



September 6, 2019

Mayor and City Council  
City of Blanco  
P.O. Box 750  
Blanco, TX 78606

*Via email*

***Re: City of Blanco's recent history of violations related to its wastewater treatment operations.***

Dear Honorable Mayor and City Council,

Please know that the days of Protect Our Blanco (POB) quietly awaiting the City's indication that it intends to do anything other than stay the course on the draft permit as proffered by the TCEQ are over. POB is prepared to act on the violations outlined in this letter unless the City, before September 25, 2019:

- a) In earnest reaches out to POB and provides actual information assuring POB it is actively seeking an irrigation lease and is willing to give POB access to the City's 110 acres;
- b) Provides an acceptable draft of a resolution affirming that the City will only directly discharge its wastewater effluent into the Blanco River as a last resort; and
- c) Requests a direct referral of the Contested Case Hearing to SOAH regarding its pending draft permit.

As you know, POB, its members, and its some 2251 signatories upon its petition for the City to stop its dumping are very concerned with the City of Blanco's wastewater operations and its proposal to amend its current permit for the operation of its wastewater treatment plant (TPDES Permit No. WQ0010549002). POB's primary concerns are related to two significant changes proposed by the City: (1) an increase in permitted capacity from an average of 225,000 gallons per day to 1.6 million gallons per day, and (2) a change to a direct discharge, with no provision for any potential for land application or irrigation of effluent.

Since the City announced plans to amend its current permit, POB has diligently attempted to work in partnership, not in opposition, to develop an alternative and realistic wastewater plan that will protect the Blanco River. However, the City has largely chosen to avoid community input and instead chosen to allow the TCEQ permitting process to play out, all the while ignoring the obvious and ongoing increased algae below your discharge point.

Now that the TCEQ has released a draft permit, it is clear that the City has not advanced or even truly investigated a “no-discharge” plan. Instead, the City is on track for a standard discharge permit. The problem with the City relying on TCEQ’s discharge permit is that it will not protect the unique waters of the Texas Hill Country. This means that although the TCEQ has issued the draft permit, it is not a reliable indicator that the water quality in the Blanco River will not be degraded by the City’s operations authorized by this draft permit.

As a municipal government, the City of Blanco has a heightened responsibility to act in the best interest of the public, and that means ensuring that its own activities are not causing environmental harms. The City would have concerned residents and downstream landowners put their complete confidence in the City to protect the Blanco River. But the City’s own history at, and weak operations of, its wastewater treatment plant—missing data, unreported violations, and improper reporting—is disturbing and unacceptable.

It is because the City has struggled with its wastewater operations under an aging system that, in 2012, the TCEQ brought an enforcement action against the City for numerous violations of its permit. And in issuing its 2015 permit, the TCEQ required that the City take steps to achieve stricter effluent limitations by April 2018. Although the new treatment technology and equipment is certainly an improvement, the City is still not reliably in compliance with those final effluent limitations and other requirements of its current permit.

In light of this history, POB is making the very reasonable request that the City focus its efforts on ensuring compliance with current permit terms, before attempting any significant amendments to its permit. That means reducing its pending permit from 1.6 million gallons per day to an amount more in line with realistic growth projections, and incorporating an irrigation component so that direct discharge is only used as a last result. Otherwise, current problems will increase exponentially.

Although violations date back many years, POB offers the following more recent examples of permit violations and other actions that are eroding public confidence in the City’s willingness and ability to protect the Blanco River. The following are why POB and the community deserves a real commitment to a no-discharge solution.

**1. The City withheld public information from POB and POB members.**

After several failed attempts by POB board members to obtain public information, in December 2018 POB submitted, through its counsel, a public information request to the City for data collected pursuant to its permit’s monitoring requirements. Nothing responsive was produced to counsel for POB as required by law.

Pursuant to its current permit, the City is required to monitor several effluent characteristics at various frequencies. The characteristics vary depending on whether the City is discharging or land applying (irrigating) effluent, but the records must be maintained for a period of at least three years. The City is also required to report discharge data to EPA and TCEQ on a monthly basis in its Discharge Monitoring Reports (DMRs) and is required to provide soil monitoring reports to the TCEQ annually. (POB also requested but failed to obtain this information from the TCEQ,

indicating that it was not provided to the TCEQ nor did the TCEQ demand it.) When the City did not provide the information to POB in response to its request, this means the City either violated its permit or violated the Texas Public Information Act. More than six months after requesting the data, in response to another request, the City finally produced *some* of the requested information.

**2. The City failed to submit quarterly progress reports required by its permit.**

As we have since learned, and as the City's actions would suggest, the City has been operating its wastewater treatment facility with some upgrades since October 2018. However, we have not seen a progress report that would confirm which upgrades were completed, nor that the City is operating a facility that is fully-designed and capable of achieving the final effluent limitations.

Under its current permit, the City was required to submit quarterly progress reports to the TCEQ that included a discussion of the interim requirements that had been completed at the time and the progress towards attaining the new effluent limitations by April 2018. Based on information obtained through TCEQ, the City submitted one "progress report" on April 24, 2017 notifying the TCEQ of its intent to construct facilities necessary to meet final effluent limitations and another on January 22, 2018. Not only did the City fail to timely complete the requisite updates by April 2018, it failed to submit all of the necessary progress reports. Again, this information should have been provided to TCEQ, but was not, nor was there any indication that the TCEQ demanded it of the City.

**3. The City failed to require a long-term contract for irrigated land.**

The current permit requires the City to own its own land or maintain a long-term contract with the owner(s) of any irrigated land for effluent disposal. But the City allowed the irrigation lease to expire in December 2018. The City told POB members it was actively pursuing other irrigation leases. But when POB requested any information related to correspondence or other documents about irrigation leases, the City produced nothing and suggested they had no responsive documents. This is a violation of its current permit, and one that the TCEQ seems disinterested in enforcing. It also has amounted to a violation of the community's trust and possibly the Texas Public Information Act.

**4. The City failed to monitor and retain records when land applying effluent.**

Pursuant to its current permit, the City is required to monitor effluent when land applying (irrigating). The City must: monitor flow (five times per week); measure CBOD-5 and pH (once per month); and measure Dissolved Oxygen (once per week). The City is also required to monitor application rates and conduct annual soil sampling on the area where it was applying effluent, and must provide that information to TCEQ annually by specific dates. POB has obtained no soil samples in response to public information requests to the City and to the TCEQ, suggesting lack of monitoring and reporting.

**5. The City failed to report DMRs or to report DMRs timely to EPA and TCEQ.**

Between December 2016 and May 2019, the City submitted 31 (out of 40) months of DMRs late, and never reported two DMRs at all. Of the DMRs the City eventually submitted, 8 incorrectly reported that no discharge occurred, when in fact the City was actively discharging effluent.

**6. The City still fails to comply with effluent limitations**

Even since the new treatment technology was implemented and the City began preparing DMRs (November 2018), those DMRs suggest the City is not regularly meeting effluent standards and is making monitoring and reporting errors. In the initial seven months since the City began reporting discharge data (November 2018 - May 2019), the City violated effluent limits in over half of those months.

- November 2018 – City exceeded TSS daily average
- November 2018 – City had multiple low dissolved oxygen levels
- December 2018 – City exceeded TSS daily average
- December 2018 – City had low dissolved oxygen level
- January 2019 – City exceeded TSS daily average and flow (although flow may be a reporting error that was never corrected)
- April 2019 – City exceeded *E.coli* limit of 399 CFU with a reported 687 CFU!

Furthermore, the City failed to monitor CBOD and TSS adequately in November 2018, taking less than the requisite samples. And although the City is supposedly monitoring phosphorus, which is admittedly not required under its current permit, its monitoring indicates that it has regularly failed to achieve the phosphorus limits that would be required by the draft permit.

**7. The City fails to comply with self-reporting requirements of permit.**

In November 2018, investigators with the TCEQ Austin Office investigated the City's wastewater treatment site and found sewage debris observed around the lift station indicating that an unauthorized discharge had occurred due to an SSO (sanitary sewer overflow). In violation of its permit, this unauthorized discharge was not reported to TCEQ as is required. In December 2018, the TCEQ sent NOV's to the City for failure to prevent an unauthorized discharge, and failure to report an unauthorized discharge to the TCEQ within 24 hours and 5 working days, as required. This permit term requires self-reporting, and since POB has seen no records (although specifically requested) of other self-reported unauthorized discharges, it leaves us wondering whether other unauthorized discharges have occurred but otherwise gone unreported to, and undetected by, the TCEQ.

In February 2019, the City's self-reported DMRs were evaluated, and the City had inaccurately calculated daily average loading values for CBOD and TSS. The TCEQ also noted that the City was required to collect *E. coli* samples twice per month, but the City was collecting them weekly and not all values were being reported (the City was cherry-picking which samples to utilize, and POB has found other evidence of self-selective monitoring at the site). In March 2019, TCEQ sent NOV's to the City for failure to submit accurate discharge monitoring reports and failure to report any increased frequency of sampling.

Protect Our Blanco offers the foregoing history of recent violations, to demonstrate why the City must focus its immediate efforts on improving operations, maintenance, and monitoring at its current facility, rather than undertaking a massive and unnecessary expansion and switch to direct discharge.

Please provide POB and the community with some assurances, as set forth in the opening paragraph, and know that our requests are basically the same as they have been (and ignored) for over a year. You may contact me with any questions.

Sincerely,

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JT Morgan (432.559.0570)  
Board President, Protect Our Blanco

Cc: Blanco County News via email  
David Baker, WVWA via email