San Antonio Water System

September 15, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 91 7199 9991 7030 9700 7784

Ms. Judy Edelbrock
Water Enforcement Branch (6EN-WC)
U. S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: Administrative Order; Docket Number: CWA-06-2016-1770
NPDES Permit Number TX0065641

Dear Ms. Edelbrock:

I have received a letter dated August 12, 2016 from Mr. Blevins, Director, Compliance Assurance and Enforcement Division of the U.S. Environmental Protection Agency (USEPA) that encloses an Administrative Order of Compliance concerning discharges from Mitchell Lake that are subject to the above-referenced NPDES permit. This letter will provide the San Antonio Water System's (SAWS) plan for compliance with the Administrative Order that was discussed with Mr. Jerry Saunders and Ms. Carol Peters during a telephone conference on September 6, 2016.

Description and Background

Mitchell Lake is unique and environmentally sensitive. The lake surface area covers approximately 600 acres and it provides essential habitat where migrating birds can rest and feed. Due to its unique location and environmental conditions, Mitchell Lake is an area of very high biodiversity. More than 338 migrant bird species have been documented at the Lake, including the Yellow Billed Cuckoo that is federally listed as threatened and 30 species that are on the Audubon Watch List. In 1973, the City Council of the City of San Antonio designated Mitchell Lake as a wildlife refuge. In 2004, SAWS entered into an operating agreement with the National Audubon Society by which the first Audubon Center in Texas was located at the Mitchell Lake site. That Center and the programs that it fosters provide a heavily used educational resource for area students, including low income students from nearby communities. Any compliance measures that SAWS implements should preserve this unique character of Mitchell Lake

Only when significant rainfall events occur are there discharges from Mitchell Lake. The Lake is very shallow and does not stratify, therefore sunlight results in prolific algae growth. High rainfall events combined with the existence of algae causes the BOD, TSS, pH and DO excursions that are referenced in the Administrative Order. Because of the intermittent nature of the discharges that only occur following significant rainfall events, traditional treatment options are not practical or useful.

SAWS is exploring the construction of extensive treatment wetlands below the Mitchell Lake dam as a means of complying with permit discharge requirements. SAWS has engaged outside consultants to evaluate the feasibility and extent of such wetlands. SAWS is also working with the U.S. Army Corps of Engineers on wetlands enhancements at Mitchell Lake that will improve habitat. SAWS needs to conclude these initial studies in order to propose to the USEPA a realistic means of achieving permit compliance that will also preserve the unique character and environment of Mitchell Lake. The long-term goal for discharges from Mitchell Lake resulting from the construction of improvements recommended by the studies is full compliance with all parameters included in the existing NPDES permit.

Plan for Compliance with the Administrative Oder

In the period during which the studies are concluded and before improvements are fully constructed, SAWS will work to minimize effluent violations by maintaining the Lake in a low lake level condition. SAWS will not initiate discharges from the Lake, and the Lake can be used to capture and hold rainfall runoff. This interim method will minimize violations to the practical extent possible.

SAWS will report to USEPA not later than March, 15, 2017 concerning the completed feasibility evaluation of constructing wetlands to achieve permit compliance. SAWS will meet with and present the findings and plan for implementation to USEPA.

How the Plan will be funded

SAWS will explore funding of the improvements to Mitchell Lake through various means. Grant funding opportunities will be evaluated, and SAWS may partner with the U.S. Army Corps of Engineers on funding possibilities. Ultimately, the plan will be implemented through the revenues collected for SAWS wastewater services.

Please let me know if you will need additional information.

Sincerely,

Steve Clouse

Steven M. Clouse
Senior Vice President/Chief Operating Officer

Cc: Mr. John Blevins
Director, Compliance Assurance and Enforcement Division
U. S. Environmental Protection Agency, Region 6
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