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House Bill (HB) 1600 and Senate Bill (SB) 567 83rd Legislature, Regular Session, transferred the functions relating to the economic regulation of water and sewer utilities from the TCEQ to the PUC effective September 1, 2014

44200

SOAH DOCKET NO. 582-01-3914
TNRCC DOCKET NO. 2001-0845-UCR

APPLICATION BY VILLAGE OF WIMBERLEY TO OBTAIN A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN HAYS COUNTY	§ § § §	**BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

VILLAGE OF WIMBERLEY'S PREFILED DIRECT TESTIMONY OF MS. DEBBIE C. MAGIN

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Dated: April 19, 2002

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VILLAGE OF WIMBERLEY'S PREFILED DIRECT TESTIMONY OF MS. DEBBIE C. MAGIN

Q. Please state your name and business address.

A. My name is Debbie C. Magin. My business address is 933 E. Court St., Seguin, TX 78155.

Q. Please describe your educational background and professional experience.

A. I received a Bachelor of Science degree in Biology in 1976 from Southwest Texas State University. In 1988, I received my Masters of Science degree in Aquatic Biology also from Southwest Texas State University. I have over twenty-five (25) years of experience in laboratory analysis of potable water and wastewater. Since 1976, I have worked for the Guadalupe-Blanco River Authority in various capacities.

Q. In what capacity are you currently employed with GBRA?

A. I am currently employed as the Director of Water Quality Services.

Q. How long have you been the Director of Water Quality Services?

A. I have been the Director of Water Quality Services for three years.

Q. Please describe your job duties and responsibilities at GBRA.

A. I am responsible for overseeing GBRA's Regional Laboratory, which tests the samples collected from GBRA's wastewater and water treatment facilities, and environmental samples collected as part of GBRA's participation in the Texas Natural Resource Conservation Commission's (TNRCC) Clean Rivers Program. I am also responsible for investigating environmental concerns within the Guadalupe-Blanco River basin. I hold a Texas Water Utilities Association Laboratory Analyst Class A Laboratory Analyst Certification. As Director of Water Quality Services, I prepare applications for permits for wastewater effluent discharge and beneficial land application of Class B sludge that are submitted to the TNRCC. I provide technical assistance on operation and regulations of water and wastewater treatment plants, water distribution systems and sludge management to our utilities operations and as well as other municipalities and industries in the basin.

I am the Project Manager for the Guadalupe River Basin Clean Rivers Program (CRP), as well as the GBRA's CRP Data Manager and the author of the Guadalupe River Basin CRP Quality Assurance Project Plan (QAPP). The QAPP documents how the GBRA plans, implements and assesses the quality assurance and control activities related to water quality monitoring in order to provide the level of consistency and scientific validity of data needed for decision-making in the basin. I administered the Instream

Flow Incremental Methodology Study, which determined the appropriate instream flows to maintain, preserve and where necessary restore instream uses and included a hydrological and physical habitat model that will be used to evaluate the effects of proposed water management alternatives and new appropriations of instream flow. I also administered the Bacterial Indicator Study, which studied the use of bacteria as indicators of fecal contamination of surface waters and of water quality standards based on these bacterial indicators. I have also served on the Texas Parks and Wildlife Department's Taskforce on Aquatic Herbicide Policy, the Texas Department of Agriculture's River Authorities and State Agencies Committee on Aquatic Herbicide Regulation, the TNRCC-Statewide Bacterial Study Advisory Committee, and the General Land Office-Coastal Bacterial Study Advisory Committee.

Q. Are you a member of any professional associations?

A. I am a member of the Texas Water Utilities Association and served as its president in 1997, the American Water Works Association, the Water Environment Federation, the Texas Watch Advisory Council, and the Beach Watch Advisory Council.

Q. Please describe your experience in the area of municipal sewer service.

A. I have analyzed samples for permit compliance and process control of wastewater treatment facilities, attended training in the operation of wastewater treatment plants, and

have provided technical assistance in the operation and regulation of wastewater treatment facilities.

Q. What is your role in preparing wastewater discharge permits for GBRA?

A. I have compiled and submitted wastewater discharge permit applications for renewal and amendment, assisted, edited and reviewed applications and submitted applications for sludge disposal sites.

Q. Have you ever testified before?

A. Yes.

Q. In what cases and in what capacity?

A. As laboratory director, I have testified on behalf of a contractor in litigation concerning problems with water quality within a residence. As Director of Water Quality Services, I have testified in a contested case hearing on behalf of GBRA in their objection to the issuance of a wastewater discharge permit that posed a threat to the raw water supply for the City of San Marcos.

Q. Have you prepared a resume describing your experience?

A. Yes. My resume is attached to my testimony as Wimberley Exhibit 32.

Q. Have you reviewed Wimberley's CCN application?

A. Yes.

Q. Have you reviewed the amendments to Wimberley's CCN application?

A. Yes.

Q. Are you familiar with the area Wimberley is requesting to serve?

A. Yes.

Q. Is Hays County within the statutory service area and jurisdiction of GBRA?

A. Yes.

Q. Are you familiar with the water resources in the requested area?

A. Yes.

Q. What are the primary waterways in the requested area?

A. The Blanco River and Cypress Creek.

Q. Where are these waterways located within the requested area?

A. The Cypress Creek flows through Wimberley and confluences with the Blanco River

which is located south of the Village of Wimberley.

Q. Have you reviewed the water quality of the Blanco River and Cypress Creek and groundwater in the requested area?

A. Yes.

Q. From a water quality standpoint, please describe the quality of the water in the Blanco River and Cypress Creek and groundwater in the requested area.

A. The Blanco River is a pristine, hill country stream that begins in Blanco County and flows through Hays County. The Cypress Creek is a tributary of the Blanco River and has its headwaters in eastern Hays County. The TNRCC has established the following designated uses for these streams: contact recreation, high to exceptional aquatic life, and public water supply. Cypress Creek has been listed on the 2000 303d list of impaired water bodies based on low dissolved oxygen and is currently included in a TNRCC Total Maximum Daily Load Project. During its quarterly monitoring of Cypress Creek since March 1998, GBRA has observed fecal coliform concentrations that exceeded the stream standard of 200 organisms per 100 milliliters for contact recreation seven out of sixteen sampling events. The groundwater source for the area is the Trinity Aquifer. The Wimberley area is highly faulted and some surface caves and sinkholes are found in the area.

Q. What are the biggest threats to the water quality of the rivers, creeks, and groundwater in the requested area?

A. The biggest threat to the water quality of the rivers, creeks and groundwater in the Wimberley area is the density of homes and businesses using septic tanks in downtown Wimberley and their proximity to Cypress Creek. The shallow topsoil and karst geology that is characterized by dense limestone dotted with sinkholes and caves that greatly enhance the porosity and permeability of the area can provide a direct connection between septic tank effluent from lateral lines and the groundwater that feeds seeps and springs that discharge to the surface waters of the area.

Q. Currently, what is the primary means for wastewater disposal in the requested area?

A. The primary means of wastewater disposal is on-site septic systems.

Q. How might a septic system affect the quality of groundwater or surface water?

A. Most conventional septic tanks rely on the soil surrounding the lateral lines for the uptake of nutrients, further removal of oxygen-demanding organic waste load and removal of pathogenic bacteria. The Wimberley area has very little soil layer available to lateral lines. Additionally, the karst geology of the area that is characterized by dense limestone dotted with sinkholes and caves that greatly enhance the porosity and permeability of area can facilitate a direct interconnection between septic tank effluent from lateral lines

and the shallow groundwater that feed seeps and springs that augment the surface waters in the area.

Q. Are you familiar with the sewer system like the one being considered for Wimberley?

A. Yes.

Q. What are the advantages of a sewer collection, treatment, and disposal system like the one being considered for Wimberley over individual septic systems?

A. A sewer collection, treatment, and disposal system has distinct advantages over the septic tanks that serve the homes and businesses in the densely populated downtown area of Wimberley. A properly operated and maintained sewer system would 1) provide more complete treatment of wastewater, 2) disinfect the effluent to remove pathogenic organisms and, 3) reduce the organic waste load that could deplete oxygen from the receiving stream.

Q. In your opinion, is the sewer system being considered for Wimberley an environmentally sound alternative to individual septic systems?

A. Yes.

Q. How will the granting of the CCN to Wimberley affect the environmental integrity of the

requested area?

A. Granting the CCN to Wimberley would allow for the construction of a sewer collection, treatment, and disposal system, thereby reducing the area's dependency on ineffective septic tanks where feasible. In turn, the reduction of the use of septic tanks would remove a potential source of oxygen demanding waste and pathogenic bacteria that come into the Cypress Creek via seeps and springs from groundwater under the influence of septic tanks.

Q. Will the granting of the sewer CCN to Wimberley improve the environmental integrity of the requested area?

A. Yes. The proper operation of a sewer collection, treatment and disposal system in place of ineffective septic tanks will reduce oxygen-demanding organic waste entering the stream through seeps and springs that can create low dissolved oxygen conditions and that could be the source of the impairment of the Cypress Creek.

Q. Does this conclude your testimony?

A. Yes. I reserve the right to amend or supplement my testimony at the time of trial to correct any inadvertent mistakes and to reflect changes in circumstances.

Debbie C. Magin

Director of Water Quality Services
Guadalupe-Blanco River Authority

Experience

Clean Rivers Program:

- Data Manager for the Clean Rivers Program.
- Author of the Quality Assurance Project Plan.

Texas Watch Program:

- Served on the advisory committee for the formation of the Texas Watch Program.
- Conducts training and quality assurance sessions for volunteer monitoring groups.
- Acting consultant in site selection and organization of volunteer groups within river basin.

Lake Management:

- Workgroup facilitator and consultant for Aquatic Weed and Water Quality Subcommittees.
- Established Citizen Advisory Committee for upper basin lakes for review of treatment programs for aquatic vegetation.
- Developed GBRA Aquatic Vegetation Management Directive.

Projects:

- Administered Instream Flow Incremental Methodology Study.
- Administered Bacterial Indicator Study.

Education:

- Presentations to professional organizations on laboratory and water quality issues.
- Conducts workshops for educators regarding water quality throughout the Guadalupe River Basin.
- Presentations given to civic groups and area classrooms on water quality and stream ecology.
- Assists science students with Science Fair projects, as well as judging science fairs.

State and Federal:

- Prepared discharge permits.
- TPWD Task Force on Aquatic Herbicide Policy.
- Texas Department of Agriculture's River Authorities and State Agencies Committee on Aquatic Herbicide Regulation.
- TNRCC-Statewide Bacterial Study Advisory Committee.
- General Land Office-Coastal Bacterial Study Advisory Committee.

Primary Responsibilities

- Oversight of Regional Laboratory and dealing with customer water problems.
- Technical support for GBRA operations throughout basin.
- Investigation of environmental concerns.
- Management, training and technical assistance for the Texas Watch Program in the Guadalupe River Basin.
- Quality Assurance Officer.
- Administer Clean Rivers Program.
- Co-Chairman of Building Expansion Committee.

Education

M.S. Biology (Aquatic) -- Southwest Texas State Univesity, 1988.
B.S., Biology, Southwest Texas State University, 1976.

Service with GBRA

24 years of experience in laboratory analysis of potable water and wastewater.

Professional Associations

- Texas Water Utilities Association
  - 1997 President
  - 1996 President-Elect
  - 1995 Vice-President
  - Historian
  - Laboratory Analyst Section (LAS) (President, President-Elect, Secretary/Treasurer)
  - Alamo Water/Wastewater Chapter
  - Voluntary Laboratory Analyst Certification Advisory Committee
  - Public Education Committee
  - Historian
  - Awards Committee
- Texas Watch Advisory Council
- Beach Watch Advisory Council