

MINORITY REPORT

TO THE

CANYON RESERVOIR WATERSHED

REGIONAL WASTEWATER & WATER QUALITY PLANNING STUDY

Date Submitted: Friday, November 29, 2002

A minority of the Technical Steering Committee Members for the Canyon Reservoir Watershed Regional Wastewater and Water Quality Planning Study believed they were asked to participate as stakeholders in the development of the above-referenced study. However, the members were guided through a hoax process of stakeholder participation in development of this study and its documentation. This hoax process was perpetrated by the study's sponsors: the Guadalupe-Blanco River Authority; Comal County; the Texas Water Development Board; and, the Project Consultant - PBS&J. Basic to this hoax was the project sponsors' suggestion that the Technical Steering Committee was established "to develop a common understanding of assumptions, goals and development scenarios to be evaluated" (see page 1-1). In reality, the committee's label is a misnomer and inconsistent with the format and content of committee meetings, as orchestrated by the project's sponsors and their consultant. The committee meetings were much more "lectures" (as indicated on page 7-1) than opportunities for committee member discussion and development of scenarios.

The August 2002 draft study report document, is not a packaging of the Technical Steering Committee's work, rather it attempts to justify preconceived intent of the Project Sponsors. The second sentence of the Executive Summary clearly demonstrates the bias of the Project Sponsors and their consultant by indicating the project "was performed to assess the need for infrastructure to protect the quality of Canyon Lake waters" (page vi). Infrastructure is not the only option available to protect the quality of Canyon Lake waters.

The next sentence in the Executive Summary indicates the project "addresses the need for central wastewater collection and treatment facilities.." (page vi). Again a position preordained by the Project Sponsors and not deliberated or agreed to by the Technical Steering Committee.

The Executive Summary also contains the following statements:

"The key objective of the steering committee was to help develop a consensus on the range of future growth scenarios, planning objectives and measures"

and

The study team with steering committee input created a preferred regional water quality protection plan,..."

Both of those statements are false and inconsistent with the factual record of committee meetings.

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As indicated on the preceding page, the Technical Steering Committee meetings were typically in the form of a lecture by the Project Consultant or their invited speaker. There was no opportunity for individual committee members or the committee as a whole to provide meaningful direction or input.

After approximately a year of committee meetings, the Project Consultant provided a draft report document, which was to represent the work and consensus of the committee. That draft document is totally misleading and inconsistent with the facts. As stated above, the document attempts to justify preconceived intent of the Project Sponsors.

Groundwater is another issue that was not adequately addressed. – protection of the Trinity Aquifer. The minority's position is that groundwater must be protected and after numerous attempts to have this issue addressed, we were denied. You simply cannot overlook the aquifer when WWTPs are involved in Comal County. If GBRA is going to propose to protect Canyon Lake water at the expense of our groundwater this is totally unacceptable. The report needs to reflect this problem concerning WWTP installations.

During the steering committee meetings and subsequent communications with PBS&J, concerns were raised regarding compliance of Chapter 317 [TAC 30] **Design Criteria for Sewage Systems**. A letter was given to PBS&J from TCEQ [TNRCC], dated January of 2000 which notified water supply companies, in our area, that their water wells were vulnerable to contamination from sewer spills. PBS&J has chosen to ignore the dangers of the Comal County's geologic conditions by refusing to recommend more stringent construction standards which would protect the groundwater. Therefore, the Northwest Comal County Environmental Coalition will contest any WWTP permit applied for in the study area. (See the attached letter from TNRCC; and, a report from TWDB's own, Dr. Robert L. Bluntzer, 1992, regarding Northwest Comal County. The report is representative of Watersheds 1, 2 and 10.)

Miscellaneous Comments on Final Report:

Page 1-1 *"The water quality protection plan includes a facility plan for regionalization of wastewater treatment, giving consideration to structural and non-structural alternatives". What non-structural alternatives were considered?*

Page 1-1 *"Section 3 describes the process of working with the steering committee to develop a common understanding of assumptions, goals and development scenarios to be evaluated". What documentation is available to support the suggestion of this comment?*

Page 2-4 *"The excellent water quality conditions can be attributed to low population densities upstream of the reservoir". If excellent water quality is attributed to low density, why is the plan endorsing high-density development?*

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Page 2-9 *"Comal County has regulatory authority over land development in the study area". Since Comal County, a co-sponsor of the study, as the regulatory authority why are non-structure means of water quality control not considered for implementation?*

Page 3-1 *"This section of the report describes the process of working with the project steering committee to obtain a measure of consensus on development goals and a vision for the future of the immediate watershed". What documentation is available to support the validity of this statement?*

Page 3-1 *"SETTING PROJECT GOALS..." The general goals do not suggest high-density development or regional wastewater treatment, where did those concepts originate?*

Page 3-2 *"Path A... and Path B..." Why is there not a Path C which relies on non-structural development controls?*

Page 4-1 *"While these approaches exist, they were never seriously considered". When were these options discussed and when was the decision made by the steering committee to not seriously consider development regulations?*

Page 4-1 *"While OSSF can be operated and maintained by a responsible homeowner and perform well, some difficulties can be expected as systems age". The statement suggests only OSSF facilities experience some difficulties as systems age, is that not historically more accurate about regional treatment plants?*

Page 4-1 *"...reliance on OSSFs for wastewater imposes limitations on development patterns and land use". What is the negative water quality issue with respect to such limitations?*

Page 4-1 *"Use of OSSFs mandates larger lot developments and cuts off the option of more compact developments with smaller lot sizes". How are larger lots mandated and what is the negative water quality issue with respect to larger lot size?*

Page 4-1 *"It also limits the extent to which treated wastewater can be used beneficially". Why is on-site irrigation with OSSF effluent limited?*

Page 4-2 *"...avoiding OSSF concerns for both surface and groundwater..." What are the concerns that need to be avoided and what is their comparison to the concerns with regional wastewater treatment plants' concerns with respect to water quality?*

Page 4-2 *"The denser the development, the more likely organized collection systems and WWTP will cost less than installing OSSFs". Using that analogy, is it not correct that the less dense the development the more likely organized collection and WWTP will cost more than installing OSSFs?*

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Figure 4-1 *Illustrates the Capital Costs for Wastewater Service.* **What is the source of the data supporting the graph and what is the data for total costs, both capital and operation/maintenance?**

Page 4-4 *"Sub-watershed 9 appears to have the most potential to serve development with a regional plant".* **Why does Sub-watershed 9 appear to be a candidate for a regional plant? When did that become apparent? To whom did that become apparent? Is "appears" a term that has a definitive and supportable technical criteria and definition?**

Page 4-4 *"There was a minority view in the steering committee as to whether a central wastewater treatment plant is a better method than individual OSSFs".* **When and where was the majority view established?**

Page 4-6 *"On the negative side, the inspections required for aerobic systems now place a significant processing burden on the Comal County Engineers Office ...This produces an enforcement problem for the County, for which there is no mechanism to address".* **As one of the Project Sponsors, Comal County, suggests the processing burden can not be addressed. Why then should the same county be in opposition to plan, design and operate and collect fees for a regional system?**

Page 4-6 *"...because of the mechanical components may not be as reliable".* **Is not a regional wastewater treatment plant a collection of mechanical components and if so why may that not be as reliable as any option for an OSSF?**

Page 4-7 *"For these reasons, the study team elected..."* **Who composes the study team and what documentation is there on its electing to not recommend encouraging the use of aerobic systems?**

Table 5-5 *Estimated Canyon Lake Sediment and Nutrient Loads.* **What is the technical basis for the data presented in this table?**

Page 5-12 *"If actions are taken to control the growth in runoff and OSSF loads, these dramatic increases can be controlled but not eliminated".* **What portion of this increase can be controls and by what means?**

Page 6-1 *Recommendations.* **When and by whom were these recommendations established?**