individuals expressed concern that the proposed discharge will degrade the swimming holes and ponded areas along the discharge route.

¹⁴ In its application Wimberley proposed the following limits for the Final Phase: Biochemical Oxygen Demand (BOD)₅ - 5.0 mg/L; Total Suspended Solids (TSS) - 5 mg/L; Ammonia-Nitrogen - 2 mg/L; Total Phosphorus 1.0 mg/L; Dissolved Oxygen - 6.0 mg/L; and pH 6-9 SU. (Technical Report, page 12).

¹⁵ 30 TEX. ADMIN. CODE §213.6(c).

Response 17:

The draft permit contains permit limits of 126 CFU or MPN of *E. coli* per 100 ml of treated effluent. This limit has been found to be protective of human health in primary contact recreation uses, which would include swimming. Additionally, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns and maintain the aquatic ecology of the receiving streams.

Comment 18:

An individual referenced a study (<http://pubs.usgs.gov/sir/2011/5139>) which states that streams with discharges are negatively impacted.

Response 18:

The Executive Director recognizes that a discharge of treated effluent to a waterbody may have some effects. Therefore, careful consideration is given and proper procedures are followed to ensure appropriate permit limits necessary to protect water quality in the receiving stream are in place.

To ensure that the discharge from the WWTF will not cause degradation of Deer Creek or the Upper Blanco River the Executive Director's staff performed an antidegradation review, which included a nutrient screen. Additionally, to ensure compliance with TSWQS, a dissolved oxygen (DO) modeling analysis was performed by the Executive Director's staff to ensure protection of aquatic life and other water quality concerns.

The antidegradation review was performed in accordance with 30 TAC §307.5 and the 2010 TCEQ Procedures to Implement the Texas Surface Water Quality Standards (IPs). Additionally, part of the antidegradation review for this permit included a nutrient screen consistent with the current 2010 IPs to determine if nutrient limits may be needed to preclude degradation in the Blanco River. The results indicated that nutrient limits may be needed. Because of the clear water, open canopy, and shallow bedrock nature of the Blanco River in the vicinity of the discharge, it was determined that a permit limit to address nutrients in the treated effluent was appropriate. Total phosphorus is typically the nutrient of concern in freshwater streams and lakes in Texas, so that was the nutrient of concern addressed in the draft permit. Flow data from an existing United States Geological Survey gaging station located at Ranch Road 12 in Wimberley was used to determine flow in the Blanco River. Based on this information, and the comparatively low-flow of treated effluent proposed, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns and preclude degradation.

A DO modeling analysis was performed to ensure that instream DO levels will be maintained above the criteria established for Deer Creek (2.0 mg/L) and the Upper Blanco River (6.0 mg/L) in the presence of the proposed Wimberley discharge, in order to ensure that the effluent limits in the draft permit would be protective of aquatic life. These DO criteria correspond to the respective levels of aquatic life use

protection accorded to the two water bodies by the Standards Implementation Team reviewer (minimal aquatic life use for Deer Creek and exceptional aquatic life use for the Upper Blanco River). The proposed effluent limits of 5 mg/L CBOD₅ (5-Day Carbonaceous Biochemical Oxygen Demand), 5 mg/L TSS, 2 mg/L ammonia-nitrogen, and 6.0 mg/L minimum effluent DO are predicted to be adequate to ensure that instream DO concentrations will be maintained above these levels. The effluent limits contained in the draft permit are also consistent with the requirements stipulated in the Edwards Aquifer Rules.¹⁶

Comment 19:

An individual noted a comment by Chris Herrington of the City of Austin, that “Even the highest quality treated wastewater is an order of magnitude higher in nutrients like nitrogen than has been present in our hill country creeks.” Similarly, BRCCWA and an individual stated that the effluent chemistry is drastically different from the background water chemistry found in Cypress Creek and the Blanco River, based on data from the Clean Rivers Program.

Response 19:

The TCEQ recognizes that the quality of treated wastewater entering a receiving stream will differ somewhat from that of the receiving stream. The stream has a certain amount of assimilative capacity to receive varying water quality before degrading the uses of that stream. Nutrient limits are established based on site-specific conditions in the receiving stream and the proposed flow of treated effluent. Flow data from an existing United States Geological Survey gaging station located at Ranch Road 12 in Wimberley was used to determine flow in the Blanco River. Based on this information, and the comparatively low flow of treated effluent proposed, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient concerns.

Comment 20:

BRCCWA, PVPOA, and several individuals expressed concern that the proposed discharge will cause fish kills.

Response 20:

Based on the DO modeling analysis, the effluent limits contained in the draft permit for CBOD₅, ammonia-nitrogen, and minimum effluent DO are predicted to be adequate to ensure that DO levels in the receiving waters (Deer Creek and the Upper Blanco River) will be maintained above the criteria established by the Standards Implementation Team in order to protect aquatic life in those water bodies. Also, a 0.5 mg/L total phosphorus limit was added to the draft permit to address nutrient

¹⁶ 30 TEX. ADMIN. CODE Chapter 213.

concerns and further protect aquatic life, including fish.

Comment 21:

BRCCWA expressed concern that the draft permit will impair the ability of the water bodies to assimilate current and future non-point source pollutant loads.

Response 21:

A DO modeling analysis was performed to evaluate the predicted impact of the proposed discharge on instream DO levels in Deer Creek and the Upper Blanco River, and to ensure that these DO levels will be maintained above the criteria established for these water bodies by the Standards Implementation Team. Possible future conditions in these water bodies unrelated to the draft permit are not considered in the DO modeling analysis for the draft permit. However, the modeling analysis indicates that considerable additional DO assimilative capacity is expected to be available in both Deer Creek and the Upper Blanco River in the presence of the proposed discharge.

Comment 22:

SOS stated that TCEQ should require downgradient and downstream monitoring for nitrate, boron, chloride, nitrogen and oxygen isotope signatures, and measurements of the occurrence of algae to identify any wastewater effluent contamination of springs and streams. Similarly, several individuals recommended monitoring of nitrogen and oxygen isotopes of nitrate.

Response 22:

The TCEQ's rules do not require water quality permits to include baseline monitoring, as it is recognized that some localized minor changes in water chemistry will occur. However, the TCEQ permitting process takes potential effects to water quality into account when assigning permit limits, such that the existing uses and water quality of the receiving stream will not be impacted negatively. The TCEQ regional office is always available to investigate complaints should conditions warrant, and corrective measures would be required if the WWTF were found to be in violation of its permit or otherwise be in violation of the TSWQS. The TCEQ Austin regional office can be reached at 512-339-2929 or toll free at 1-888-777-3186.

Comment 23:

An individual stated that dilution is not the solution to pollution.

Response 23:

The Executive Director acknowledges the comment. The permit includes limits that have been calculated to ensure protection of the receiving streams and

compliance with the TSWQS. The TCEQ calculates these permit limits based on critical low-flow conditions to ensure protection during low-flow, high temperature conditions. This ensures that permit limits have been calculated to uphold the TSWQS when the stream and aquatic organisms are most vulnerable.

Comment 24:

BRCCWA and several individuals commented that the draft permit does not provide protection for threatened or endangered species. Specifically, the Texas Pimpleback mussel is listed as threatened by the Texas Parks and Wildlife Department and is under federal review for listing as an endangered species. Additionally, LeeAnn Bower noted that the blind salamander is found in the Blanco River.

Response 24:

The San Antonio segment of the Edwards Aquifer is characterized as a watershed of critical concern that extends into Hays County and includes both the recharge and contributing zones of the Edwards Aquifer, as noted in Appendix A of the United States Fish and Wildlife Service's (USFWS) Biological Opinion on the State of Texas authorization of the Texas Pollutant Discharge Elimination System (TPDES; September 14, 1998; October 21, 1998 update). While the proposed locations for the treatment facility and outfall are approximately eight miles upstream of the Edwards Aquifer Recharge Zone in Hays County, the proposed facility and outfall are within the contributing zone of the Edwards Aquifer. However, significant impacts to threatened and endangered species are not likely from discharges associated with this permit, and the TCEQ is not requiring additional or more stringent permit limits due to the location of the discharge. The effluent limits contained in the draft permit are consistent with the requirements of the Edwards Aquifer Rules for a discharge in this location.¹⁷

Comment 25:

An individual commented that Deer Creek cannot be described as the receiving waters because it is dry for almost all of the year. Alice Wightman stated that the description in the application would more accurately be described as "dry except for one week during the year."

Response 25:

Although Deer Creek is dry most of the time, it has a defined bed and banks and is considered a surface water in the state according to 30 TAC §307.3(69) of the TSWQS. Additionally, the IPs define an intermittent stream as having "a period of zero flow for at least one week during most years or a seven-day, two-year low-flow

¹⁷ 30 TEX. ADMIN. CODE Chapter 213.

(7Q2) less than 0.1 ft³/s (where flow records are available).”¹⁸

Comment 26:

An individual commented that the draft permit would negatively impact both the park and private property.

Response 26:

Section 26.027 of the Texas Water Code authorizes the TCEQ to issue permits to control the discharge of wastes or pollutants into state waters and to protect the water quality of the state’s rivers, lakes, and coastal waters. The water quality permitting process is limited to controlling the discharge of pollutants into water in the state and protecting the water quality of the state’s rivers, lakes, and coastal waters. The TCEQ does not have jurisdiction under the Texas Water Code or its regulations to address or consider property values of adjacent property in its determination of whether or not to issue a water quality permit. The application was reviewed by the TCEQ Water Quality Assessment Section which determined that the draft permit for the facility meets the requirements of TSWQS, which are established to protect human health, terrestrial and aquatic life.

In addition, as part of the permit application, the Applicant submitted a Supplemental Permit Information Form (SPIF). This completed form was subsequently sent to the Texas Historical Commission, Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. No comment has been received from any of these agencies.

The application and draft permit were also reviewed by the U.S. Environmental Protection Agency (EPA). The EPA did not have any objection to the issuance of the permit.

Odor

Comment 27:

Several individuals commented that the permit should require odor control. Similarly, BRCCWA and several individuals commented that odors from the site will negatively impact the use of parkland and nearby private property.

Response 27:

All WWTFs have the potential to generate odors. To control and abate odors the TCEQ rules require domestic WWTFs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirement. Wimberley can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easement from the adjacent property owners for any

¹⁸ Procedures to Implement the Texas Surface Water Quality Standards (2010), page. 15.

part of the buffer zone not owned by Wimberley; or 3) providing odor control.¹⁹ According to its application, Wimberley intends to comply with the requirement to abate and control a nuisance of odor by locating the treatment units at least 150 feet from the nearest property line.²⁰ This requirement is incorporated in the draft permit.²¹

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules they may be reported to TCEQ by calling toll-free 1-888-777-3186 or the TCEQ Region 11 Office in Austin at (512) 339-2929. Citizen complaints may also be filed on-line at <http://www.tceq.state.tx.us/compliance/complaints/index.html>. If Wimberley fails to comply with all requirements of the permit, it may be subject to enforcement action.

Moreover, the permit does not limit the ability of an individual to seek legal remedies against Wimberley regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

Comment 28:

Several individuals commented that according to the application, the buffer zone requirements will not be met. According to Attachment D (buffer zone map) Blue Hole Park will be used to meet the buffer zone requirements, and according to the commenters, the park cannot be used for anything other than a park; therefore, Wimberley cannot use the park to meet the buffer zone requirements.

Response 28:

TCEQ's rules require that all WWTF units must be located at least 150 feet from the nearest property line; however, the rules do not distinguish among land uses. According to the buffer zone map provided with the permit application, Wimberley owns the required 150-foot buffer zone around the WWTF.²²

Comment 29:

An individual stated that the odor control should state a maximum concentration of ambient hydrogen sulfide as measured at a defined location.

Response 29:

TCEQ's rules do not require permittees to monitor hydrogen sulfide from a WWTF; instead, the rules require permittees to use one of three methods to abate and

¹⁹ 30 TEX. ADMIN. CODE § 309.13(e).

²⁰ City of Wimberley Permit Application, Administrative Report, 1.1, Item 2, and Attachment D.

²¹ City of Wimberley Draft Permit, page 35, Item 4.

²² City of Wimberley Permit Application, Technical Report, Attachment D.

control nuisance odors.²³ According to its application Wimberley will own the required buffer zone.²⁴

Comment 30:

WWPOA and an individual stated that type 1 treatment of wastewater does not remove the smell of urine. According to the individual, the odors in and around the river will be worse if the effluent is discharged. An individual expressed concern that the wastewater will stagnate and stink.

Response 30:

According to its application, Wimberley intends on using an activated sludge plant.²⁵ A well-designed and well-operated activated sludge plant will degrade the urine in the sewage such that the effluent will not smell of urine.²⁶

Comment 31:

Sandy Dunn commented that a nuisance odor provision request was not attached to the application.

Response 31:

In its application Wimberley states that it will comply with the buffer zone requirement to abate and control a nuisance of odor by “ownership,” i.e., locating the treatment units no closer than 150 feet to the nearest property line.²⁷ Wimberley submitted Attachment D with its application, which shows the required distances from the treatment units to the property boundary.

Chapter 210-Reuse Authorization

Comment 32:

SOS and WVWA commented that according to the application, the City intends to obtain a Chapter 210 authorization to reuse the treated effluent. According to the application [Attachment A-2, June 18, 2014] the treated effluent will be beneficially used to irrigate open areas in Blue Hole Regional Park, and potentially other areas in the Wimberley area.

Response 32:

Before Wimberley can obtain authorization for the use of reclaimed water, often referred to as a “210 authorization,” for the proposed amended flow, Wimberley

²³ 30 TEX. ADMIN. CODE § 309.13(e).

²⁴ City of Wimberley Permit Application, Technical Report, Attachment D.

²⁵ City of Wimberley Permit Application, Technical Report 1.0, Item 3 page 1 (see attachment F).

²⁶ Bhatla, M., Journal Water Pollution Control Federation, Feb. 1975, Vol 47, No. 2.

²⁷ City of Wimberley Permit Application, Administrative Report 1.1, page 16, Item 2(b).

must have a TPDES permit. Therefore, even though Wimberley mentions obtaining a 210 authorization in its permit amendment application,²⁸ a 210 authorization cannot be processed until the TPDES permit is issued, if it is issued. If the TPDES permit is issued, Wimberley will have to notify the Executive Director that it intends on using the reclaimed water and obtain approval to provide reclaimed water.²⁹

Wimberley may request use of reclaimed water under the existing permit, noting that the existing site cannot be re-authorized by a “210 authorization,” and the use or uses will be restricted by the quality of the effluent from the existing wastewater treatment facility.³⁰

Comment 33:

SOS noted that the Bermuda and Rye grasses will not uptake the nitrogen in the effluent under normal variations in weather, seasons, and growing cycles. Similarly, an individual stated that the uptake of nutrients in the land application process is seasonal. BRCCWA and an individual stated that the draft permit does not take into account that the uptake of nutrients is not constant.

Response 33:

According to a Natural Resources Conservation Service (NRCS) publication (s-crops.xls table), Bermudagrass requires 140 lb/acre/year to produce 6,000 pounds per acre of hay and Ryegrass requires 140 lb/acre/year to produce 6,000 pounds per acre of hay. Data in the application indicate that even if the maximum approved application rate of 0.16 gallon/square foot/day were to be used, the annual nitrogen application rate would equal 71 lb/acre/year, which is less than the nitrogen application rates needed to produce 6,000 pounds per year of each approved grass species. The application rate of 71 lb/acre/year is expected to be consumed by the two approved grass species- Bermudagrass (warm season grass) and ryegrass (cool season grass). The combination of warm and cool season grasses allows nutrient uptake throughout the year.

Comment 34:

WVWA commented that the City should develop an effluent re-use program to redistribute effluent for beneficial use to reduce groundwater consumption. Similarly, several individuals commented that the permit should include a requirement for Wimberley to reuse its effluent.

Response 34:

The use of reclaimed water or “reuse” cannot be made mandatory in a permit because the rules on the Use of Reclaimed Water in 30 TAC Chapter 210 require that

²⁸ Wimberley Application, Technical Report, Pg. 7

²⁹ 30 TEX. ADMIN. CODE §210.4.

³⁰ 30 TEX. ADMIN. CODE §§ 210.32 and 210.33.

effluent reuse must be based on demand; approval must be obtained from the TCEQ by simple notification, not through a permitting action. The effluent discharge authorized in the TPDES or land application permit provides the principal means of effluent disposal when there is no demand for the use of reclaimed water. Therefore, an applicant requesting approval for effluent reuse must have a valid wastewater discharge or land application permit from the TCEQ.

If Wimberley chooses to obtain a Chapter 210 authorization it must submit an application specifically for the 210 authorization according to the requirements in 30 TAC § 210.4.

Bacteria and Disinfection

Comment 35:

WVWA and an individual expressed concern that the stream would become effluent-dominated and will provide a breeding ground for *E. coli* and associated pathogens. Similarly, an individual expressed concern over *E. coli* in Cypress Creek and Deer Creek.

Response 35:

Based on 90 years of United States Geological Survey stream gage records for the Blanco River at Ranch Road 12, the minimum average flow of the Blanco River is greater than 14 times more than the proposed Final Phase flow from the WWTF. Therefore, the stream will not be effluent-dominated.

To ensure that treated effluent discharged to public waters will be safe for recreational activities that involve human contact with treated effluent, the draft permit has an effluent limit of 126 CFU or MPN of *E. coli* per 100 ml. Additionally, the draft permit requires Wimberley to disinfect the effluent before it is discharged. Specifically, the effluent shall contain a chlorine residual of at least 1.0 mg/L and shall not exceed a chlorine residual of 4.0 mg/L after a detention time of at least 20 minutes.³¹ To ensure its effluent is appropriately disinfected, Wimberley must also monitor its effluent five times a week.³²

Comment 36:

An individual stated that there should be testing to determine the type of *E. coli* present in the water.

Response 36:

TCEQ's rules do not require permittees to identify the strain of *E. coli* present in either their effluent or the receiving water. The draft permit for Wimberley includes an effluent limit for *E. coli*, which ensures the receiving water will be safe for

³¹ City of Wimberley Draft Permit, Page 2a.

³² City of Wimberley Draft Permit, Page 2a.

all forms of contact recreation.³³ The strain of *E. coli* is not important because the bacteria limits placed on the permit are enforceable and protective of uses regardless of the strain or source of *E. coli*.

Comment 37:

BRCCWA and several individuals stated that, according to the Plum Creek Watershed Protection Plan and the Total Maximum Daily Load (TMDL) for Gilleland Creek, downstream concentrations of *E. coli* are often much higher than effluent limits upstream. The commenters noted that incomplete disinfection and regrowth of *E. coli* will impair water quality and uses.

Response 37:

The TCEQ reviewed the Plum Creek Watershed Protection Plan and the TMDL Implementation Plan (I-Plan) for Gilleland Creek. Neither document provided information stating that regrowth of *E. coli* was occurring due to incomplete disinfection. The I-Plan stated that the Lower Colorado River Authority performed a regrowth study to determine if *E. coli* concentrations were surviving the disinfection process; however the report indicated that unanticipated operational problems were encountered and no results were given regarding regrowth of bacteria from incomplete disinfection. It is not uncommon for streams such as Gilleland Creek to experience elevated levels of bacteria lower in the watershed due to increased non-point sources. As reported in the TMDL I-Plan for Gilleland Creek, possible sources of bacteria in the watershed include: non-point sources, such as on-site sewage facilities (septic tanks); agriculture practices; development; and pet, wildlife, and unmanaged animal waste. Because non-point sources are not regulated and thus have no permit limits associated with them, the TMDL I-Plan focuses on controlling non-point sources as a means to reduce bacteria levels in the watershed. The draft permit has a disinfection requirement and a permit limit of 126 CFU or MPN of *E. coli* per 100 ml to ensure that treated effluent discharged to public waters will be safe for recreational activities that involve human contact with treated effluent.

Comment 38:

BRCCWA and WVWA stated that the draft permit does not require Wimberley to dechlorinate its effluent.

Response 38:

The Commenters are correct. The TCEQ IPs require that in order to prevent toxicity due to chlorine, domestic dischargers who either: (1) request a new permit or amended permit (for increased flow) with permitted flow ≥ 0.5 MGD or (2) request a new, amended, or renewed permit with permitted flow ≥ 1 MGD will dechlorinate

³³ City of Wimberley Draft Permit, Page 2a.

their effluent or use another form of disinfection. Therefore, because the final permitted flow for Wimberley is 0.075 MGD, it is not required to dechlorinate its effluent.

Comment 39:

BRCCWA, SOS, WVWA, Turney Hinman, Inc., and several individuals stated that Wimberley should be required to disinfect its effluent using ultra-violet light (UV). BRCCWA and WVWA noted that the Belterra permit requires UV disinfection. Similarly, several individuals expressed concern over the disinfection procedure.

Response 39:

The TCEQ rule regarding the disinfection of domestic wastewater does not specify a method of disinfection; rather, it provides the conditions that must be met when a wastewater discharge is disinfected.³⁴ Therefore, the TCEQ cannot mandate the method of disinfection of the effluent. Whichever disinfection method is selected, Wimberley must follow the design criteria in 30 TAC Chapter 217 Subchapters K and L for chemical disinfection and ultraviolet light disinfection, as well as the provisions in the draft permit regarding disinfection.

Floodplain

Comment 40:

BRCCWA, WVWA, and several individuals expressed concern that the application does not clearly state where the treated wastewater will be applied relative to the floodplain. Similarly, several individuals stated that the irrigation areas should not be in the floodplain.

Response 40:

According to the information that Wimberley provided in its permit application, the irrigation area is not within the 100-year floodplain.³⁵

Comment 41:

An individual stated that, according to figure A-9 in the Environmental Information Document, two of the lift stations will be in the floodplain. The individual asked what will keep the lift stations from being inundated in a flood event.

Response 41:

Figure A-9 in the Environmental Information Document is not a document submitted with the wastewater permit application. The application does not require

³⁴ 30 TEX. ADMIN. CODE § 309.3(g).

³⁵ City of Wimberley Permit Application, Technical Report, pg. 20, Worksheet 3, Item 4.

information about off-site lift stations because they are part of the collection system, and information regarding the collection system is not required in the application. According to Wimberley's application, no lift stations will be located at the WWTF. Additionally, the design criteria for flood protection apply to both on-site and off-site lift stations.³⁶

Moisture Monitoring

Comment 42:

WVWA and several individuals stated that the permit should require irrigation field moisture monitoring to ensure the appropriate applications rates are used.

Response 42:

Based on the review of the permit application and public comments, the following requirement was added to the draft permit:

The permittee shall install a moisture sensing device at the topographic low in approximately each third (a sub-area) of the 2.16-acre application site. Each moisture sensing device will be installed at twelve inches below the irrigation lateral that will shut off supply of irrigation effluent to the irrigation sub-area when saturated conditions are detected.

Comment 43:

BRCCWA and an individual commented that a Seep and Springs Monitoring Plan should be incorporated into the permit that would require the City of Wimberley to monitor emerging and existing seeps and springs both on-site and off-site.

Response 43:

An October 3, 2014, memo from a Water Quality Assessment Team geologist recommended the addition of a special provision to the draft permit to require the submission of a Seeps/Springs Monitoring Plan. The rationale behind this original recommendation was to make this existing TLAP more consistent with current practices for new TLAP facilities with similar geology. Wimberley responded by letter dated November 25, 2014, that because the TLAP phase is limited to one year, the Seeps/Springs provision would not yield sufficient data to make conclusions about the site. Additionally, during the technical review of the permit application, the Water Quality Division requested that Wimberley's consultants clarify whether there were any springs or seeps on their property. They responded that they had conducted a site investigation and no springs were identified within 500 feet of the property boundaries for the existing or proposed facility sites. The Water Quality Assessment Team geologist agreed to the removal of the Seeps/Springs Monitoring Plan because

³⁶ 30 TEX. ADMIN. CODE § 217.59(c).

the term of the existing irrigation phase in the draft permit is limited to one year.

TCEQ does not have jurisdiction to require that Wimberley conduct inspections off-site to look for springs or seeps.

Pharmaceuticals

Comment 44:

BRCCWA, WVWA, and several individuals stated that the WWTF will not remove pharmaceuticals. Similarly, several individuals expressed concern about pharmaceuticals in the wastewater.

Response 44:

Neither the TCEQ nor the EPA has promulgated rules limiting pharmaceutical and personal care products (PPCPs). The EPA is investigating PPCPs, and has stated that scientists have not found evidence of adverse human health effects from PPCPs in the environment. PPCP removal during municipal wastewater treatment, including processes using membrane bioreactor (MBR), has been documented in the literature.³⁷ However, standard removal efficiencies have not been established. In addition, there are currently no federal or state effluent limits for PPCPs.

Soils

Comment 45:

BRCCWA and several individuals stated that the soil at Blue Hole Park will not provide adequate soil cover to prevent runoff. WVWA and an individual stated that the existing soil at Blue Hole Park is thin and will not provide adequate soil cover to prevent runoff. An individual expressed concern that the reuse area does not have adequate soil or the correct plants. Additionally, according to an individual, excess nutrients will run off and degrade the water quality of Cypress Creek and the Blanco River. Similarly, SOS stated that large amounts of nitrogen will be leached out of the soil, and will then be carried by water flowing through the soil.

Response 45:

TLAPs are designed so that runoff will not occur when treated effluent is land-applied. To this end, draft permit Special Provision 6 requires that system design and management practices prevent ponding of effluent. Draft permit Special Provision 12 prohibits the operator from irrigating with treated effluent during rainfall events or when the soil is frozen or saturated. Draft permit Special Provision 5 requires inspection on a weekly basis to identify problems such as surface runoff (among others) and to effect corrective measures within 24 hours of discovery. Further, the

³⁷ See for example Lee, Howe and Thompson, 2009; Oulton, Kohn and Cwiertny, 2012; EPA-820-R-10-002, 2010.

existing irrigation system uses pressure dosed absorption beds. Runoff is a surface phenomenon. With proper operation of the irrigation system, the elements necessary for runoff to occur with irrigation of treated effluent are not created.

According to a Natural Resources Conservation Service (NRCS) publication (s-crops.xls table), Bermudagrass requires 140 lb/acre/year to produce 6,000 pounds per acre of hay and Ryegrass requires 140 lb/acre/year to produce 6,000 pounds per acre of hay. Data in the application indicate that even if the maximum approved application rate of 0.16 gallon/square foot/day were to be used, the annual nitrogen application rate would equal 71 lb/acre/year, which rate is less than the nitrogen application rates needed to produce 6,000 pounds per year of each approved grass species. The application rate of 71 lb/acre/year is expected to be consumed by the two approved grass species- Bermudagrass (warm season grass) and ryegrass (cool season grass). The combination of warm and cool season grasses allows nutrient uptake throughout the year.

Application and Operational Requirements

Comment 46:

Several individuals stated that the wind rose does not show the prevailing wind direction relative to the actual WWTF site.

Response 46:

The application for a TPDES permit does not require a site-specific wind rose. Wimberley provided the wind rose required for a wastewater permit application in Attachment N.

Comment 47:

Several individuals expressed concern over emergency releases.

Response 47:

The draft prohibits unauthorized discharges, including emergency releases. According to the draft permit:

There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit. ³⁸

Additionally, Wimberley is required to minimize the possibility of an accidental discharge of untreated wastewater. For example, Wimberley must

³⁸ City of Wimberley Draft Permit, Permit Conditions, page 10, Item 2(g).

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 retention of inadequately treated wastewater.³⁹ 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.⁴⁰

These permit provisions are designed to help prevent unauthorized or emergency discharges. If an unauthorized discharge occurs, Wimberley is required to report it to TCEQ within 24 hours.⁴¹ Finally, Wimberley is subject to potential enforcement action for failure to comply with TCEQ rules or the permit. Complaints about the facility or suspected incidents of noncompliance with the permit or TCEQ rules may also be reported to the TCEQ Region 11 Office in Austin at 512-339-2929 or 1-888-777-3186. Citizens may also gather data to show that Wimberley is not in compliance with TCEQ rules. For more information on citizen collected evidence, please see https://www.tceq.texas.gov/complaints/protocols/evi_proto.html.

Comment 48:

Several individuals requested that any future expansion of the WWTF be limited. An individual commented that the sewage system will bring more business and more homes to Wimberley, which will use more water, and thereby decrease the flow in the river.

Response 48:

The Executive Director cannot prohibit Wimberley from requesting an authorization to amend its permit to add additional capacity. TCEQ's rules provide:

Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average 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.⁴²

If Wimberley requests authorization to amend its permit to add additional capacity, the request will be a major amendment and will be subject to all applicable public notice and comment requirements.

³⁹ City of Wimberley Draft Permit, page 33, Item 10 and 11.

⁴⁰ City of Wimberley Draft Permit, page 35, Item 7.

⁴¹ City of Wimberley Draft Permit, Permit Conditions, page 7, Item 7(a).

⁴² 30 TEX. ADMIN. CODE § 305.126(a).

Comment 49:

Several individuals stated that the permit should require water quality monitoring.

Response 49:

The TCEQ does not typically monitor conditions at WWTF outfalls. The draft permit requires that Wimberley monitor its effluent once a month in the Interim Phase (TLAP) and once a week for most parameters in the Final Phase (TPDES).⁴³ However, TCEQ regional offices are always available to investigate complaints should conditions warrant, and corrective measures would be required if the WWTF was found to be in violation of their permit or otherwise be in violation of the TSWQS.

Comment 50:

An individual expressed concern about pesticides, fungicides, and herbicides in the effluent.

Response 50:

Pesticides, fungicides, and herbicides are typically associated with non-point agricultural applications. The permit application indicates that the wastewater that would be accepted by the WWTF will be coming from residential, commercial, and food-service point sources which are domestic in nature. In addition, the draft permit requires that “the permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.”⁴⁴

Comment 51:

An individual expressed concern over the lack of TCEQ oversight of the Wimberley WWTF.

Response 51:

The TCEQ, through its Office of Compliance and Enforcement, ensures compliance with state and federal regulations and the terms and conditions of the permit by way of routine compliance investigations and complaint investigations, and review of self-reported monitoring data. The regional office (the TCEQ Region 11 office) conducts on-site investigations. The central office, through the Monitoring Division, reviews the self-reported data for compliance with the permitted effluent limits and other permit conditions. Additionally, the public may report possible violations of the permit or regulations by contacting the TCEQ Region 11 office in

⁴³ City of Wimberley Draft Permit, pages 2 and 2a.

⁴⁴ City of Wimberley Draft Permit, page 9, Item 2(D).

Austin at 512-339-2929, or the statewide toll-free number at 1-888-777-3186. In addition, complaints may be filed online: <http://www.tceq.texas.gov/complaints>.

If the facility is found to be out of compliance with the terms or conditions of the permit, Wimberley may be subject to enforcement. Please reference the TCEQ Enforcement Initiation Criteria (EIC) for full details on agency standards and protocols for addressing violations:

<http://www.tceq.state.tx.us/enforcement/policy/eic.html>.

Comment 52:

An individual expressed concern that the WWTF could fail because of a miscalculation, unforeseen issues, lack of proper testing, lack of proper monitoring, or the lack of proper maintenance.

Response 52:

To help ensure that a WWTF will not fail, the TCEQ issues permits that describe the conditions under which the WWTF must operate. All WWTFs must be designed, operated, and maintained consistent with applicable TCEQ rules. All permits include: provisions for monitoring effluent; sludge disposal; reporting requirements (including test procedures, instrument calibration, records management, and notification); and operational requirements (including process control, provision of adequate power supply, and flow monitoring). These provisions ensure that the WWTF is properly operated and maintained at all times.

Comment 53:

An individual stated that the service area should be defined and enforced. WWPOA and an individual commented that the CCN is larger than the downtown retail area. Similarly, BRCCWA requested that the TCEQ formally limit the area to be served by the WWTF.

Response 53:

The existing land application permit is for the WWTF that serves the Deer Creek Nursing Home and Rehabilitation Center, and the Blue Hole Regional Park. According to Wimberley's application, the Final Phase of the facility will also serve the downtown area of Wimberley.⁴⁵ Wimberley is not required to obtain a certificate of public convenience and necessity (CCN) to provide service within its municipal boundaries. Regulating the service area is beyond the scope of the TPDES permit. Additionally, if Wimberley chooses to expand its service area, it must submit an application for a major amendment to increase its permitted capacity.

⁴⁵ City of Wimberley Permit Application, Technical Report, Attachment K.

Comment 54:

BRCCWA and an individual commented that the draft permit does not address whether SCADA systems will be used at the lift stations or WWTF.

Response 54:

The draft permit does not specify the design of the WWTF or lift stations. The use of a Supervisory Control and Data Acquisition (SCADA) is part of the design of the WWTF, and therefore is not specified in TLAP or TPDES permits.

According to Wimberley's application, the facility will be equipped with a SCADA system.⁴⁶ The details of the SCADA system, however, are not available at this stage of the permitting process because the permit application only requires process design and not detailed engineering design.⁴⁷

Comment 55:

BRCCWA and an individual commented that they are concerned that Pedernales Electric Cooperative does not have sufficient electrical capacity for the service area.

Response 55:

According to its application, Wimberley intends on incorporating an on-site automatically-starting generator capable of continuously operating all critical wastewater treatment units.⁴⁸ Additionally, the draft permit requires Wimberley to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.⁴⁹

Comment 56:

An individual commented that the discharge volumes seem too flexible.

Response 56:

The draft permit includes two phases, an Interim Phase (TLAP) and a Final Phase (TPDES). The permit stipulates that Wimberley may only operate in the Interim Phase (TLAP) for one year from the date the permit is issued; after one year Wimberley must begin discharging under the Final Phase (TPDES). The draft permit also specifies the daily average effluent flow that Wimberley cannot exceed for each phase. Specifically, in the Interim Phase (TLAP) Wimberley cannot discharge more

⁴⁶ City of Wimberley Permit Application, Technical Report, Attachment M.4.

⁴⁷ 30 TEX. ADMIN. CODE § 217.6.

⁴⁸ City of Wimberley Permit Application, Technical Report, Attachment M.4.

⁴⁹ City of Wimberley Draft Permit, Page 13, Item 4.

than 0.015 MGD, in the Final Phase (TPDES) Wimberley cannot discharge more than 0.075 MGD.⁵⁰

Comment 56:

An individual stated that the draft permit is a discharge permit since there is nothing in the draft permit that requires the City to land-apply its effluent.

Response 56:

Wimberley requested authorization to change the method of disposal from subsurface land application (TLAP) to discharge to surface waters.⁵¹ The Interim Phase authorizes Wimberley to land-apply effluent via pressure dosed absorption beds, only for a year after permit issuance.

If the draft permit is issued, then Wimberley can request authorization for the use of reclaimed water, often referred to as a “210 authorization;” therefore, even though Wimberley mentions obtaining a 210 authorization in its permit amendment application,⁵² the 210 authorization cannot be processed until the TPDES permit is issued, if it is issued.

Comment 57:

An individual suggested that the City should be charged if it discharges.

Response 57:

The TCEQ does not have authority to require Wimberley to pay a fee for operating under the terms of its permit. If Wimberley discharges more than its permitted volume, it may be subject to an enforcement action. The public may report possible violations of the permit or regulations by contacting the TCEQ Region 11 office in Austin at 512-339-2929, or the statewide toll-free number at 1-888-777-3186. In addition, complaints may be filed online: <http://www.tceq.texas.gov/complaints>.

Comment 58:

An individual commented that the operator could choose when to discharge, and if it would be less expensive to discharge 75,000 gallons a day, that will be what the operator will do.

Response 58:

The draft permit does not include a fee based on the volume of effluent a permittee charges, nor does the TCEQ have authority to impose such a fee. The draft permit authorizes the discharge of effluent from the Blue Hole WWTF at a daily

⁵⁰ City of Wimberley Draft Permit, Pages 2 and 2a.

⁵¹ City of Wimberley Permit Application, Attachment A, pg. A-1.

⁵² City of Wimberley Permit Application, Technical Report, page. 7

average flow not to exceed 0.075 MGD in the Final Phase. Wimberley may decide not to discharge at all, provided that doing so does not violate applicable rules.

Comment 59:

An individual asked what the penalty would be if the operator does not fix broken equipment quickly.

Response 59:

If the broken equipment results in violation of the terms and conditions of the permit or rules of the Commission, Wimberley may receive a notice of violation. If violations are discovered, they may be resolved by the TCEQ Regional Office or referred to the TCEQ Enforcement Division for formal enforcement proceedings. For more information regarding enforcement, please see TCEQ's web site at www.tceq.texas.gov and click on "Track Complaints, enforcement."

Comment 60:

WWPOA expressed concern that the City could add up to three package plants and discharge up to 10,000 gallons per day.

Response 60:

Wimberley's application only proposes two package plants, one is the existing plant with a capacity of 19,500 gallons per day (gpd) and a new plant with 55,500 gpd capacity, for treating the proposed Final Phase daily average flow not to exceed 75,000 gpd.⁵³

Comment 61:

Cedar Stump commented that there were recommendations made to the TCEQ for safeguards that the TCEQ did not accept.

Response 61:

An October 3, 2014, memo from a Water Quality Assessment (WQA) Team geologist recommended the addition of a special provision to the draft permit to require the submission of a Seeps/Springs Monitoring Plan. The rationale behind this original recommendation was to make this existing TLAP more consistent with current practices for new TLAP facilities with similar geology. However, Wimberley responded by letter dated November 25, 2014, that this provision would not yield sufficient data to make conclusions about the site. The WQA Team geologist agreed as the term of the existing irrigation phase in the draft permit is limited to one year.

⁵³ City of Wimberley, Permit Application, Attachments F-H.

In the same letter, Wimberley also requested that the paragraph on threatened and endangered aquatic species be deleted from the technical summary. The Executive Director declined because the proposed facility and outfall are within the contributing zone of the Edwards Aquifer Recharge Zone in Hays County.

Wimberley also requested a transition period of two years from the Interim Phase to the Final Phase, to provide sufficient time for the detailed engineering design and construction of the final phase facilities. Citing concern over groundwater protection because the current application rate is higher than what it is typically allowed for subsurface land application, the TCEQ included a one-year transition period from the interim phase to the final phase in the draft permit.

Comment 62:

Several individuals commented that runoff from the surface irrigation areas will contribute to algal blooms, dissolved oxygen swings, fish kills, and the degradation of Cypress Creek.

Response 62:

Irrigation effluent in the 2.16-acre land application site is via a pressure dosed absorption bed system. Irrigation effluent is applied below ground level and therefore no runoff (a ground surface phenomenon) from effluent irrigation can occur.

Comment 63:

Turney Hinman, Inc. expressed concern over the storage of chlorine at the facility.

Response 63:

The application for a wastewater discharge permit does not require information regarding chlorine storage; however, the design of the WWTF must conform with the requirements in 30 TAC Chapter 217: Design Criteria for Domestic Wastewater Systems. Subchapter K of 30 TAC Chapter 217 addresses the safety, handling, and storage requirements for chlorine tanks.

Geology/Soils/Edwards Aquifer

Comment 64:

BRCCWA, WVWA, WWPOA, and an individual commented that the effluent discharged from the WWTF will enter recharge features in the contributing and recharge zones of the Edwards Aquifer. Similarly, an individual stated that the Blanco River is a losing stream and contributes water to the aquifers.

Response 64:

The Blanco River is both gaining and losing over its reach over the Trinity and Edwards aquifers. The river gains flow from springs in the Trinity and loses some of this flow (through recharge features) as it crosses over the Edwards Aquifer Recharge Zone. The proposed discharge is located on the contributing zone of the Edwards Aquifer and is subject to the regulations in 30 TAC Chapter 213, which define the minimum treatment standards for a discharge within five to ten miles of the Edwards Aquifer recharge zone.⁵⁴ The draft permit includes an effluent set that represents a higher level of treatment than those the Commission identified as being protective of the Edwards Aquifer.

The Water Quality Division has determined that the draft permit complies with the TSWQS, which ensure that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge.

Comment 65:

Several individuals stated that it appears the WWTF will be located in the Edwards Aquifer Contributing Zone. Rocky River Ranch, and several individuals commented that the discharge would be above the Edwards Aquifer Recharge Zone, where recent dye testing has shown a direct link and recharge to both San Marcos Springs and Barton Springs Pool.

Response 65:

The proposed WWTF and discharge point will be located in the Edwards Aquifer Contributing Zone. The effluent limits contained in the draft permit are consistent with the requirements of the Edwards Aquifer Rules for a discharge in this location.⁵⁵ Permit limits given in the draft permit intended to maintain the existing uses of the surface waters and preclude degradation will also protect groundwater and, if applicable, spring flows elsewhere in the Edwards Aquifer.

Comment 66:

BRCCWA and an individual stated that Blue Hole Park may not be the appropriate site for the expansion. According to BRCCWA and the individual, a seep has been identified on the Byrne property. BRCCWA and the individual believe that the seep and the lack of existing soil cover indicate that the draft permit does not comply with 30 TAC §§309.10 and 309.12(3).

⁵⁴ 30 TEX. ADMIN. CODE § 213.6(c)(2).

⁵⁵ 30 TEX. ADMIN. CODE Chapter 213.

Response 66:

The NRCS data for the soils that characterize the soils in the 2.16-acre land application site indicate that there is sufficient soil depth and water holding capacity to hold the average daily application rate of less than 8,900 gallons of irrigation within the rooting depth. Historical Google imagery of the 2.16-acre site indicates a permanent vegetative cover.

The irrigation portion of the permit application (i.e. Worksheets 3.0 and 3.2 and associated attachments) was reviewed by the Water Quality Assessment Team geologist and soil scientist in accordance with 30 TAC Chapter 309, and team policies and procedures. The review process is intended to ensure that any component of the draft permit that regulates the TLAP component of the permit complies with 30 TAC §§309.10 and 309.12. As part of this review, the design irrigation application rate and site were evaluated to ensure that the TLAP is consistent with the policies and procedures in place and is protective of groundwater.

Comment 67:

An individual commented that there is a seep on the Byrne property which is downgradient from the existing WWTF. The individual expressed concern that the seep may be influenced by the existing facility's subsurface land application discharge.

Response 67:

Naturally occurring seeps and springs characterize the Texas Hill Country and are common hydrologic features of the upper Glen Rose Formation, which underlies the site. The presence of a seep or spring off property does not, in itself, indicate that the pressure dosed absorption beds are the cause of that feature.

During the technical review of the permit application, the Water Quality Division requested that Wimberley clarify whether there were any springs or seeps on their property. Wimberley responded that they had conducted a site investigation and no springs were identified within 500 feet of the property boundaries for the existing or proposed facility sites.

Comment 68:

An individual stated that a geological survey should be performed to ensure the site is appropriate.

Response 68:

TCEQ does not require geological surveys of receiving streams for TPDES permits. The Water Quality Division has determined that the draft permit is in accordance with the TSWQS, which ensure that the effluent discharge is protective of aquatic life, human health, and the environment. The review process for surface water

quality is conducted by the Standards Implementation Team and Water Quality Assessment Team surface water modelers. The Water Quality Division has determined that if the surface water quality is protected, then the groundwater quality in the vicinity will not be impacted by the discharge.

Comment 69:

An individual stated that she is opposed to a direct discharge of wastewater to the Blanco River because the Blanco River recharges Barton Springs and the San Marcos River.

Response 69:

The TCEQ's rules allow discharges upstream of the Edwards Aquifer Recharge Zone. Minimum effluent limit requirements for discharges upstream of the recharge zone are stipulated by the Edwards Aquifer Rules.⁵⁶ Based on available Edwards Aquifer zone maps consulted for review of the permit application, this proposed discharge is located between eight and nine miles upstream from the recharge zone. According to TCEQ's rules, new or increased discharges of treated wastewater from municipal facilities more than five miles but within ten miles upstream from the recharge zone must achieve, at a minimum, an effluent treatment level of 10 mg/L CBOD₅, 15 mg/L TSS, 3 mg/L ammonia-nitrogen, and 4 mg/L minimum effluent DO.⁵⁷

The effluent limits in the draft permit would also be satisfactory to meet the more stringent effluent limit requirements for discharges between zero and five miles of the recharge zone.

Comment 70:

Several individuals stated that there are faults that cross the river.

Response 70:

There are faults identified crossing the Blanco River and its tributaries on the Geological Atlas of Texas Llano and San Antonio Sheets (published by the Bureau of Economic Geology at The University of Texas at Austin). The proposed discharge is located on the contributing zone of the Edwards Aquifer and is subject to the regulations in 30 TAC Chapter 213, which define the minimum treatment standards for a discharge within 5 to ten miles of the Edwards Aquifer Recharge Zone.⁵⁸ The draft permit includes an effluent set that represents a higher level of treatment than those the Commission identified as being protective of the Edwards Aquifer.

⁵⁶ 30 TEX. ADMIN. CODE Chapter 213.

⁵⁷ 30 TEX. ADMIN. CODE § 213.6(c)(2)

⁵⁸ 30 TEX. ADMIN. CODE §213.6(c)(2).

Regionalization

Comment 71:

An individual asked if Wimberley had contacted Aqua Texas to see if Aqua Texas could treat the effluent. Similarly, Cedar Stump and several individuals stated that Aqua Texas is a viable alternative to the discharge permit. WWPOA commented that there are other regional wastewater treatment options available to the City of Wimberley. Aqua Texas stated that the City of Wimberley does not need to construct a new WWTF separate from Aqua Texas' WWTF.

Aqua Texas and Cedar Stump commented that the draft permit would violate TCEQ's regionalization policy. Similarly, Aqua Texas stated that the draft permit should be denied under Texas Water Code § 26.0282 based on need.

Response 71:

Section 26.0282 of the TWC provides that:

In considering the issuance of a domestic wastewater discharge permit, the commission may deny or alter the terms and conditions of the proposed permit, based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems not designated as such by commission order pursuant to provisions of this subchapter.

Applicants must address the regionalization policy by completing Item 1(c) on pages 10 and 11 of the technical report 1.1. Wimberley completed the required information by stating that Wimberley is a city and the proposed service area is not located inside another utility's CCN area. Wimberley identified Aqua Utilities, Inc. WWTF, TCEQ Permit No. WQ0013989001, (Aqua Utilities) as a domestic permitted WWTF located within a three-mile radius of Wimberley's proposed WWTF.

If a WWTF exists and the owner is willing to accept the proposed wastewater, applicants must provide an analysis of expenditures required to connect to the existing WWTF. Wimberley provided the required information and a detailed explanation of how it determined it would not be feasible for Wimberley to connect to the Aqua Utilities WWTF.⁵⁹ According to its application, Wimberley considered factors including direct costs, control over fees charged by Aqua Utilities for wastewater service, the importance of beneficially using the treated effluent at Blue Hole Regional Park, and control over the quality of the effluent.⁶⁰ Wimberley also formed a Stakeholder group to consider the options available to Wimberley.⁶¹ The

⁵⁹ City of Wimberley Permit Application, Attachment L.1.

⁶⁰ City of Wimberley Permit Application, Attachment L.1.

⁶¹ City of Wimberley Permit Application, Attachment L.1.

Stakeholder group ultimately determined that Wimberley should “obtain a discharge permit, and implement beneficial reuse of treated water to its fullest extent to minimize the discharge to surface waters.”⁶²

The Executive Director evaluated Wimberley’s response and determined that Wimberley provided sufficient information regarding regionalization and it was appropriate to move forward with the technical review of the application.

Comment 72:

Aqua Texas stated that it has existing wastewater treatment, transmission, and collection facilities in the immediate area and the capacity to fulfill the City of Wimberley’s needs. Aqua Texas also commented that it built lift stations with the specific intent of serving the area that will be served by the permit, if it is issued.

Response 72:

Wimberley acknowledged that a sanitary sewer collection system for a WWTF exists.⁶³

Public Notice and Comment

Comment 73:

An individual requested that the comment period be extended to allow the community time to fully understand the draft permit. The individual stated that there should be a series of public meetings, publicized in various local papers and on radio and TV. Similarly, several individuals requested that the TCEQ hold a couple of public hearings on the application before acting on the application.

Response 73:

The Executive Director has not extended the comment period because, based on the number of written comments and the participation at the public meeting, it is evident the individuals that could potentially be affected by the permit, if it is issued, are aware of Wimberley’s application.

The comment period for the City of Wimberley’s permit application was extended until the close of the public meeting on March 12, 2015. The public comment period began when Wimberley submitted its application on May 13, 2014. TCEQ rules require that the applicant publish the NORI within 30 days of declaration of administrative completeness.⁶⁴ The City of Wimberley published the NORI on July 24, 2015, in the *Wimberley View* and the *News Dispatch*, Hays County, Texas. Also, the NORI is mailed by the Chief Clerk to adjacent and downstream landowners. After the technical review of the permit application is completed, the Chief Clerk mails the

⁶² City of Wimberley Permit Application, Attachment L.1

⁶³ City of Wimberley Permit Application, Attachment L.2

⁶⁴ 30 TEX. ADMIN. CODE §39.551 (b)(1).

Notice of Application and Preliminary Decision to the applicant, which must be published within 45 working days of receipt.⁶⁵ The public comment period ends 30 days after the publication of the Notice of Application and Preliminary Decision (NAPD).⁶⁶ Further, the TCEQ requires that the applicant mail notice (via notice by mail or hand delivery) to adjacent and downstream landowners; however, the TCEQ does not require publication of notice via radio or television broadcast.⁶⁷

The Executive Director held a public meeting in Wimberley on March 12, 2015. The combined notice of Public Meeting and NAPD was published by the City on February 5, 2015, in the *Wimberley View* and the *News Dispatch*, Hays County, Texas. The comment period for the City of Wimberley's permit application was extended until the close of the public meeting on March 12, 2015. During the public meeting, formal comments were received by the Chief Clerk's office, both orally and in writing.

The TCEQ encourages any member of the public that needs additional understanding of the wastewater permitting process to contact the TCEQ Public Education Program at 800-687-4040. Any member of the public who has concerns regarding the contested case hearing process should contact the Office of Public Interest Counsel at 512-239-6363.

Comment 74:

Aqua Texas stated that the TCEQ should deny Wimberley's application based on the number of public comments it received.

Response 74:

The TCEQ cannot deny a wastewater discharge permit based solely on the amount of comments received during the comment period. The public participation process requires the Executive Director to notify the public of the receipt of a wastewater discharge and the preliminary decision. The public comment period provides the public with the opportunity to express its concerns regarding an application. The Executive Director must review and respond to all timely, relevant and material or significant comments made on a permit application before approving an application.⁶⁸ If necessary, the Executive Director may make changes to draft permit based on the comments received.

Comment 75:

Several individuals stated that the universe of who is considered an affected person should be expanded because of the special circumstances surrounding the

⁶⁵ 30 TEX. ADMIN. CODE §39.405(a).

⁶⁶ 30 TEX. ADMIN. CODE §55.152(a)(1).

⁶⁷ 30 TEX. ADMIN. CODE §39.405(c); *see also*, 30 TEX. ADMIN. CODE §39.413 (regarding the requirements for mailed notice).

⁶⁸ 30 TEX. ADMIN. CODE §55.156.

discharge route.

Response 75:

The Texas Legislature has given the TCEQ the authority to determine who is an “affected person” in regards to jurisdictional standing in the contested case hearing process.⁶⁹ Under state law and TCEQ rules, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.⁷⁰

The determination of an affected person shall include relevant factors, including, but not limited to: 1) whether the interest claimed is one protected by the law under which the application will be considered; 2) distance restrictions or other limitations imposed by law on the affected interest; 3) whether a reasonable relationship exists between the interest claimed and the activity regulated; 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person; 5) likely impact of the regulated activity on the use of the impacted natural resource by the person; and 6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.⁷¹ These factors considered by the Commission in determining a requestor’s “affected person” status are non-exclusive; therefore, the Commission may consider additional circumstances that would support a requestor’s claim that they qualify as an affected person with personal justiciable interest affected by the permit application.⁷² The affected person determination is required in a contested case hearing to ensure that the interest claimed in regards to a permit application can be appropriately redressed under the jurisdiction of an administrative law judge.

The Executive Director encourages members of the public who have concerns regarding the contested case hearing process or the affected person determination to contact the Office of Public Interest Counsel at 512-239-6363.

Comment 76:

An individual commented that the draft permit violates court orders regulating activities that affect the Edwards Aquifer, rivers, and other waters of Texas.

Response 76:

The Executive Director has evaluated the application submitted by Wimberley and drafted a permit that complies with all relevant statutory and regulatory requirements.

⁶⁹ TEX. WATER CODE §5.115.

⁷⁰ TEX. WATER CODE §5.115(a); 30 Tex. Admin. Code § 55.203.

⁷¹ 30 TEX. ADMIN. CODE § 55.203(c)(1)-(6).

⁷² *Texas Com’n on Environmental Quality v. City of Waco*, 413 S.W.3d 409, 413-417 (2013).

Use of Discharge Route

Comment 77:

Several individuals stated that the property along the discharge route from the proposed plant to Dry Deer Creek is public parkland, not owned by the City. The commenters note that page 27 of the TCEQ permit instructions indicate that the permit will not grant Wimberley the right to use private or public property for conveyance of treated effluent along the discharge route.

An individual stated that the City does not have the right to use private property to convey effluent along Deer Creek where property deeds extend to the center of the river. Similarly, BRCCWA and several individuals commented that the property under the water is privately-owned, and noted that neither Cypress Creek nor the Blanco River have been ruled navigable by a court with appropriate jurisdiction.

Response 77:

Wimberley applied for authorization to discharge wastewater under the Texas Pollutant Discharge Elimination System (TPDES). TPDES permits establish terms and conditions that are intended to provide water quality pollution control, as directed by federal law, state law, and the Texas Administrative Code (TAC). Specifically, the Wimberley draft permit provides:

The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.⁷³

The draft permit also provides that it is the permittee's responsibility to acquire property rights as may be necessary to use the discharge route.⁷⁴

The Texas Water Code provides that the TCEQ is the agency primarily responsible for "implementing the constitution and laws for this state relating to the conservation of natural resources and the protection of the environment."⁷⁵ The TWC prohibits the discharge of waste or pollution into or adjacent to water in the state without authorization from the Commission.⁷⁶ To implement this policy, the TCEQ was given the authority to issue TPDES permits for the discharge of waste or

⁷³ City of Wimberley Draft Permit, page 1. *See also*, 30 TAC § 305.122(b) and (c).

⁷⁴ City of Wimberley Draft Permit, page 1. *See also*, 30 TAC § 305.122(b) and (c).

⁷⁵ TEX. WATER CODE § 5.012 (West 2014).

⁷⁶ TEX. WATER CODE § 26.121 (West 2014).

pollution into or adjacent to water in the state.⁷⁷ Historically, Texas courts have held that water in a watercourse is the property of the State, held in trust for the public.⁷⁸ Accordingly, the TCEQ is authorized to permit the discharge of treated domestic wastewater into water in the state.

The Court of Appeals considered whether the flow of treated wastewater from a city's wastewater treatment facility caused a taking of or damage to downstream landowners' property in *Domel v City of Georgetown*.⁷⁹ In *Domel*, downstream landowners (Ethel and Norman Domel) sued the City of Georgetown, alleging that the value of their property was diminished by the City's discharge of treated wastewater into an intermittent stream that crossed their land. The question before the Court was whether the City of Georgetown needed permission from downstream landowners in order to discharge treated wastewater into a watercourse on privately-owned land pursuant to a state-issued permit.⁸⁰

The Court held that "[the State] does not need title to use the bed and banks of a watercourse for the purpose of transporting water. . .," and that "the State has the right to use the channel of the watercourse to meet its constitutionally mandated duty to conserve and develop the State's water resources."⁸¹ Finally, the Court considered the language that is on the first page of every TPDES permit (quoted above), and determined that the City did not need additional authority to use the watercourse for the discharge of treated domestic wastewater.⁸²

Because the State is authorized to use the bed and banks to transport water, and the TCEQ has authority to authorize a discharge of treated domestic wastewater into water in the state through a TPDES permit, the applicant for a TPDES permit does not need permission from downstream landowners to use the watercourse running through their property.

Miscellaneous

Comment 78:

PVPOA expressed concern that the proposed discharge will negatively impact its members' quality of life.

Response 78:

TCEQ was charged by the Texas Legislature to maintain the quality of water in Texas, consistent with public health and enjoyment; thus, TCEQ's jurisdiction in a wastewater permit application is limited to water quality issues, and it does not have authorization to consider quality of life, as long as water quality is maintained. The

⁷⁷ TEX. WATER CODE § 26.027 (West 2014).

⁷⁸ *Goldmith & Powell v. State*, 159 S.W.2d 534, 535 (Tex. Civ. App.-Dallas 1942).

⁷⁹ *Domel v. City of Georgetown*, 6 S.W.3d, 349, 358 (Tex. App.-Austin 1999).

⁸⁰ *Domel v. City of Georgetown*, 6 S.W. 3d 349, 350 (Tex. App.-Austin 1999).

⁸¹ *Domel v. City of Georgetown*, 6 S.W. 3d 349, 358 (Tex. App.-Austin 1999).

⁸² *Domel v. City of Georgetown*, 6 S.W. 3d 349, 361 (Tex. App.-Austin 1999).

wastewater permit, however, 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 permit does not limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property.

Comment 79:

An individual stated that the proposed location of the WWTF is environmentally sensitive; therefore, the property should not have a WWTF on it.

Response 79:

As part of the permit application, the Applicant submitted a Supplemental Permit Information Form (SPIF). This completed form was subsequently sent to the Texas Historical Commission, Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. No comment has been received from any of these agencies. The application and draft permit were also reviewed by the U.S. Environmental Protection Agency (EPA). The EPA did not have any objection to the issuance of the permit. The permit includes limits that have been calculated to ensure protection of the receiving streams and compliance with the TSWQS.

Comment 80:

An individual commented that she does not believe Wimberley has considered the negative impact the existing WWTF has on the environment, nor is Wimberley concerned about the negative impact the proposed facility will have on the environment.

Response 80:

In its permit amendment request and justification, Wimberley stated expressed its proposal for an expansion of its service area to serve customers that currently rely on septic tanks in the central area of the city. Wimberley also notes that its application is intended to protect Cypress Creek because of increasing levels of bacteria which are believed to be coming from failing septic tanks. The City further states that the new location was identified in the Blue Hole Regional Park Master Plan.

Comment 81:

An individual stated that there is no evidence that the proposed WWTF will solve the non-point source pollution of Cypress Creek.

Response 81:

In its application, Wimberley indicated that "the primary purpose for the

proposed changes is the need to protect Cypress Creek . . . Increasing concentration levels of bacteria have been measured in samples from the creek. The increase in bacteria is believed to be caused by deteriorating septic systems.”⁸³ Therefore, while the draft TPDES permit does not include the treatment of non-point sources of pollution, some property owners with failing septic systems may be able to connect to the system and decommission the failing septic system.

Additionally, as discussed above, Wimberley requested authorization to change the method of disposal from TLAP to discharge to water in the state.⁸⁴ The Executive Director evaluated the amendment request according to the applicable statutory and regulatory requirements and Commission policies. After completing both the administrative and technical reviews, the Executive Director was able to prepare a draft permit that complies with all applicable statutory and regulatory requirements and Commission policies.

Comment 82:

Aqua Texas commented that Wimberley has increased its projected cost for its wastewater treatment project without informing the TCEQ or amending its application.

Response 82:

Wimberley certified that the information provided in the application is true, accurate, and complete.⁸⁵

Comment 83:

An individual commented that the draft permit would harm her neighbors’ property on the Blanco River, rendering it unusable.

Response 83:

The TCEQ’s jurisdiction over the permitting process is established by the Texas Legislature and is limited to controlling the discharge of pollutants into and protecting the quality of water in the state. Pursuant to Title 30, Chapter 309, Subchapter B of the Texas Administrative Code, the TCEQ has the authority to condition the issuance of a wastewater discharge permit on the selection of a site that minimizes impacts on surface water. As discussed in other responses in this document, the draft permit is designed to be protective of surface water based on TCEQ requirements and ED staff’s observations of the river. Any use of neighboring properties should not be further impacted by the discharged effluent if Wimberley operates its facility in accordance with TCEQ rules and the draft permit.

⁸³ City of Wimberley Permit Application, Technical Report, Attachment A, Page A-2.

⁸⁴ City of Wimberley Permit Application, Attachment A, pg. A-1.

⁸⁵ City of Wimberley Permit Application, Administrative Report, page 14.

The draft permit would not limit anyone's ability to seek legal remedies from Wimberley regarding any potential trespass, nuisance, or other cause of action in response to the facility's activities that may result in injury to human health or property or interfere with the normal use and enjoyment of property. Furthermore, if members of the public experience nuisance conditions from the facility, they may contact the TCEQ Region 11 office to notify the TCEQ of any problems. If the TCEQ found that the facility was out of compliance with applicable laws or the draft permit, the facility may be subject to enforcement action. The TCEQ's periodic facility inspections and review of Wimberley's annual reports also help to identify potential violations.

Issues Outside of TCEQ's Jurisdiction

Comment 84:

Several commenters expressed concerns over issues that are outside of the TCEQ's jurisdiction, such as: erosion; actions of future City Councils; economic impacts to property; increased taxes; and the costs of the contested case hearing process. Additionally, several commenters expressed concern over the stakeholder process and whether the application that Wimberley submitted complies with the stakeholder group's recommendation. Several individuals suggested that the stakeholder group continue to work toward a better solution.

Response 84:

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 Comment 84 above in the wastewater permitting process.

CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

In response to comments the Executive Director added the following requirement to the draft permit:

The permittee shall install a moisture sensing device at the topographic low in approximately each third (a sub-area) of the 2.16-acre application site. Each moisture sensing device will be installed at twelve inches below the irrigation lateral that will shut off supply of irrigation effluent to the irrigation sub-area when saturated conditions are detected.

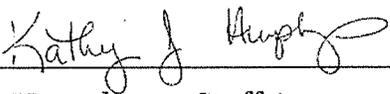
Respectfully submitted,

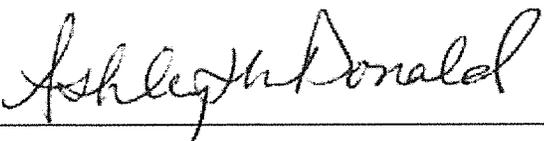
Texas Commission on Environmental
Quality

Richard A. Hyde, P.E.
Executive Director

Caroline Sweeney, Deputy Director
Office of Legal Services

Robert Martinez, Director
Environmental Law Division

By: 
Kathy Humphreys, Staff Attorney
Environmental Law Division
State Bar No. 24006911
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-3417
Fax: (512) 239-0606


Ashley S. McDonald, Staff Attorney
Environmental Law Division
State Bar No. 24086775
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-1283
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

ATTACHMENT A

Larry Alford	Susan Callon	Harvey Ford
Catherine Allen	John David Carson	Ruthie Ford
Peter D. Anderson	Winston Chapman	Ann Jackson Fox
Shellye Arnold	Susan Cook	John Wiley Fox
Gary Adam Barchfeld	Lisa Box Cooney	Ruth Ann Freeman
Martha C. Barchfeld	Casey Craig	Gina Fulkerson
Keith Bardin	Edward G. Davis	Pamela Gayler
Mary Beth Bardin	Sheryl Cook Davis	Ashley Gibson
Alice Benson	Suzanne A. Davis	Merry Louise Gibson
Melissa Bernard	Charles Harmon Duggan	David H. Glenn
Nix O. Bodden	Tracey Dugger	Sherry Goth
LeeAnn Bower	Elizabeth P. Dunlap	Tevis Grinstead
Michael W. Bower	John F. Dunn	H.E. Gumbert
Martha Burke	Sandra H. Dunn	James Malcolm Harris
Diane C. Byer	Barbara Eakin	Kathleen Healy
Chris Byrne	John A. Espiniza	Matt M. Heinemann
Joan Johnson Byrne	Matt William Evans	Kira J. Holt
Cal Cahill	Nicole Eveleigh	Joan Foote Jenkins
Marguerite Cahill	Reba J. Felscher	Bill Johnson
Gary Callon	Larry Fick	Geo Johnson

William Parks Johnson	Uleta McKinney	Dan Lee Richards
Martin Kalb	William Patrick McLean	Donna K. Richards
Patricia Kelly	J. Joe Meitzen	Albert A. Sander
Peggy Kelsey	Monica Michell	Aaron Scott
Stephen Klepfer	Brenda Miles	Angie Scott
Steve Klepfer	Beth Mitchell	Walt Shofner
Deborah Clayton Koeck	George Scott Mitchell	Erin Simmons
Donald James Koenig	Pam Mitchell	John Simmons
Donald Irving Kuhs	Pamela Mitchell	Debra H. Spears
Andrea Lipinski	Denise Moon	Tammy Steen
Tina Lohrke	M. David Morales	John D. Swope
Jennifer E. Marino	John Phillip Muth	Tom Talcott
Cynthia Marion	Robert Paver	LaNell Taylor
Jacque Mason	Laura Peyton	Ronald D. Taylor
Lila L. McCall	John Pfeffer	Sally Gibson Trapp
James McCloy	Michael Pfullman	John Urban
Charla McCracken	Gail Hamrick Pigg	Kathleen Utts
Herschel P. McCullough	Gary Pigg	Nancy A. Van Affelen
Mac McCullough	Donna Pisani	Phillip Van Ostrand
Robinette McCullough	Robert Pitzer	Gene Ward
Amanda McKinney	Scott Price	Gary Welborn
Mehgan McKinney	Bert Ray	Tracey White
Mitch McKinney	Julie Ray	Alice Wightman

Jack Williams

Erik Wollam

R. Chris Yeager

Taylor Wingo

Sheila Wollam

Beth Zimpelman.

Mick Winton

Temple Wynne

Anne Wollam

Steve Yates

Certificate of Service

I certify that on June 22, 2015, the Executive Director's Response to Public Comment for the City of Wimberley TCEQ Permit No. WQ0013321001 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.


Kathy J. Murphy, Esq.
Environmental Law Division
State Bar No. 24006911