

# Affluent effluent raises nearby residents' wrath

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Don't look now, but a 3,500-unit gorilla, lurking just down the road, is poised to put its footprint in Bandera County, and its treated waste in one of the Hill County's most pristine creeks. Last month, personnel with the Texas Commission on Environmental Quality (TCEQ) held a public meeting on an application for a permit to construct a wastewater treatment plant for a proposed mega-subdivision off Bandera Road.

## **Mega-development concerns**

At build-out, Hills of Castle Rock, owned by Baruch Properties Real Estate Investments, Ltd., of Dallas, will cover over 1,766 acres, extending south and west from the intersection of Highway 16 and Park Road 37, 10 miles northwest of Helotes. Although the majority of the subdivision is in Medina County, approximately 40 acres spills over into Bandera County.

Baruch Properties' (BP) "Conceptual Lotting Plan" details 3,550 residential units, a school and a 200-acre commercial area. The development will eventually include 12,000 people, on lots ranging from .25 to two acres, making Hills of Castle Rock the largest population center in the area.

Approximately, 110 people attended the August public meeting, including three Bandera County residents Precinct 2 County Commissioner Bobby Harris, Fidel Ramirez of Concerned Citizens of Bandera County and Jim Hannah, former member of the Bandera County River Authority and Groundwater District.

The proposed development has been met with organized opposition on grounds of density, traffic congestion, high water usage, emergency services availability, excessive storm water runoff and concerns about the effects of treated sewage to be discharged into San Geronimo Creek.

Most concerns were focused on the developer's request to release a minimum of 225,000 gallons of treated effluent per day into San Geronimo Creek, which feeds the Edwards Aquifer. The initial discharge rate would increase to 400,000 gallons daily and, according to staff with the San Antonio Water System, reach up to one million gallons a day. San Geronimo Creek flows into the Edwards Aquifer Recharge Zone, which serves as San Antonio's main source of water.

## **Edwards Aquifer under fire**

Annalisa Peace of the Greater Edwards Aquifer Alliance pointed out that 1.7 million people get their water from the Edwards Aquifer. She asked that the discharged treated effluent be held to drinking standards rather than recreational standards.

According to Medina resident Doug McNeil, seven percent of the recharge providing water to San Antonio comes through San Geronimo Creek. He asked TCEQ representatives if they have requested input from San Antonio and the Edwards Aquifer Authority regarding the purity of their drinking water. McNeil pointed out that, by law, TCEQ is allowed to use higher standards when the Edwards Aquifer is affected. He urged TCEQ officials to use the "higher standards rather than the bare minimum."

On his TCEQ permit application for construction of a wastewater treatment facility, the developer had apparently indicated no one within five miles of the proposed facility uses creek water for household purposes.

According to reports, however, at least two families who live within three and a half miles of the treatment facility said they use water directly from San Geronimo Creek when their shallow wells dry up during droughts, which occurred in 2005 and 2006. Other individuals indicated they routinely drink creek water, while others contended they consume fish caught in the creek. In addition, residents use the creek for recreational purposes.

Kendall County resident Bob Webster raised questions about the quality of the treated effluent, including the percentage of total dissolved solids, remaining particulate matter and phosphate levels.

TCEQ officials admitted they knew nothing about emerging contaminants such as pharmaceuticals, which can adversely affect fish and children.

Those attending the meeting pointed out another serious error in the developer's permit application. The application claimed that the Edwards Aquifer recharge zone lies 11 miles downstream from the proposed plant.

However, during the public comment session, resident Randy Johnson asserted, "Less than four miles down the creek from where the treated sewage enters the San Geronimo Creek, the water goes underground and enters the Edwards Aquifer. By allowing this treatment plant to be built as planned, TCEQ is threatening to destroy the water supply for over 1.7 million people. It's time for TCEQ to stop giving in to developers and protect our precious water supply. Once the water supply is destroyed it can never be fixed."

Members of the Hill Country Planning Association supported Johnson's contention.

### **Flood plain**

In addition, Johnson informed TCEQ staff that the location of the proposed pump station is only four feet above the 100 year flood plain.

Concerned about quality standards and safeguards of the wastewater treatment facility, an unidentified woman asked what would happen if a flood washed the sewage out through manhole covers before it reached the plant. In that case, said TCEQ officials, raw sewage would be dumped into the creek.

The next question was who would be responsible should an accidental discharge of untreated sewage cause people to contract amoebic dysentery or an infection associated with E. coli.

An attorney for TCEQ replied that would be a civil matter between the affected citizen and the developer. According to the attorney, TCEQ has sovereign immunity, and, therefore, cannot be sued. The only time TCEQ could be held liable would be in a case involving, the attorney added.

Others questions concerned whether the amount of impervious cover would allow contaminated storm water to run into the creek, also affecting the flood plain.

However, neither TCEQ nor the developer proved amenable to discussing that eventuality.

TCEQ representatives wanted to keep the issues of effluent and storm water run-off separate, indicating they do not evaluate the two at the same time.

State Representative David Leibowitz of District 117 told representatives from TCEQ and BP, "These people have legitimate concerns. You should not take them lightly. Some families have lived here for several generations and they know all about this area. Give them respect and credence. How can you put this many homes on this many acres and not have devastating results?"

### **Sustainable water**

Another bone of contention arose regarding the developer's failure to comply with Medina County Subdivision Regulations that require proof of sustainable water availability for all projected residents.

The developer apparently plans to purchase water piped in by the SAWS, possibly combining it with water pumped from commercial wells, or perhaps institute a reverse osmosis process.

As was pointed out, TCEQ requires a proven water supply before issuing a permit to construct a wastewater treatment sewer plant.

Bandera County's Jim Hannah asked, "Do you propose to provide sewer services from your plant in Medina County into the Bandera County part of the development?"

David Parkerson of BP and Post Oak Development indicated the developer was prepared to meet Bandera County development standards.

Hannah rejoined, "Will you consider replatting for lower density that will not require a wastewater treatment plant?"

"We consider two lots per acre low density," Parkerson replied.

However, after Hannah persisted in his questioning, Parkerson conceded, "We would take it under consideration."

Commissioner Harris noted that the creek would never recover from the after effects of storm runoff and that the development would create a "logjam of traffic" on Highway 16 and Park Road 37.

TCEQ under fire Representatives from the San Geronimo Valley Alliance, Inc. (SGVA), a group opposing the sewer plant, expressed other serious concerns about "the city-sized, densely-populated development."

"TCEQ's attitude seems to be to do the bare minimum in order to follow the law and to compartmentalize everything to the point of absurdity," noted a spokesman for the grassroots organization. "How can an environmental agency not require proof of water availability before issuing a sewer plant permit?"

In the next legislative session, SGVA representatives vowed to ask Texas lawmakers to approve legislation that prohibits dumping of treated sewer water into creeks. Also, SGVA would like an agency created with regulatory authority over TCEQ.

"Because it currently doesn't answer to anyone, we feel TCEQ is misusing and abusing its power by protecting developers to the detriment of the environment and the health, safety and welfare of the people the mandate they're supposed to be following," the spokesman continued.

#### **Fire & EMS protection**

In its position paper, SGVA contended, "Evidently Baruch Properties' vision for fire protection consists of offering land to the Emergency Services District including Medina Lake's Volunteer Fire Department in Bandera County. Nevertheless, it will likely be a while before a firehouse can be constructed, and the current fire station is several miles away along narrow, winding Park Road 37.

"BP's idea of law enforcement is apparently to rely on the Medina County Sheriff's Department. But, due to Medina County's road system, there is no direct route from the sheriff's department in Hondo, 45 miles away, into the far northeastern portion of the county, site of the proposed housing development.

"Roadway gridlock will certainly occur in areas where in-gresse-gress would fall on seven of the nine subdivision openings along Park Road 37's two lanes. The other two road openings would be on Highway 16. The Texas Department of Transportation says it won't be able to upgrade Park Road 37 for decades."

#### **BC beware**

Before the hearing concluded, the group offered a cautionary note to Bandera County residents, "If a city of 12,000 is allowed to be built here, it will be no time at all until huge developments are knocking on the City of Bandera's door, jeopardizing ever more areas of the Hill Country."

The office of United States Senator Kay Bailey Hutchison has requested SGVA to provide a summary of the public meeting with TCEQ on the application for a permit to build a wastewater treatment facility for the Hills of Castle Rock development.