

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Tuesday, September 27, 2022 8:40 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: CORRECTION: Public comment on Permit Number WQ0016132001
Attachments: 2022.09.22 Comments and Hearing Request [FINAL].pdf

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PML+

From: PUBCOMMENT-OCC
Sent: Friday, September 23, 2022 8:15 AM
To: PUBCOMMENT-WQ <pubcomment-wq@tceq.texas.gov>; PUBCOMMENT-ELD <pubcomment-eld@tceq.texas.gov>; PUBCOMMENT-OCC2 <pubcomment-occ2@tceq.texas.gov>; PUBCOMMENT-OPIC <pubcomment-opic@tceq.texas.gov>
Subject: FW: Public comment on Permit Number WQ0016132001

H

From: katy@carltonlawaustin.com <katy@carltonlawaustin.com>
Sent: Thursday, September 22, 2022 4:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016132001

REGULATED ENTY NAME WILLIAMSON COUNTY MUD NO 44 WWTP

RN NUMBER: RN111467338

PERMIT NUMBER: WQ0016132001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: THE VANTAGE AUSTIN LLC

CN NUMBER: CN606001055

FROM

NAME: John J. Carlton

EMAIL: katy@carltonlawaustin.com

COMPANY: The Carlton Law Firm, P.L.L.C.

ADDRESS: 4301 WESTBANK DR Suite B-130
AUSTIN TX 78746-6568

PHONE: 5126140901

FAX: 5129002855

COMMENTS: I am counsel for Jonah Water Special Utility District and submit the attached request for contested case hearing and comments in opposition to the permit application.

The Carlton Law Firm, P.L.L.C.

4301 Westbank Drive, Suite B-130
Austin, Texas 78746

Phone: (512) 614-0901
Facsimile: (512) 900-2855

John J. Carlton
john@carltonlawaustin.com

September 22, 2022

VIA e-file to: www14.tceq.texas.gov/epic/eComment/

Ms. Laurie Gharis, Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Jonah Water Special Utility District's Comments on The Vantage Austin LLC's Application for a proposed Texas Pollutant Discharge Elimination System, Permit No. WQ0016132001, to Authorize a Domestic Wastewater Treatment Facility and the Discharge of Treated Domestic Wastewater in Williamson County, Texas.

Dear Ms. Gharis:

On behalf of Jonah Water Special Utility District ("Jonah"), please accept this letter as Jonah's request for a contested case hearing and comments in opposition to the above-referenced permit application submitted by The Vantage Austin LLC ("Application"). Jonah further requests to be placed on the permanent mailing list to receive all future public notices on this Application. This Application's combined Notice of Receipt and Intent and Notice of Preliminary Decision was filed on August 23, 2022. This hearing request with comments is timely filed.

Jonah is a political subdivision of the State of Texas operating under Texas Water Code Chapter 65 and the holder of Certificates of Convenience and Necessity ("CCN") for water and sewer, numbers 10970 and 21053, in Williamson County, Texas. Jonah provides service for approximately 9,000 customers and 30,000 people in its service area.

The proposed facility is located entirely within Jonah's territory and will have a negative impact on the local community within Jonah. Jonah has a substantial interest in maintaining its service areas and protecting the investments that Jonah has made in its infrastructure, and the quality of water sources used to serve its customers, all of which may be adversely affected by the outcome of this Application. Finally, Jonah has not consented to The Vantage Austin LLC's ("Applicant's") provision of sewer service within Jonah.

Jonah believes the proposed facility does not comply with TCEQ's regionalization policy and disputes that Applicant has demonstrated that obtaining wastewater service from Jonah would be cost prohibitive. The TCEQ has adopted a policy of regionalization as a means to safeguard water quality in the state. Texas Water Code ("TWC") § 26.081 provides that the Commission should "encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the

state and to prevent pollution and maintain and enhance the quality of water in the state.”¹ Similarly, TWC § 26.0282 allows the Commission, when considering the issuance of a wastewater permit, to deny a proposed permit based on consideration of need, including “the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems”²

Jonah was unable to view Applicant’s permit application because neither it nor the draft permit were available for viewing or copying at Weir City Hall, the listed location of those documents on the *Notice of Application and Preliminary Decision* (“Notice”).³ Because Jonah was unable to view the permit application, Jonah does not know which development Applicant’s proposed facility is planned to service or where the development will be located. The development is likely to be wholly within Jonah’s territory.

The *Notice* indicates that Applicant intends to discharge its wastewater into East Fork Ranger Branch, thence to Ranger Branch, thence to Berry Creek, thence ultimately to the San Gabriel/North Fork San Gabriel River. Jonah provides to its customers water obtained from surface water and wells, including water from Lake Granger, which is fed by the San Gabriel River. Jonah is concerned about increases in algal growth and blooms, and other unsanitary or unsafe water quality conditions in these creek beds, tributaries, Mankins Branch, and the San Gabriel River.

Jonah is willing and able to provide wastewater service to Applicant for future residential customers within the proposed service area and pursuant to Jonah’s tariff. Nothing in the *Notice* indicates that Applicant requested wastewater service from Jonah, nor that Jonah is unable or unwilling to provide such service. Jonah believes the permit application is insufficient for that reason.

Thank you for your attention to this matter. Please contact me at (512) 614-0901 or john@carltonlawaustin.com if you have any questions regarding this hearing request.

Sincerely,

THE CARLTON LAW FIRM, P.L.L.C.



John J. Carlton
Attorney for Jonah Water Special Utility District

¹ TWC § 26.081.

² TWC § 26.0282.

³ Combined Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) And Notice of Application and Preliminary Decision For TPDES Permit For Municipal Wastewater (Aug. 23, 2022).

Debbie Zachary

WQ
127679

From: PUBCOMMENT-OCC
Sent: Friday, September 23, 2022 8:16 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016132001
Attachments: 2022.09.22 Comments and Hearing Request [FINAL].pdf

H

From: katy@carltonlawaustin.com <katy@carltonlawaustin.com>
Sent: Thursday, September 22, 2022 4:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016132001

REGULATED ENTY NAME WILLIAMSON COUNTY MUD NO 44 WWTP

RN NUMBER: RN111467338

PERMIT NUMBER: WQ0016132001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: THE VANTAGE AUSTIN LLC

CN NUMBER: CN606001055

FROM

NAME: John J. Carlton

EMAIL: katy@carltonlawaustin.com

COMPANY: The Carlton Law Firm, P.L.L.C.

ADDRESS: 4301 WESTBANK DR Suite B-130
AUSTIN TX 78746-6568

PHONE: 5126140901

FAX: 5129002855

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Phone: (512) 614-0901
Facsimile: (512) 900-2855

John J. Carlton
john@carltonlawaustin.com

September 22, 2022

VIA e-file to: www14.tceq.texas.gov/epic/eComment/

Ms. Laurie Gharis, Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Jonah Water Special Utility District's Comments on The Vantage Austin LLC's Application for a proposed Texas Pollutant Discharge Elimination System, Permit No. WQ0016132001, to Authorize a Domestic Wastewater Treatment Facility and the Discharge of Treated Domestic Wastewater in Williamson County, Texas.

Dear Ms. Gharis:

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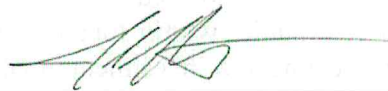
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Sincerely,

THE CARLTON LAW FIRM, P.L.L.C.



John J. Carlton
Attorney for Jonah Water Special Utility District

¹ TWC § 26.081.

² TWC § 26.0282.

³ Combined Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) And Notice of Application and Preliminary Decision For TPDES Permit For Municipal Wastewater (Aug. 23, 2022).

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Friday, January 27, 2023 2:26 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016132001

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From: marjoriemueller1@gmail.com <marjoriemueller1@gmail.com>
Sent: Thursday, January 26, 2023 11:02 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016132001

REGULATED ENTY NAME WILLIAMSON COUNTY MUD NO 44 WWTP

RN NUMBER: RN111467338

PERMIT NUMBER: WQ0016132001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: THE VANTAGE AUSTIN LLC

CN NUMBER: CN606001055

FROM

NAME: Marvin A Mueller

EMAIL: marjoriemueller1@gmail.com

COMPANY:

ADDRESS: 1010 COUNTY ROAD 140
GEORGETOWN TX 78626-1913

PHONE: 5122179338

FAX:

COMMENTS: This is a request for a contested case hearing for the proposed sewage treatment plan on the East Fork of the Ranger Branch, Williamson County, approximately one mile north of the intersection of CR 140 and CR 194. I am requesting this hearing because I am an affected person of this permit application. My property is directly adjacent to the proposed sewage treatment plant and will be adversely affected by the construction of this facility. We believe that the plant will be approximately 100 yards from our property, thus proximity is a crucial concern and consideration. Our

listed concerns are: 1. Effect on human health and water quality of surface water in proposed route of discharge. The East Fork of Ranger Branch flows directly thru my property. Sewage treatment plants are not perfect and spills do occur. 2. Effect of quality of ground water 3. Effect on air quality and foul odors emitted by the sewage treatment plant 4. Extreme negative effect on value of my property and surrounding properties. Please advise when the date and time of the hearing will be scheduled. Thank you.

WQ
127679

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, June 8, 2022 8:47 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0016132001

From: marjoriemueller1@gmail.com <marjoriemueller1@gmail.com>
Sent: Tuesday, June 7, 2022 3:43 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016132001

REGULATED ENTY NAME WILLIAMSON COUNTY MUD NO 44 WWTP

RN NUMBER: RN111467338

PERMIT NUMBER: WQ0016132001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: THE VANTAGE AUSTIN LLC

CN NUMBER: CN606001055

FROM

NAME: Marvin Mueller

EMAIL: marjoriemueller1@gmail.com

COMPANY:

ADDRESS: 1010 COUNTY ROAD 140
GEORGETOWN TX 78626-1913

PHONE: 5126328907

FAX:

COMMENTS: Only by accident did I discover that there was an application for a wastewater treatment plant to be built about 50 yards from the back of my property. I had received nothing in the mail nor any other correspondence to inform me of such a construction project. I have met with my neighbors and it seems that none of them have been informed either. I question the process that is being followed to get this permit approved. I and my neighbors strenuously object to this project since it will have a detrimental value to both our property values and the quality of the air and water in

Ranger Branch. We understand that a developer has purchased the Southwestern University property of 400 acres and intends to develop for both residential and commercial use. Our question is why the developer doesn't use the City of Georgetown Wastewater Treatment Plant @ Berry Creek, since that is about a mile away or less. We feel as if this is being shoved down our throats without any opportunity to voice our objections to this plant being built in our backyard. I would appreciate the opportunity to meet with the agency and list my objections to the granting of this permit. Please advise when that might be possible.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Thursday, May 19, 2022 10:52 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0016132001

MWD
127679

H

From: mshipman605@gmail.com <mshipman605@gmail.com>
Sent: Wednesday, May 18, 2022 12:23 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0016132001

REGULATED ENTY NAME WILLIAMSON COUNTY MUD NO 44 WWTP

RN NUMBER: RN111467338

PERMIT NUMBER: WQ0016132001

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: THE VANTAGE AUSTIN LLC

CN NUMBER: CN606001055

FROM

NAME: LT COL Mark G Shipman

EMAIL: mshipman605@gmail.com

COMPANY:

ADDRESS: 757 COUNTY ROAD 149
GEORGETOWN TX 78626-1936

PHONE: 3252201875

FAX:

COMMENTS: Mark G Shipman 757 County Road 149 Georgetown Texas 78626 325 220 1875 Vantage Austin LLC 5900 Balcones Drive, Suit 100 Austin Texas 78731 WQ0016132001 My property lies North of the Proposed wastewater treatment plant, and is directly downwind of the prevailing winds, approximately a half (½) mile from the plant. As to the specific description of how I would be adversely affected by the facility in a way not common to the general public, is a very interesting requirement. Since, I could not locate any State of Texas air quality regulations for wastewater

treatment plants. Further, I was informed by TCEQ they do not have any. But currently, I am the only home directly downwind half (½) a mile from the proposed site. The property being developed is scheduled for homes to be built on the southern end, away from the Wastewater Treatment plant. Future development of the Northern section is being reviewed for commercial uses. I find this interesting, as who would buy a home next to and downwind of a sewer plant? However, there is a small subdivision approximately a quarter (¼) of a mile further downwind, from my home. It should also be noted that the public notice states that ten (10) requests are needed for a public hearing. This should not apply to this project as; I do not believe there were ten (10) homes adjacent to the proposed track that were notified. In addition, I have significant concerns on the potential odor and impact on my family's health as well as the property's value and use. I have a beautiful estate of eleven (11) acres with a home of approximately 3700 sq ft under roof and an attached three (3) car garage of 1400 sq. ft. Below are three studies and listing of potential health effects. Health: 1) The Financial, Social & Environmental Impact of Wastewater Treatment Plants; <https://concernederincitizens.wordpress.com/2013/04/09/> 2) The NIH National Library of Medicine Work-related health effects among wastewater treatment plants workers - PubMed (nih.gov) 3) Impact of a Sewage Treatment Plant on Health of Local Residents: Gastrointestinal System Symptoms Impact of a Sewage Treatment Plant on Health of Local Residents: Gastrointestinal System Symptoms (researchgate.net) A primary health concern caused by these facilities are airborne hazards. Chemicals from wastewater and sewage treatment facilities can become airborne during the treatment process. Studies have shown that bacteria is at its most prevalent in windy and humid conditions (which are a preponderance of the days in Central Texas). These airborne hazards not only create unpleasant odors but they also pose the risk of respiratory and gastrointestinal infections for people living in close proximity to the facility. When chemicals, bacteria and other organisms produced in the plant become airborne they risk being inhaled by residents. The effects of inhaling these chemicals can vary depending on a variety of factors, but can include; respiratory infections, eye irritations, depression, central nervous system damage, and possible poisoning. The quality of life and the enjoyment of being able to be outside, to BBQ, sit and visit as the sun sets or listen to birds will be significantly impacted by the foul odor of a sewage plant, AKA wastewater treatment plant. No one will purchase a piece of property that has the stench of a sewer plant. Further, smell is a major part of taste of any food or beverage consumed; being outdoors with the stench of a sewer plant will significantly impact the enjoyment of being outdoors and potentially indoors. The home and property will become uninhabitable and not useable, as it stands today. I request a contested case hearing.

Mark G Shipman