

Brooke T. Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 26, 2025

TO: All interested persons.

RE: Vista Townhomes Austin LLC  
TCEQ Permit No. WQ0016355002

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Georgetown Public Library, Reference Desk, 402 West 8th Street, Georgetown, in Williamson County, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

### **How to Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

### **How to Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

### **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date

of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

### **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Vista Townhomes Austin LLC**  
**TCEQ Permit No. WQ0016355002**

The Executive Director has made the Response to Public Comment (RTC) for the application by Vista Townhomes Austin LLC for TCEQ Permit No. WQ0016355002 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (WQ0016355002) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Additional Information**

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at Georgetown Public Library, Reference Desk, 402 West 8th Street, Georgetown, in Williamson County, Texas.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas reduciendo y previniendo la contaminación*

26 de junio de 2025

TO: Todas las personas interesadas.

RE: Vista Townhomes Austin LLC  
TCEQ Permiso No. WQ0016355002

### **Decisión del Director Ejecutivo.**

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de Georgetown, escritorio de referencia, 402 West 8th Street, Georgetown, en el condado de Williamson, Texas.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

### **Cómo solicitar una audiencia de caso impugnado.**

Es importante que su solicitud incluya toda la información que respalde su derecho a una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted

proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (3) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".
- (4) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
  - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
  - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
  - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.

Además, su solicitud debe demostrar que usted es una "**persona afectada**". Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

### **Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.**

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de

reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

### **Fecha límite para la presentación de solicitudes.**

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Procesamiento de solicitudes.**

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

### **Cómo obtener información adicional.**

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/cb

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Vista Townhomes Austin LLC**  
**TCEQ Permiso No. WQ0016355002**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Vista Townhomes Austin LLC del permiso de TCEQ No. WQ0016355002. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (WQ0016355002) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Información adicional**

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública de Georgetown, escritorio de referencia, 402 West 8th Street, Georgetown, en el condado de Williamson, Texas.



MAILING LIST / LISTA DE CORREO  
for / para  
Vista Townhomes Austin LLC  
TCEQ Permit No. WQ0016355002/ TCEQ Permiso No. WQ0016355002

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Sathish Babu Chakka, Managing Partner  
Vista Townhomes Austin LLC  
4126 Remington Road  
Cedar Park, Texas 78613

Ashley Lewis  
Water Quality/Permitting Team Leader  
Plummer Associates, Inc.  
8911 North Capital of Texas Highway  
Suite 250  
Austin, Texas 78759

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

see attached list/ ver lista adjunta

FOR THE EXECUTIVE DIRECTOR /  
PARA EL DIRECTOR EJECUTIVO  
via electronic mail /  
por correo electrónico:

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

Kathy J. Humphreys, Staff Attorney Texas  
Commission on Environmental Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Jose Alfonso Martinez, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Quality Division MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /  
PARA ABOGADOS DE INTERÉS PÚBLICO  
via electronic mail /  
por correo electrónico:

Garrett T. Arthur, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /  
PARA EL SECRETARIO OFICIAL  
via electronic mail  
por correo electrónico:

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

AFFLERBACH , ERIC  
238 RIO RANCHERO RD  
GEORGETOWN TX 78628-3080

ALMEIDA , ALLYSON  
10901 VISTA HEIGHTS DR  
GEORGETOWN TX 78628-2011

ASHER , RASHMIN  
SPENCER FANE LLP  
STE 1200  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

CHAMBERS , MARIS MARSHALL  
SPENCER FANE LLP  
STE 1200  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

COOK , TERRY G PRECINCT 1 COMMISSIONER  
WILLIAMSON COUNTY  
STE 110  
1801 E OLD SETTLERS BLVD  
ROUND ROCK TX 78664-1905

FAULK , CODY  
SPENCER FANE LLP  
STE 1200  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

FAULK III , WILLIAM A  
SPENCER FANE LLP  
STE 1200  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

HOPKINS-BAUL , COTY  
SPENCER FANE LLP  
STE 1200  
816 CONGRESS AVE  
AUSTIN TX 78701-2442

JACKSON , STEVEN  
1329 TERRACE VIEW DR  
GEORGETOWN TX 78628-2061

MATIAS , MELISSA  
1909 CHERRY GLADE CV  
GEORGETOWN TX 78628-6952

PUTT , ERIC L  
4820 W STATE HIGHWAY 29  
GEORGETOWN TX 78628-6864

RE , MR ANDREW  
10813 VISTA HEIGHTS DR  
GEORGETOWN TX 78628-2231

SANSOM , MIKE  
1908 CHERRY GLADE CV  
GEORGETOWN TX 78628-6952

SHUGERT , CRAIG T  
10801 VISTA HEIGHTS DR  
GEORGETOWN TX 78628-2231

SMITH , LINDSEY  
1200 HIGHLAND RIDGE RD  
GEORGETOWN TX 78628-2295

TOOLE , CASEY  
10912 VISTA HEIGHTS DR  
GEORGETOWN TX 78628-2011

WARNER , CARI  
1120 HIGHLAND RIDGE RD  
GEORGETOWN TX 78628-2296

**TLAP Permit No. WQ0016355002**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>VISTA TOWNHOMES AUSTIN LLC FOR</b>	<b>§</b>	<b>TEXAS COMMISSION</b>
<b>TCEQ PERMIT NO.</b>	<b>§</b>	<b>ON ENVIRONMENTAL</b>
<b>WQ0016355002</b>	<b>§</b>	<b>QUALITY</b>

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**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

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The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response or RTC) on the application by Vista Townhomes Austin LLC (Vista Townhomes) for a new permit, Texas Land Application Permit (TLAP), TCEQ Permit No. WQ0016355002, and the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments. The Office of the Chief Clerk received timely comments from the following: Cody Faulk and Carlota Hopkins-Baul on behalf of the City of Georgetown, Eric Afflerbach, Allyson Almeida, Steven Jackson, Melissa Matias, Eric L. Putt, Andrew Re, Mike Sansom, Lindsey Smith, Craig T. Shugert, Casey Toole, and Cari Warner. This response addresses all timely public comments received, whether or not withdrawn.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B). If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found at the following website: [www.tceq.texas.gov](http://www.tceq.texas.gov).

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## I. BACKGROUND

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### ***A. Description Of Facility***

Vista Townhomes submitted an application to TCEQ for a new permit, Permit No. WQ0016355002, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 24,000 gallons per day via surface irrigation of 6.5 acres of public access land. Vista Townhomes proposes to operate the Vista Townhomes Wastewater Treatment Facility (WWTF). The proposed WWTF will serve the Vista Townhomes residential development.

If the permit is issued, the Vista Townhomes WWTF will consist of an activated sludge process plant using the conventional mode for secondary treatment and a membrane bioreactor (MBR) for solids separation. Treatment units will include headworks with fine screening, an equalization tank, six aerations basins with MBRs, an Ultraviolet Light (UV) unit, a sludge holding tank, and a sludge dewatering screw press.

The wastewater treatment facility and disposal site will be located approximately 0.4 miles north of the intersection of Vista Heights Drive and State Highway 29 West, in Williamson County, Texas 78628. The wastewater treatment facility and disposal site will be located in the drainage basin of Middle Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin.

The draft permit does not authorize a discharge to surface water. If the draft permit is issued 24,000 gallons of treated effluent would be authorized to be land applied by surface irrigation to 1.3 acres at an application rate of 9.4 acre-feet per acre per year. The effluent limits in the draft permit are consistent with 30 TAC Chapter 309 and Table 1 in 30 TAC § 309.4.

The draft permit includes the following effluent limits and monitoring requirements. All flows are expressed in million gallons per day (MGD). All pH values are expressed in standard units (SU). Concentration values are expressed in milligrams per liter (mg/L).

**Table 1. Effluent Limitations:**

Parameter/Pollutant	Daily Average	7-day Average	Daily Maximum	Single Grab
	mg/L	mg/L	mg/L	mg/L
Biochemical Oxygen Demand, 5-day (BOD5)	5	10	20	30
Total Suspended Solids (TSS)	5	10	20	30
Flow	0.024 MGD			
pH	6.0-9.0 SU			

### ***B. Procedural Background***

The permit application was received on February 26, 2024, and declared administratively complete on March 22, 2024. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on April 3, 2024, in the *Williamson County Sun* and the *El Mundo* Newspaper. The Notice of Application and Preliminary Decision (NAPD) was published on November 7, 2024, in the *Williamson County Sun* and the *El Mundo* Newspaper.

The public comment period ended on December 10, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted SB 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

### ***C. Access to Rules, Laws, and Records***

Please consult the following websites to access the rules and regulations applicable to this permit:

- Secretary of State website: [www.sos.state.tx.us](http://www.sos.state.tx.us);
- TCEQ rules in 30 TAC: [www.sos.state.tx.us/tac](http://www.sos.state.tx.us/tac);
- Texas statutes: [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us);
- TCEQ downloadable rules: [www.tceq.texas.gov/rules/indxpdx.html](http://www.tceq.texas.gov/rules/indxpdx.html);
- Federal rules in Title 40 of the Code of Federal Regulations: <https://www.ecfr.gov/current/title-40>; and
- Federal environmental laws: [www.epa.gov/lawsregs](http://www.epa.gov/lawsregs).

Commission records for this application are available for viewing and copying and are located at TCEQ's main office in Austin, 12100 Park 35 Circle, Building F, 1st Floor (Office of Chief Clerk). The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the following location: Georgetown Public Library, Reference Desk, 402 West 8th Street, Georgetown, in Williamson County, Texas.

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## **II. COMMENTS AND RESPONSES**

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### **COMMENT 1:**

Eric L. Putt and Craig T. Shugert commented that the use of United States Geological Service (USGS) soil maps is insufficient and on-site soil testing is needed to get an accurate depiction of the soil characteristics of the site.

### **RESPONSE 1:**

Site-specific soil sampling is required for TLAP applications in addition to county-wide soil maps. The results of the soil analysis performed by Texas A&M AgriLife Extension Soil, Water and Forage Testing Laboratory Laboratories was received April 22, 2024, and reviewed by the Water Quality Assessment Team agronomist. The irrigation rates were calculated according to the soil and crop requirements and water balance calculations specific to the proposed land application site. The proposed irrigation rates are site-specific and are based on agronomic rates to ensure crop growth, nutrient uptake, and effluent retention in the soil to prevent effluent runoff, seepage, and ponding.

### **COMMENT 2:**

Allyson Almeida, Eric L. Putt, Craig T. Shugert expressed concern for the potential of air pollution from the proposed facility.

### **RESPONSE 2:**

TCEQ is the agency responsible for enforcing air pollution laws. The Texas Clean Air Act provides that certain facilities may be exempt from the requirements of an air quality permit if, upon review, it is found that those facilities will not make a significant contribution of air contaminants to the atmosphere and that human health,

and the environment will be protected. According to TCEQ rules in 30 TAC § 106.532, wastewater treatment plants have undergone this review and are permitted by rule, provided the wastewater treatment plant only performs the functions listed in the rule. In its application, the Vista Townhomes indicated that the treatment process of the proposed wastewater treatment facility would use the activated sludge process. This treatment process will not emit a significant contribution of air contaminants to the atmosphere pursuant to the Texas Health and Safety Code's (THSC) Texas Clean Air Act § 382.057 and § 382.05196 and is therefore permitted by rule.

**COMMENT 3:**

Eric L. Putt and Craig T. Shugert commented that there is a lack of contingency plans for an event such as power outages or the failure of the holding pond.

**RESPONSE 3:**

The draft permit prohibits unauthorized discharge of wastewater or any other waste and includes appropriate requirements for preventing unauthorized discharges and ensuring the system works properly during an emergency. For example, the permittee must maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, or retention of inadequately treated wastewater.<sup>1</sup> In addition, the plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by TCEQ.<sup>2</sup> All of these permit provisions are designed to help prevent unauthorized discharges of raw sewage. Except as allowed by 30 TAC § 305.132, Vista Townhomes will be required to report an unauthorized discharge to TCEQ within 24 hours. Vista Townhomes will be subject to potential enforcement action for failure to comply with TCEQ rules or the permit.

**COMMENT 4:**

Eric L. Putt and Craig T. Shugert expressed concern over the potential for adverse stormwater runoff events caused by the proposed development and

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<sup>1</sup> 30 Tex. Admin. Code § 217.36.

<sup>2</sup> Vista Townhomes Austin, LLC Draft Permit, Special Provisions, Item X, page 34; *see also* 30 TEX. ADMIN. CODE § 217.6(d).

recommended that a hydrological study should be conducted to assess the potential impacts on water quality from the development. Similarly, Melissa Matias, and Cari Warner, expressed concerns over flooding. Georgetown commented that the location of the facility in the 100-year floodplain would pose a threat to surface water and groundwater in the Edwards Aquifers.

#### **RESPONSE 4:**

TCEQ does not have jurisdiction to address runoff, flooding, or erosion issues in the wastewater permitting process. However, the TCEQ does have jurisdiction to address runoff and flooding or ponding relating to the irrigation area of the wastewater treatment facility. Vista Townhomes is required to comply with all the numeric and narrative effluent limitations and other conditions in the draft permit at all times, including during flooding conditions. Additionally, Special Provision No. 11 prohibits irrigation during rainfall events or when the ground is frozen or saturated and Special Provision No. 12 requires that any areas with problems such as surface runoff, surficial erosion, stressed or damaged vegetation must be recorded in the field log kept onsite and corrective measures will be initiated within 24 hours of discovery.

Additionally, the proposed facility will be located on the Recharge Zone of the Edwards Aquifer, as mapped by the TCEQ, and therefore is subject to 30 TAC Chapter 213, Subchapter A. According to 30 TAC § 213.5, the facility is required to develop a deed recorded water pollution abatement plan (WPAP). The WPAP must address drainage, stormwater quality and quantity, runoff pre- and post-construction and include proposed temporary and permanent Best Management Practices to address these issues and prevent pollution caused by contaminated stormwater runoff. The plan will be reviewed by the TCEQ Edwards Aquifer Protection Program prior to construction at the site.

For any flooding concerns, members of the public may wish to contact the applicable floodplain management office in the area. The TCEQ Resource Protection Team can aid in identifying and contacting the local floodplain administrator and can be contacted by calling 512-239-4691. Additionally, FEMA has programs designed to mitigate damage caused by flooding.



**COMMENT 5:**

The City of Georgetown stated that it has existing permitted treatment capacity sufficient to meet the needs identified by the applicant and that the applicant failed to demonstrate the need for a new facility in the context of regionalization. The City of Georgetown noted that one of its wastewater treatment plants is within approximately one mile of the location of proposed Vista Townhomes wastewater treatment facility. The City of Georgetown also noted that the proposed service area is located in its master plan, which describes how wastewater services will be provided in the area. Finally, according to the City of Georgetown there are other alternatives that would be faster and less costly.

**RESPONSE 5:**

Texas Water Code (TWC) § 26.081 establishes the State's regionalization policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to meet the waste disposal needs of the citizens of the State and to protect water quality. However, the draft is permit is for a Texas Land Application Permit (TLAP), which does not authorize the discharge of treated wastewater into waters in the State. According to TCEQ's *Regionalization and Site Selection Guidance for Wastewater Systems (RG-632)*, TLAP applications are not subject to the regionalization policy under TWC § 26.081 because they do not involve a discharge to water in the State. TLAPs prohibit unauthorized discharges and include permit provisions that are designed to protect surface water quality. Additionally, if the permit is issued, Vista Townhomes may be subject to an enforcement action if it has an unauthorized discharge into waters in the state.

Additionally, the Preliminary Engineering Report from Vista Townhomes provided justification for the requested flows. As part of the application, Vista Townhomes provided sufficient information regarding anticipated future wastewater needs and explained the timing of the proposed additional phases and needed expansion. Vista Townhomes demonstrated a need for the proposed flow and treatment capabilities to serve the 60 townhomes and 95 apartments in the development.

Finally, Vista Townhomes stated in its Application, Attachment K that the City of Georgetown verbally denied service to the proposed facility and that extending service from the City's system would be economically challenging.

**COMMENT 6:**

The City of Georgetown, Allyson Almeida, Eric L. Putt, and Craig T. Shugert expressed concerns about the potential for overflow into the Edwards Aquifer. Similarly, they expressed concern regarding TCEQ permitting treated wastewater disposal via irrigation in the Edwards Aquifer region. Additionally, they expressed concern regarding the failure of the Draft Permit to ensure protection of both groundwater and hydrologically connected surface waters, including the Edwards Aquifer. The City of Georgetown also noted that the soils are not suitable for growing crops.

**RESPONSE 6:**

Potential impacts from the operation of the proposed facility on groundwater were considered during the review of the application and were addressed in the draft permit. The draft permit authorizes the disposal of wastewater by irrigation for beneficial use. No discharge of pollutants into water in the State, including groundwater, is authorized under the draft permit. The Executive Director has determined that the TLAP, if issued, will be protective of the environment, water quality, and human health and that the draft permit meets applicable TCEQ rules and requirements for the beneficial use of treated domestic effluent via land application in 30 TAC Chapters 217 and 309.

The draft permit includes enforceable requirements to prevent groundwater contamination during the construction and operation of the proposed wastewater facility. The application rate included in the draft permit is site-specific and based on agronomic rates to ensure sufficient crop growth, nutrient uptake, and effluent retention in the soil to prevent effluent runoff, seepage, and ponding. The draft permit also requires irrigation practices to be designed and managed to prevent ponding of effluent, contamination of ground and surface waters, and the occurrence of nuisance conditions in the area. The draft permit requires crops to be established and well maintained in the irrigation area throughout the year so that the crops uptake effluent

and nutrients, and runoff and ponding is prevented. Vista Townhomes must comply with the buffer zone requirements of 30 TAC § 309.13(c), specifically regarding water wells and waters in the state per Special Provision No. 21 of the draft permit. These buffers include a minimum horizontal distance of 500 ft from public water wells, springs, or other similar sources of public drinking water; 150 ft from private water wells; and 100 ft from surface waters in the state.

TCEQ has developed rules for regulated activities on the Edwards Aquifer recharge and contributing zones under 30 TAC Chapter 213. These rules authorize the discharge of treated wastewater within the contributing zone of the Edwards Aquifer and specify effluent limits for those facilities located within 10 miles of the recharge zone. TCEQ's Edwards Aquifer Rules prohibit the direct discharge of municipal and industrial wastewater discharges on the Edwards Aquifer Recharge Zone into or adjacent to water in the state that would create additional pollutant loading. TCEQ has established minimum effluent treatment levels for new or increased discharges of treated wastewater into or adjacent to water in the state, other than industrial wastewater discharges, within zero to five miles upstream from the Recharge Zone and for new or increased discharges into or adjacent to water in the state, other than industrial wastewater discharges, more than five miles but within 10 miles upstream from the Recharge Zone. Per 30 TAC § 213.6, wastewater disposal systems for disposal of wastewater on the recharge zone using land application methods, such as irrigation, will be considered on a case-by-case basis. At a minimum, those systems must attain secondary treatment as defined in 30 TAC Chapter 309 of this title (relating to Effluent Limitations).

This site is located on the Recharge Zone of the Edwards Aquifer, as mapped by TCEQ, and therefore is subject to 30 TAC Chapter 213 Subchapter A. To protect the aquifer, there are numerous, extensive, explicit and enforceable requirements in the draft permit. Special Provision Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 in the draft permit outline protective measures for recharge features identified onsite, such as sinkholes, caves, solution cavities, etc. that could allow pollutants to enter the aquifer. (*See Attachment A for the specific language*)

Pursuant to TWC § 26.046, the Edwards Aquifer Protection Program (EAPP), the TCEQ is required to hold an annual public hearing to receive evidence from the public

on actions the Commission should take to protect the Edwards Aquifer from pollution. For information on the hearing, email [eapp@tceq.texas.gov](mailto:eapp@tceq.texas.gov).

The Executive Director recommends that domestic well owners properly maintain their well and periodically test their well water for microbial and chemical contaminants. Private well owners should take steps to have their water quality tested routinely tested. Wells should be tested more often if the well is under the influence of nearby surface water, or if contamination is suspected. For more information on testing private water wells, please see the National Ground Water Association website at [wellowner.org/resources/water-quality/water-testing](http://wellowner.org/resources/water-quality/water-testing). If your well tests positive for fecal coliform bacteria, please see the TCEQ publication titled [\*Disinfecting Your Private Well\*](#) (GI-432).

The draft permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharge. The draft permit limits the hydraulic application rates per field (“outfall”) and prohibits irrigation during times where there has been significant rainfall or during times where the soil is saturated. The application rates have been evaluated by TCEQ staff to ensure that they are suitable for the water needs of the proposed crops, and they comply with TCEQ rules.

The draft permit includes provisions that are designed to protect groundwater and surface water quality, including maintaining minimum buffer distances between wastewater treatment infrastructure and water wells and surface water bodies. Special Provision 9 in the draft permit specifically addresses a minimum soil depth requirement with the addition of importing soils should the current land application areas not meet this requirement. If imported soils are used, the permittee shall submit no later than 90 days prior to construction to the TCEQ Water Quality Assessment Team (MC 150) and the Wastewater Permitting Section (MC 148) of the Water Quality Division a plan for review/revision and approval describing how the imported soils will be incorporated into the native soils and how soil erosion will be prevented in the affected areas. Furthermore, for each effluent irrigation area, irrigation practices are required to be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Crops shall be established and well maintained in the irrigation areas throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing.

**COMMENT 7:**

Allyson Almeida, Andrew Re, Craig T. Shugert, Casey Toole, and Eric L. Putt raised concerns regarding the project's proximity to critical environmental features, including cave systems, and the potential harm to heritage oak trees and the potential environmental impacts on cave systems.

**RESPONSE 7:**

The permittee must have a Texas-licensed Professional Geoscientist available during the construction of all wastewater ponds, as well as during all excavation or trenching activities that occur during the construction of the irrigation system and wastewater transmission lines. In accordance with 30 TAC § 213.5(f)(2), if any sensitive features (such as caves, solution cavities, or sinkholes) are discovered during construction, all activities regulated under 30 TAC Chapters 213, 217, and 309 occurring near the feature must be immediately suspended. The permittee must immediately notify the TCEQ Regional Office (MC-Region 11) of the discovery. Regulated activities near the feature may not proceed until the Executive Director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The protection plan must be sealed, signed, and dated by a Texas-licensed Professional Geoscientist or Professional Engineer, as appropriate. See Special Provision Nos. 23 and 26 of the draft permit for additional relevant details on environmental protections and site-specific requirements.

A Geologic Assessment of the proposed facility was conducted as part of the permitting process, which indicated that no sensitive features were identified in the assessment area. Regarding concerns about the proximity of the project to heritage oak trees, it is important to note that TCEQ wastewater permitting does not specifically address tree preservation. These matters would fall under the jurisdiction of local ordinances.

**COMMENT 8:**

Steven Jackson, Melissa Matias, Lindsey Smith, Casey Toole, and Cari Warner commented raising concerns about nuisance odors from the treatment plant.

## RESPONSE 8:

All wastewater treatment facilities have the potential to generate odors. To control and abate odors TCEQ rules require domestic WWTPs to meet buffer zone requirements for the abatement and control of nuisance odor according to 30 TAC § 309.13(e), which provides three options for applicants to satisfy the nuisance odor abatement and control requirements. Vista Townhomes can comply with the rule by: 1) ownership of the buffer zone area; 2) restrictive easements from the adjacent property owners for any part of the buffer zone not owned by Vista Townhomes; or 3) providing nuisance odor control.<sup>3</sup>

According to its application, Vista Townhomes intends to comply with the requirement to abate and control nuisance of odor by locating the treatment units at least 150 feet from the nearest property line.<sup>4</sup> This requirement is incorporated in the draft permit.<sup>5</sup> Therefore, nuisance odor is not expected to occur as a result of the permitted activities at the facility if the permittee operates the facility in compliance with TCEQ's rules and the terms and conditions of the draft permit.

Further, in its application Vista Townhomes stated that the Vista Townhomes WWTF will be an activated sludge process plant operated in the conventional aeration mode for secondary treatment and a membrane bioreactor (MBR) for solids separation. The activated sludge process is the most frequently used biological wastewater treatment process for treating domestic wastewater. When properly treated by the proposed wastewater treatment process, the effluent is not expected to have an offensive odor.

If anyone experiences nuisance odor conditions or any other suspected incidents of noncompliance with the permit or TCEQ rules, they may be reported to TCEQ by calling the TCEQ Environmental Complaint Line at 1-888-777-3186. Calls will be routed automatically to the closest TCEQ regional office. Complaints may also be filed online at [tceq.texas.gov/compliance/complaints](https://tceq.texas.gov/compliance/complaints).

Moreover, the permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other

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<sup>3</sup> 30 TEX. ADMIN. CODE § 309.13(e).

<sup>4</sup> Vista Townhomes Austin, LLC Permit Application, Administrative Report, 1.1, Item No. 2(b), page 2, and Exhibit 6.

<sup>5</sup> Vista Townhomes Austn, LLC Draft Permit, Special Provisions, Item No. 6, page 32.

causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

**COMMENT 9:**

Steven Jackson, Mike Sansom, and Casey Toole expressed concern about the potential impact on local water quality.

**RESPONSE 9:**

The draft permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharges. If the permit is issued, the treated domestic wastewater would be disposed of via surface irrigation of 6.5 acres of public access land. The draft permit includes provisions that are designed to protect surface water quality (such as run-on/run-off controls, springs, and seeps monitoring, etc.). The draft permit also requires a minimum buffer distance of 100 feet between effluent irrigation areas and surface water in the state.

**COMMENT 10:**

Melissa Matias, Lindsey Smith, and Cari Warner expressed concern about water impacts at the low water crossing on the hiking trail.

**RESPONSE 10:**

The draft permit does not authorize the discharge of pollutants to waters in the state and prohibits any unauthorized discharges. The treated domestic wastewater will be disposed of via surface irrigation of 6.5 acres of public access land. The permit includes operational requirements, as outlined in Special Provisions 9, 12, and 13, that are designed to prevent adverse environmental impacts. As specified in these provisions, the physical condition of the spray irrigation fields will be monitored on a weekly basis during periods of irrigation. Irrigation shall not occur within 24 hours following a rainfall event. Any areas exhibiting surface runoff, surficial erosion, or stressed or damaged vegetation will be documented in a field log maintained on-site, and corrective actions will be initiated within 24 hours of discovery.

Irrigation practices must be designed and managed to prevent ponding of effluent, contamination of ground and surface waters, and the occurrence of nuisance

conditions. Vegetative cover must be established and maintained year-round to facilitate effluent and nutrient uptake and to prevent effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any effluent from the irrigated area.

The permit also requires the use of cultural practices to promote and maintain the health of Bermuda grass and Ryegrass crops and to avoid lodging. The permittee must harvest the crops at least once annually, and all mowing and harvesting activities must be documented in an on-site logbook available for inspection by TCEQ personnel.

These requirements are intended to ensure that wastewater irrigation operations do not negatively impact nearby water features, including the low water crossing on the hiking trail.

**COMMENT 11:**

The City of Georgetown, Eric L. Putt, and Craig T Shugert expressed concern about a discrepancy between the original TPDES permit request (WQ0016355001) and the revised TLAP permit request (WQ0016355002), with a significant decrease in flow from 0.360 MGD to 0.024 MGD. According to the City of Georgetown, the reduction in connections doesn't fully explain the decrease in the flow and requested clarification regarding the revised flow rate and how the revised flow rate accounts for future wastewater needs and potential expansion.

**RESPONSE 11:**

The current permit application (WQ0016355002) is for a Texas Land Application Permit (TLAP), which differs from the previously proposed Texas Pollutant Discharge Elimination System (TPDES) permit (WQ0016355001).

The significant decrease in the permitted flow from 0.360 MGD to 0.024 MGD is primarily due to the transition from a discharge-based permit to a land application system. Under the TPDES permit, the facility would have been required to discharge treated effluent into surface waters. In contrast, the TLAP permit involves the land application of treated wastewater via irrigation, which is typically associated with lower peak flows. This method is dependent on factors such as irrigation and soil absorption, as opposed to direct discharge into water bodies. Additionally, the



decrease in the number of connections from 184 to 155 has been factored in the revised flow rate.

The applicant's engineering report justifies the proposed flow rate of 0.024 MGD based on the anticipated wastewater contributions from 60 townhomes and 95 apartment units. A 10% flow buffer has been incorporated into the permitted flow to account for changes in flow and to ensure that the system does not exceed 90% of its permitted flow for three consecutive months. The revised flow request aligns with the operational needs of the proposed development, which is expected to begin construction in 2025 and accept tenants in 2026.

The applicant has provided sufficient information regarding the anticipated future wastewater needs and has outlined the timing of any proposed expansions. The information demonstrates that the requested flow is appropriate and adequately planned for the development's wastewater treatment requirements.

**COMMENT 12:**

The City of Georgetown noted that the absence of a mapped floodplain on FEMA maps does not confirm that the site lies outside the 100-year floodplain.

**RESPONSE 12:**

The FEMA Floodplain Map reference (FIRM Panel 48491C0275E) was provided by the applicant. The applicant stated that the proposed facility will be located above the 100-year flood level and included the corresponding FIRM panel for reference.

**COMMENT 13:**

The City of Georgetown noted that the nitrogen concentration in the application appears to be underestimated and that no information was provided regarding the presence or treatment of PFAS (per- and polyfluoroalkyl substances) in the effluent.

**RESPONSE 13:**

Regarding the nitrogen concentration, the application requires an effluent concentration of 20 mg/L, as the facility is not yet constructed. This nitrogen concentration falls within an acceptable range, and it is not required to be sampled as this is a new permit.

The application does not specifically address the presence or treatment of PFAS (per-and polyfluoroalkyl substances) in the effluent. Currently, neither TCEQ nor the EPA have established regulations for effluent limits for PFAS in wastewater. The EPA is actively researching potential adverse human health effects from PFAS in the environment, but there are no federal or state criteria for PFAS in wastewater at this time. While ongoing studies may lead to future regulatory actions, there is no current requirement for the treatment of PFAS in domestic wastewater.

**COMMENT 14:**

The City of Georgetown and Cari Warner expressed concern that the Draft Permit does not contain sufficient operational requirements, irrigation-related effluent limits, or adequate sampling and monitoring provisions to ensure protection of water quality. Additionally, the City of Georgetown commented that the Draft Permit does not protect the habitat of karst-dwelling species, including endangered species.

**RESPONSE 14:**

This site is located on the Recharge Zone of the Edwards Aquifer, as mapped by TCEQ, and therefore is subject to 30 TAC Chapter 213 Subchapter A. Per that rule, wastewater disposal systems on the recharge zone using land application methods, such as irrigation, must attain secondary treatment as defined in 30 TAC Chapter 309.

TCEQ staff performed a technical review of the permit application including agronomic, geologic, and engineering reviews. Staff evaluated the soil thickness, proposed crops, climatic conditions, hydraulic and nitrogen application rates, and suitability of the soil for wastewater irrigation. Staff also ensured proper identification of recharge features such as water wells, creeks, or other waters in the state and evaluated the depth to groundwater and the existence of aquifer, pond liner requirements, as well as the treatment requirements for the effluent, storage capacity, and whether the proposed wastewater treatment system is appropriate for the effluent limits.

Based on staff review and analysis, the Executive Director established effluent limits and additional permit requirements to be included in the draft permit to assure protection of groundwater quality, human health, and the environment.

Regarding the operational requirements and effluent limits, the Draft Permit includes specific, enforceable measures designed to prevent groundwater contamination during the construction and operation of the proposed wastewater facility. The application rate included in the draft permit is site-specific and based on agronomic principles to ensure crop growth, nutrient uptake, and effluent retention in the soil, thus preventing effluent runoff, seepage, and ponding. The draft permit also mandates that irrigation practices are carefully managed to avoid contamination of ground and surface waters, as well as the occurrence of nuisance conditions. Crops must be established and maintained throughout the year in the irrigation area to effectively uptake effluent and nutrients, preventing runoff and ponding.

In relation to the protection of karst-dwelling species, including endangered species, the Draft Permit includes provisions to safeguard sensitive environmental features on-site. The site is within the Recharge Zone of the Edwards Aquifer, which is subject to stringent regulatory requirements under 30 TAC Chapter 213 to prevent contamination. The draft permit includes protective measures outlined in Special Provision Nos. 16 through 27, which address recharge features such as caves and sinkholes, as well as other sensitive environmental features that may support karst-dwelling species.<sup>6</sup> In the event that sensitive features are discovered during construction or operation, the draft permit requires the immediate suspension of activities and implementation of protective measures, in compliance with 30 TAC § 213.5(f)(2), to minimize potential impacts on these species habitats.<sup>7</sup>

Additionally, the Draft Permit incorporates buffer zone requirements as specified in 30 TAC § 309.13(c) and Special Provision No. 21, which ensure that the facility does not negatively impact water wells, springs, or surface waters. These buffer zones—500 feet from public water wells, 150 feet from private water wells, and 100 feet from surface waters—provide additional protection for groundwater quality and surrounding ecosystems.

#### **COMMENT 15:**

The City of Georgetown, Allyson Almeida, and Casey Toole requested a public hearing be held regarding the proposed water quality permit.

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<sup>6</sup> See Attachment A.

**RESPONSE 15:**

The Executive Director acknowledges the request for a contested case hearing. The Executive Director has considered all timely comments and prepared this response to all relevant, material, or significant public comment. This RTC will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. The mailing also provides instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant material water quality concerns submitted during the comment period. If the application does go to hearing, the final decision regarding this application will be made by the TCEQ's Commissioners.

**COMMENT 16:**

Eric Afflerbach, Mike Sansom, Lindsey Smith, and Cari Warner expressed concern regarding potential for decreased property values, traffic safety, and aesthetics.

**RESPONSE 16:**

TCEQ does not have the authority to address these types of issues as part of the wastewater permitting process. Texas Water Code Chapter 26 and applicable wastewater regulations do not authorize TCEQ to consider issues such as property values, traffic and aesthetics. However, the draft permit does not limit the ability of an individual to seek legal remedies against the Applicant regarding any potential trespass, nuisance, or other causes of action in response to activities that may result in injury to human health or property or that may interfere with the normal use and enjoyment of property.

**COMMENT 17:**

Melissa Matias, Lindsey Smith, and Cari Warner raised concerns with the proposed pipeline obstructing emergency services access and deeded easements.

**RESPONSE 17:**

The Executive Director acknowledges this comment. The concerns regarding potential obstruction of emergency services access and deeded easements are outside TCEQ's jurisdiction to consider during the permitting process. While a TPDES permit was previously proposed by the same permittee, this application is for a Texas Land Application Permit (TLAP). A TLAP does not authorize the discharge of wastewater to surface water. Instead, treated effluent will be applied to designated irrigation areas within the property. The proposed system has been designed to meet all applicable buffer zone and setback requirements to ensure protection of surrounding properties and public infrastructure.

**COMMENT 18:**

Steven Jackson and Mike Sansom commented that the wastewater should be directed into Georgetown's main sewer system.

**RESPONSE 18:**

While directing wastewater to the City of Georgetown's sewer system was suggested, Texas Water Code § 26.081—related to regionalization—applies only to facilities discharging into waters in the State. Since this TLAP application does not involve discharge to the state water, it is not subject to the regionalization policy. This is consistent with TCEQ's *Regionalization and Site Selection Guidance for Wastewater Systems* (RG-632), which excludes TLAPs from regionalization requirements.

**COMMENT 19:**

The City of Georgetown stated that it owns and operates a wastewater treatment facility that can provide service to Vista Townhomes.

**RESPONSE 19:**

Any discussions between Vista Townhomes and the City of Georgetown are outside of TCEQ's review. The Executive Director reviewed the application submitted by Vista Townhomes and determined that the application is complete. The Executive Director prepared a draft permit based on the information provided by Vista Townhomes in its application.

**COMMENT 20:**

The City of Georgetown stated that the application is not substantially complete and accurate. Specifically: 1) the applicant did not include documentation that Vista requested service from the City; 2) the applicant did not provide a cost analysis regarding the cost to build the proposed facility versus the cost to connect to Georgetown's existing facility and nearby collection system; 3) information regarding surrounding land use; 4) a geological assessment; information regarding karst-dwelling species in the area.

**RESPONSE 20:**

Texas Water Code § 26.081, related to regionalization, applies only to facilities discharging into waters of the state. Applicants for TLAP permits are not required to request service from nearby facilities, provide a cost analysis, or provide information regarding surrounding land use. In its application Vista Townhomes provided the required geological assessment and information regarding karst-dwelling species.

Specifically, Special Provision Nos. 16-27 require protective measures if caves, sinkholes, or other sensitive features are identified during construction or operation. Furthermore, under 30 TAC § 213.5(f)(2), all activities must be suspended immediately upon the discovery of such features, and protective measures must be implemented to minimize potential impacts on their habitats.

Since this TLAP application does not involve a discharge to state waters, it is not subject to the regionalization policy, and a cost analysis for connection to the City's collection system is not required. This is consistent with TCEQ's Regionalization and Site Selection Guidance for Wastewater Systems (RG-632), which expressly excludes TLAP facilities from regionalization requirements.

**COMMENT 21:**

The City of Georgetown stated the draft permit is not protective of groundwater quality and hydrologically connected surface waters, as required by the Texas Surface Water Quality Standards, including public health and enjoyment of waters in the state and aquatic and terrestrial life.

**RESPONSE 21:**

The draft permit does not authorize the discharge of pollutants to water in the state and prohibits unauthorized discharge. If the permit is issued, the treated domestic wastewater will be disposed of onsite via surface irrigation on a minimum area of 6.5 acres of land. The draft permit includes provisions that are designed to protect surface water quality (such as run-on/run-off controls, springs and seeps monitoring, etc.). The proposed permit also requires a minimum buffer distance of 100 feet between effluent irrigation areas and surface water in the state.

Additionally, staff performed a technical review of the permit application. This technical review includes agronomic, geologic, and engineering reviews. Staff evaluated the soil thickness, proposed crops, climatic conditions, hydraulic and nitrogen application rates, and suitability of the soil for wastewater irrigation. Staff also ensured proper identification of recharge features such as water wells, creeks, or other waters in the state; evaluated the depth to groundwater and the existence of aquifer; pond liner requirements as well as the treatment requirements for the effluent, storage capacity, and whether the proposed wastewater treatment system is appropriate for the effluent limits.

Based on staff review and analysis, effluent limits and additional permit requirements are included in the draft permit to assure protection of groundwater quality, human health, aquatic life, and the environment.

**COMMENT 22:**

The City of Georgetown commented that the concentration of nitrogen in the application was underestimated.

**RESPONSE 22:**

The application states a nitrogen effluent concentration of 20 mg/L. Since the facility has not been constructed, this is an estimated value and falls within an acceptable range. Furthermore, sampling for nitrogen is not required for a new permit.

Per Special Provision no. 14 of the draft permit, once the facility becomes operational, the permittee will be required to analyze the irrigation effluent at least once per year for Total Kjeldahl Nitrogen (TKN), nitrate-nitrogen, total phosphorus, and electrical conductivity. The annual results must be submitted to the TCEQ Water Quality Assessment Team (MC 150), Region Office 11, and the Compliance Monitoring Team (MC 224) by the end of September each monitoring year.

**COMMENT 23:**

The City of Georgetown commented that the application does not include any information regarding other pollutants such as phosphorus, bacteria or PFAS.

**RESPONSE 23:**

The application does not specifically address the presence or treatment of PFAS (per- and polyfluoroalkyl substances) in the effluent. Currently, neither TCEQ nor the EPA has established regulations or effluent limits for PFAS in wastewater. The EPA is actively researching potential adverse human health effects from PFAS in the environment, but there are no federal or state criteria limiting PFAS in wastewater at this time. While ongoing studies may lead to future regulatory actions, there is no current requirement for the treatment of PFAS in domestic wastewater.

Regarding other pollutants, such as phosphorus and bacteria, phosphorus will be monitored annually, as required by special provision 14. Bacteria monitoring is not required for TLAP permits since the effluent is not discharged to waters in the state. The permittee will utilize a UV disinfection system to reduce pathogens and protect public health and the environment.

**COMMENT 24:**

The City of Georgetown commented that the draft permit is not protective of public health and safety.



**RESPONSE 24:**

TCEQ staff conducted a comprehensive technical review of the permit application to ensure the draft permit is protective of public health and safety. This review included agronomic, geologic, and engineering evaluations. Staff assessed factors such as soil thickness, proposed crops, climatic conditions, hydraulic and nitrogen application rates, and the overall suitability of the soil for wastewater irrigation. Staff also ensured proper identification of potential recharge features such as water wells, creeks, and other waters in the state; evaluated the depth to groundwater and presence of any aquifer; reviewed pond liner requirements, treatment requirements for the effluent, storage capacity, and determined whether the proposed wastewater treatment system is appropriate for the anticipated effluent limits.

Based on this technical review and analysis, staff established effluent limits and included additional permit requirements in the draft permit to protect groundwater quality, human health, aquatic life, and the environment. No discharge of pollutants into waters in the state, including groundwater, is authorized under the draft permit.

The Executive Director has determined that the proposed TLAP, if issued, will be protective of the environment, water quality, and human health, and that the draft permit meets all applicable TCEQ rules and requirements for the beneficial use of treated domestic effluent through land application, as set forth in 30 TAC Chapters 217 and 309.

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**III. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS**

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In response to Public Comments, the Executive Director has made no changes to the draft permit.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,  
Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
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REPRESENTING THE EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## **Attachment A – SPECIAL PROVISIONS**

### **Special Provision 16:**

The proposed facility overlies the Edwards Aquifer Recharge Zone, as mapped by the TCEQ, and is therefore subject to 30 TAC 213 Subchapter A requirements.

### **Special Provision 17:**

The permittee shall submit a copy of the Water Pollution Abatement Plan (WPAP) approval letter from the TCEQ Edwards Aquifer Protection Program within 30 days of the date of the letter to the Water Quality Assessment Team (MC-150). The Executive Director may request a copy of the Geologic Assessment submitted with the WPAP from the permittee.

### **Special Provision 18:**

The permittee is hereby notified that this permit may be reviewed by the Executive Director upon review and approval of the WPAP and any subsequent modifications by the TCEQ Edwards Aquifer Protection Program. If issues arise that may require an amendment to this permit, the Executive Director may reopen this permit to include new or modify existing requirements necessary to protect the Edwards Aquifer and any hydrologically connected surface water. Examples of issues include but are not limited to:

- a. the reclassification of any karst feature within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit to a sensitive rating requiring additional protective measures,
- b. identification of new karst features within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit which may be determined to be sensitive, or
- c. larger buffers or other best management practices than currently contained in this permit for features within the permitted irrigation fields or within 500 feet of a wastewater treatment plant unit.

**Special Provision 19:**

A wastewater treatment plant unit may not be located in wetlands per 30 TAC § 309.13(b).

**Special Provision 20:**

The permittee shall comply with buffer zone requirements of 30 TAC § 309.13(c). A wastewater treatment plant unit, defined by 30 TAC Section § 309.11(9), must be located a minimum horizontal distance of 250 feet from a private well and a minimum horizontal distance of 500 feet from a public water well site, spring, or other similar sources of public drinking water, as provided by § 290.41(c)(1)(C) of this title.

**Special Provision 21:**

The permittee shall comply with the buffer zone requirements of 30 TAC § 309.13(c), specifically regarding water wells and waters in the state. The permittee must locate the wastewater irrigation fields a minimum horizontal distance of 500 feet from public water wells, springs, or other similar sources of public drinking water; 150 feet from private water wells; and 100 feet from surface waters in the state.

**Special Provision 22:**

Any sensitive recharge features (as defined by the TCEQ Edwards Aquifer Protection Program) uncovered by construction and operational activities shall be addressed in an updated and certified Geological Assessment. The Geological Assessment will include the best management practices implemented that will prevent impact to recharge features from wastewater application and prevent groundwater contamination. The updated certified Geological Assessment shall be submitted to the TCEQ Water Quality Assessment Team (MC-150) and the TCEQ Regional Office (MC-Region 11) within 30 days of discovery of a sensitive feature. The Executive Director may require modifications to the wastewater permit if revisions to the Geologic Assessment affect the proposed locations of permitted wastewater irrigation areas, wastewater treatment or storage units.

**Special Provision 23:**

The permittee shall have a Texas-licensed Professional Geoscientist available during construction of any wastewater pond. In accordance with 30 TAC § 213.5(f)(2), if any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction of the wastewater pond, all activities regulated under 30 TAC Chapters 213, 217, and 309 occurring near the feature must be suspended immediately. Permittee shall immediately notify the TCEQ Regional Office (MC-Region 11) of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas-licensed Professional Engineer.

**Special Provision 24:**

In accordance with 30 TAC § 213.5(f)(2), after excavation of a wastewater pond, and prior to initiating lining the pond, a Texas-licensed Professional Geoscientist shall survey the excavation to report the presence or absence of any sensitive feature. The geoscientist shall submit a certification of the findings to the TCEQ Water Quality Assessment Team (MC-150) and TCEQ Regional Office (MC-Region 11). If recharge features are present, permittee shall suspend lining the pond until the certification is reviewed by the executive director. The executive director may require a plan submitted by a Texas-licensed Professional Engineer that will prevent impacts to groundwater from these features.

**Special Provision 25:**

After construction of a wastewater pond, a Texas-licensed Professional Engineer must certify in writing that the permanent best management practices or measures to protect sensitive features and the aquifer were constructed as designed. The certification letter must be submitted to the Water Quality Assessment Team (MC-150) and TCEQ Regional Office (MC-Region 11) within 30 days of completion and prior to use of the pond.

**Special Provision 26:**

The permittee shall have a Texas-licensed Professional Geoscientist available during any excavation or trenching activities that may occur during construction of the irrigation system and wastewater transmission lines. In accordance with 30 TAC § 213.5(f)(2), if any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all activities all activities regulated under 30 TAC Chapters 213, 217, and 309 near the feature shall be suspended immediately. Permittee shall immediately notify the TCEQ Regional Office (MC-Region 11) of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas-licensed Professional Engineer.

**Special Provision 27:**

Any new or modified wastewater pond shall be adequately lined to control seepage in accordance with 30 TAC § 217.203 and 30 TAC §309.13(d) since the facility overlies the recharge zone of an aquifer. New or modified wastewater ponds shall not be put into service until the permittee demonstrates that the pond liners meet the requirements of 30 TAC § 217.203 and 30 TAC § 309.13(d). The permittee shall demonstrate that the number, location, and test results of samples collected for geotechnical testing are in accordance with 30 TAC § 217.203(d) and (e), and that the liner has a minimum thickness of three feet in accordance with 30 TAC § 309.13(d) since the facility overlies the recharge zone of an aquifer. The report providing this demonstration shall be submitted to the Water Quality Assessment Team (MC-150) and the TCEQ Regional Office (MC-Region 11) for review and approval prior to use of the wastewater ponds. If a synthetic liner is to be used, the liner thickness shall be a minimum of 40 mils and be constructed with an underground leak detection system with appropriate sampling points.