

## **Tammy Washington**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 22, 2025 10:59 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-ELD; PUBCOMMENT-WQ; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001  
**Attachments:** 2025.09.19 Georgetown's CCH Request for Nova368.pdf

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RFR

**From:** hcampbell@spencerfane.com <hcampbell@spencerfane.com>  
**Sent:** Friday, September 19, 2025 4:42 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Hanna Campbell

**EMAIL:** [hcampbell@spencerfane.com](mailto:hcampbell@spencerfane.com)

**COMPANY:** Spencer Fane LLP

**ADDRESS:** 816 Congress Avenue Suite 1200  
Austin, TX 78701

**PHONE:** 5128406059

**FAX:**

**COMMENTS:** On behalf of the City of Georgetown, Texas, please accept this request for a contested case hearing regarding the application by Nova368, LLC (CN606231256) for new Texas Land Application

Permit No. WQ0016488001 for the proposed Spur WWTF (RN111909164), to authorize disposal of treated wastewater via surface irrigation in Williamson County, Texas.



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WILLIAM "CODY" FAULK, III  
DIRECT DIAL: 512-840-4549  
cfaulk@spencerfane.com

September 19, 2025

**Via e-Comment to <https://www14.tceq.texas.gov/epic/eComment/>**

Ms. Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

**Re: The City of Georgetown, Texas's Request for a Contested Case Hearing**  
Application by Nova368, LLC (CN606231256) for Proposed New Texas Land Application  
Permit No. WQ0016488001

Dear Ms. Gharis:

On behalf of the City of Georgetown, Texas (the "**City**"), please accept this request for a contested case hearing ("**Hearing Request**") regarding the application ("**Application**") by Nova368, LLC (CN606231256) ("**Applicant**") for new Texas Land Application Permit No. WQ0016488001 (the "**Draft Permit**") for the proposed Spur WWTF (RN111909164) (the "**Proposed Package Plant**"), to authorize disposal of treated wastewater via surface irrigation in Williamson County, Texas. As I represent the City with respect to this matter, please include me on the mailing list for all filings related to the above-referenced Application. The City's contact persons for this matter are below:

Cody Faulk, Partner  
Carlota Hopinks-Baul, Attorney  
Kelsey Parker, Attorney  
Spencer Fane LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78701  
(512) 840-4550  
[cfaulk@spencerfane.com](mailto:cfaulk@spencerfane.com)  
[chbaul@spencerfane.com](mailto:chbaul@spencerfane.com)  
[kparker@spencerfane.com](mailto:kparker@spencerfane.com)

## I. INTRODUCTION

The City originally filed comments and a request for a contested case hearing on the Application on February 11, 2025 (the “*City Comment Letter*”). The City Comment Letter is incorporated into this filing by reference and is attached hereto as **EXHIBIT 1**.<sup>1</sup> After reviewing the Executive Director’s response to public comments, dated August 13, 2025 (the “*Responses to Public Comments*” or “*RTC*”), the City maintains its concerns about the Application and continues to oppose the Application and issuance of the Draft Permit. By this filing, the City supplements and reasserts, restates, and resubmits the City Comment Letter; requests the Executive Director to reconsider its Decision and Responses to Public Comments; and requests a contested case hearing.

## II. GENERAL INFORMATION

Per the instructions in the RTC, the following general information is provided:

- (1) Your name, address, daytime phone number and, if possible, fax number. All communications to the City regarding the Application should be directed to:

Cody Faulk  
Carlota Hopinks-Baul  
Kelsey Parker  
Spencer Fane LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78759  
Telephone: (512) 840-4550  
[cfaulk@spencerfane.com](mailto:cfaulk@spencerfane.com)  
[chbaul@spencerfane.com](mailto:chbaul@spencerfane.com)  
[kparker@spencerfane.com](mailto:kparker@spencerfane.com)

Skye Masson  
City Attorney  
City of Georgetown, Texas  
P.O. Box 409  
Georgetown, Texas 78627-0409  
Telephone: (512) 930-8165  
[skye.masson@georgetown.org](mailto:skye.masson@georgetown.org)

- (2) The name of the applicant, the permit number, and any other numbers listed in the TCEQ Commissioners’ Integrated Database (the “*CID*”), to ensure this request is processed properly:

Applicant Name: NOVA368 LLC (CN606231256)  
Regulated Entity Name: Spur WWTF (RN111909164)  
Application: TLAP Permit No. WQ0016488001  
Location: Williamson County, Texas

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<sup>1</sup> Letter dated February 11, 2025, from Maris Chambers on behalf of the City of Georgetown to TCEQ Chief Clerk [hereinafter “*City Comment Letter*”].

- (3) A statement clearly expressing you are requesting a contested case hearing.

**The City of Georgetown, Texas requests a contested case hearing.**

- (4) If the request is made by a group or association, the request must identify certain additional information.

Not applicable.

### **III. BACKGROUND**

#### **A. Description of the Proposed Package Plant**

Applicant requests authorization to dispose of treated domestic wastewater at a daily average flow not to exceed 0.0565 million gallons per day (“**MGD**”) via surface irrigation of 16.5 acres of public access land. Applicant would be authorized to dispose of treated domestic wastewater at a daily average flow not to exceed 0.02825 MGD via surface irrigation of 8.25 acres of public access land in the Interim phase, and a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase. Upon approval of the Application and issuance of the Draft Permit, the Proposed Package Plant would be an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase would include screening, two aeration basins, two final clarifiers, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase would include screening, three aeration basins, three final clarifiers, three sludge digesters, and a chlorine contact chamber. The disposal site (the “**Site**”) would include a storage pond with a total surface area of 0.90 acres and a total capacity of 22.69 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land would not exceed 3.84 acre-feet per year per acre irrigated, and the irrigated crops would include Bermuda grass (warm season) and cereal rye (cool season). The Proposed Package Plant and Site are intended to be located approximately 0.31 miles southwest of the intersection of Shell Spur and Shell Road in Williamson County, Texas 78628.

The Site is directly adjacent to the City’s nearest corporate boundary and less than three (3) miles from the City’s nearest wastewater treatment facility (“**WWTF**”) and wastewater collection infrastructure. Specifically, the City’s Berry Creek WWTF (RN101612208, Texas Pollutant Discharge Elimination System (“**TPDES**”) Permit No. WQ0010489006) is located approximately two (2) miles from the location proposed for the Site, which is about 1,025 feet from the City’s nearest wastewater collection facilities. The Proposed Package Plant and Site would also be within the drainage basin of Berry Creek in classified Segment No. 1248, San Gabriel/North Fork San Gabriel River, of the Brazos River Basin. Classified Segment No. 1248 is included in the “2024 Texas Integrated Report - Index of Water Quality Impairments” for chloride in water. The Proposed Package Plant and Site also overlie the Edwards Aquifer Recharge Zone, as mapped by TCEQ.

## **B. Procedural History**

According to the CID, the Application was received by TCEQ on February 15, 2024. The CID further indicates that TCEQ's Executive Director ("**ED**") declared the Application administratively complete on March 19, 2024, and the Notice of Receipt of Application and Intent to Obtain Water Quality Permit ("**NORI**") was issued that same day. The NORI was published in English in The Williamson County Sun on April 10, 2024, and published in Spanish in El Mundo Newspaper on April 11, 2024. Contrary to the Application, the NORI indicates that Applicant requests authorization to dispose of treated wastewater at a volume not to exceed a daily average flow of 0.075 MGD via surface application on 17.3 acres of land. A Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Water Quality Land Application Permit for Municipal Wastewater was issued on December 20, 2024. The City previously filed comments on this Application and Draft permit on February 11, 2025. The ED issued the RTC on August 13, 2013, and its Final Decision Letter on August 20, 2025. The City has 30 days to request a hearing after the ED's Final Decision Letter. Therefore, this Hearing Request set forth herein is timely filed.

## **IV. CONTESTED CASE HEARING STANDING REQUIREMENTS**

Given the significant City interests affected by the Application and Draft Permit, the City hereby respectfully requests a contested case hearing based on the relevant and material disputed issues raised herein.

### **A. Legal Standards and Requirements for Hearing Request**

To be granted a contested case hearing, the request must: (1) comply with the applicable form and filing requirements set forth in the Texas Water Code ("**TWC**") and Texas Administrative Code ("**TAC**"); and (2) be filed by an "affected person." Specifically, a contested case hearing request must satisfy the conditions prescribed by TCEQ rules set forth in 30 TAC §§ 55.201, .203 and the TCEQ "may not grant a request for a contested case hearing unless [it] determines that the request was filed by an affected person as defined by Section 5.115" of the Texas Water Code. TWC § 5.556.

#### **i. This Request fully satisfies the form and filing requirements for hearing requests.**

The TCEQ's procedural requirements for contested case hearing requests are set forth in 30 TAC § 55.201. Pursuant to that rule, a contested case hearing request must be filed timely, in writing, and "may not be based on an issue that was raised solely in a public comment" that was later withdrawn. 30 TAC § 55.201(c). A hearing request must also:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) identify the personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application, and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;

- (4) list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request, specifying, to the extent possible, any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

As demonstrated above, this is a timely filed Hearing Request and is also based on the City's timely-filed and not later withdrawn City Comment Letter. The required contact information for the City is provided above. This Hearing Request identifies the City's personal justiciable interest affected by the Application and specifically explains how and why the City will be adversely affected by the Proposed Package Plant in a manner not common to members of the general public.

An explicit request for a contested case hearing is contained, among other places, on the first page of this Request and in Part II above. Finally, Part V, below, lists the relevant and material disputed issues of fact raised by the City during the public comment period and specifies those of the ED's responses to public comment that the City disputes. Thus, the City has satisfied all the procedural requirements for a contested case hearing request.

**ii. The City is an "affected person" with unique and justiciable interests in and authority over matter affected by the Application and Draft Permit.**

Under 30 TAC § 55.203, when determining who is an "affected person," the TCEQ rule provides as follows:

- (a) For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.
- (b) Except as provided by §55.103 of this title (relating to Definitions), governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.
- (c) *In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:*
  - (1) *whether the interest claimed is one protected by the law under which the application will be considered;*
  - (2) *distance restrictions or other limitations imposed by law on the affected interest;*
  - (3) *whether a reasonable relationship exists between the interest claimed and the activity regulated;*
  - (4) *likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;*
  - (5) *likely impact of the regulated activity on use of the impacted natural resource by the person;*
  - (6) *for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and*
  - (7) *for governmental entities, their statutory authority over or interest in the issues relevant to the application.*
- (d) In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the commission may also consider the following:
  - (1) *the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;*
  - (2) *the analysis and opinions of the executive director; and*

- (3) *any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.*
- (e) *In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed before September 1, 2015, the commission may also consider the factors in subsection (d) of this section to the extent consistent with case law.*

30 TAC § 55.203 (emphasis added).

The City is an “affected person” under 30 TAC § 55.203 entitled to a contested case hearing on issues raised in this hearing request because it has a “personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the [A]pplication” that are not common to the general public. 30 TAC § 55.203(a). In addition, the City is a governmental entity “with authority under that law over issues raised by an application.” 30 TAC § 55.203(b). This Request also provides information relevant to the “affected person” considerations enumerated in 30 TAC § 55.203(d).

As a governmental entity providing wastewater treatment services to areas both inside and outside of its corporate limits, the City has a unique interest in the effects the Proposed Package Plant will have on the environment and on public health, safety, and welfare within its jurisdiction. Further, the City has an interest, consistent with the State’s regionalization policy, in reducing or eliminating the number of wastewater package plants to reduce or eliminate additional sources of pollution and protect water quality and public health and safety. To that end, the City owns and operates an extensive wastewater system that eliminates the regional need for package plants such as one described in the Application.

Therefore, considering the factors enumerated above, and as addressed in more detail below, the City is an “affected person” entitled to a contested case hearing on the issues raised in this Request.

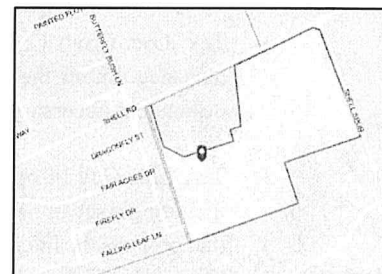
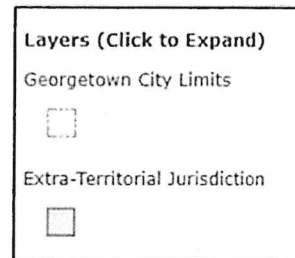
**iii. As a home-rule municipality operating its own regional wastewater treatment and collection system, the City’s Legislatively mandated interest in and the statutory authority over the general health, safety, and welfare of persons residing within its corporate limits and ETJ is affected by the Application and Draft Permit.**

The City is a home-rule municipality, having the full powers of self-governance, and is authorized to exercise all authority incident to local self-government.<sup>2</sup> In addition to having the powers granted to it as a home-rule city via the Texas Constitution, the Legislature has also expressly granted

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<sup>2</sup> See Tex. Const. art. XI, § 5; Tex. Loc. Gov’t Code § 51.072(a) and (b) (“(a) The [home-rule] municipality has full power of local self-government. (b) The grant of powers to the municipality by this code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to local self-government.”); *Lower Colo. Riv. Auth. v. City of San Marcos*, 523 S.W.2d 641, 643 (Tex. 1975), *Quick v. City of Austin*, 7 S.W.3d 109, 122 (Tex. 1999), *Dallas Merch. & Concessionaires Ass’n v. City of Dallas*, 852 S.W.2d 489, 490-91 (Tex. 1993) (Home-rule cities do not depend on the Legislature for specific grants of authority but, instead, have a constitutional right of self-government and, look to the Legislature only for specific limitations on their power). See also, *In re Sanchez*, 81 S.W.3d 794, 796 (Tex. 2002); *Proctor v. Andrews*, 972 S.W.2d 729, 733 (Tex. 1998) (For the Legislature to divest home-rule cities of their Constitutional authority, the Legislature’s intent to do so must be expressed with “unmistakable clarity.”)

home-rule cities regulatory authority within the ETJ over issues raised by or relevant to the Application. The Legislature created municipal ETJ areas for all cities in order “to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.”<sup>3</sup> Thus, the City has a Legislatively mandated interest in promoting and protecting the general health, safety, and welfare of persons residing inside its city limits and ETJ. In the context of the Application, the City’s interests are to promote and protect the general health, safety, and welfare of those residing both in the ETJ and inside the city limits from the potentially harmful effects of an unnecessary package plant. In addition, though outside the ETJ and corporate limits, the Site sits within a “pocket” that is surrounded by and borders the ETJ and Corporate limits (see Figures below).



Parcels	
WCADR	R323695
ADDRESS	2200 SHELL RD, GEORGETOWN, TX 78628
OWNER	NOVA368 LLC
ACRES	36.19

<sup>3</sup> Tex. Loc. Gov’t Code § 42.001 (“PURPOSE OF EXTRATERRITORIAL JURISDICTION. The legislature declares it the policy of the state to designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.”).

The Legislature has also granted cities statutory authority over or interest in issues relative to the Application via specific statutes, including, among others, the following:

- TWC Ch. 26, Subchapter E (relating to disposal system rules and water pollution control duties of cities);<sup>4</sup>
- TWC Ch. 7, Subchapter H (relating to water quality enforcement);<sup>5</sup>
- Tex. Health and Safety Code § 121.003(a) (“The governing body of a municipality . . . may enforce any law that is reasonably necessary to protect the public health.”);
- Tex. Loc. Gov’t Code § 551.002 (“A home-rule municipality may prohibit the pollution or degradation of and may police a stream, drain, recharge feature, recharge area, or tributary that may constitute or recharge the source of water supply of any municipality” and “may provide for the protection of and may police any watersheds . . . inside the municipality’s boundaries or inside the municipality’s [ETJ].”);
- Tex. Loc. Gov’t Code § 212.003(a) (relating to the ability of a municipality to adopt rules governing plats and subdivisions of land within its corporate boundaries and ETJ, including rules related to the provision of water and sewer service to platted areas, in order to promote the healthful development of the city and public health, safety, and general welfare);<sup>6</sup>
- Tex. Loc. Gov’t Code § 217.042 (A home-rule municipality, like the City, “may define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits” and “enforce all ordinances necessary to prevent and summarily abate and remove a nuisance.”);
- Tex. Loc. Gov’t Code § 552.001 (“A municipality may [(1)]purchase, construct, or operate a utility system,” including a sewer system, “inside or outside the municipal boundaries;” (2) “regulate the system in a manner that protects the interests of the municipality;” (3) “extend the lines of its utility systems outside the municipal boundaries;” (4) “sell water [or] sewer . . . service to any person outside its boundaries;” (5) “prescribe the kind of water . . . mains [and] sewer pipes . . . that may be used inside or outside the municipality;” and (6) “inspect those facilities and appliances, require that they be kept in good condition at all times, and prescribe the necessary rules, which may include penalties, concerning them.”);
- Tex. Loc. Gov’t Code Ch. 552, Subchapter C (relating to municipal drainage systems); and
- Tex. Loc. Gov’t Code § 552.002(b) (“A home-rule municipality may buy, own, construct inside or outside the municipal limits, and maintain and operate a . . . sewage plant.”).

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<sup>4</sup> See e.g., TWC § 26.177 (“A city may establish a water pollution control and abatement program for the city,” which “shall encompass the entire city and . . . may include areas within its [ETJ] which in the judgment of the city should be included to enable the city to achieve the objectives of the city for the area within its territorial jurisdiction. The city shall include in the program the services and functions which, in the judgment of the city . . . will provide effective water pollution control and abatement for the city.”).

<sup>5</sup> The enforcement authority and rights granted to cities via TWC § 7.351(a) are different from those of the general public and having been granted special statutory enforcement rights over water quality matters, the City has authority under state law over issues raised by the Application and Draft Permit. TWC § 7.351(a) authorizes local governments to bring an action against a person for a violation or threatened violation of Chapter 26 of the TWC occurring in the jurisdiction of that local government in the same manner as the TCEQ may do so—that is, for injunctive relief, a civil penalty, or both.

<sup>6</sup> *Accord* Tex. Loc. Gov’t Code § 214.013 (“A municipality may . . . require property owners to connect to [its] sewer system.”).

In addition to the statutory interests enumerated above, regionalization and need in wastewater permitting cases are issues on which cities that operate wastewater collection and treatment systems, like the City, are uniquely poised to offer evidence. This is recognized by TWC § 26.003, which states that:

It is the policy of this state and the purpose of this subchapter to . . . encourage and promote the development and use of regional and areawide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of this state; and to require the use of all reasonable methods to implement this policy.

This guiding principle of regionalization and need is enshrined in the introductory provisions of Chapter 26. Two other pieces of legislation were adopted to underscore this policy—TWC §§ 26.081<sup>7</sup> and 26.0282<sup>8</sup>—both relating to the TCEQ’s consideration of the regionalization policy, need, and the availability of existing or proposed areawide or regional wastewater collection, treatment, and disposal systems in the issuance of TPDES permits.

The issues of wastewater treatment regionalization and need cannot be evaluated or implemented without the ability to look “regionally” and “areawide”—i.e., beyond a city’s corporate boundaries. As recognized by 30 TAC §§ 55.203(b) and 55.203(c)(7)—which establish “affected person” status for governmental entities that have authority under state law over issues raised in an application—this statutory framework means that it is entirely consistent with state law to allow a city’s participation in wastewater permitting cases such as this, in which the proposed wastewater treatment plant or outfall are in close proximity to (and within 5,000 feet of) such city’s corporate boundaries or ETJ.

Further, pre-manufactured treatment facilities, like the Proposed Package Plant at issue, are designed to serve areas that could not be easily connected to an existing sewage treatment plant, which is not the case here. On the contrary, the City owns and operates an extensive wastewater treatment and collection system that eliminates the need for package plants such as one described in the Application.

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<sup>7</sup> TWC § 26.081(a) (“The legislature finds and declares that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to 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 the water in the state.”).

<sup>8</sup> TWC § 26.0282 (“In considering the issuance, amendment, or renewal of a permit to discharge waste, the commission may deny or alter the terms and conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as such by commission order pursuant to provisions of this subchapter. This section is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater.”).

## V. THE CITY'S DISPUTED ISSUES

### A. Issuance of Permit Violates Regionalization Policy—RTC No. 7.

The Application should be denied because the issuance of the Draft Permit would contravene TCEQ's mandate to encourage and promote the regionalization of wastewater infrastructure as set forth in TWC §§ 26.003 and numerous other provisions of the TWC (e.g., §§ 13.183(c), 13.241(d), 26.0135(a), 26.0282, and 26.081).

In the City Comment Letter, the City emphasized that the approval of the Application and issuance of the Draft Permit violates Texas' Regionalization Policy, which was established to promote the use of regional and areawide wastewater collection, treatment, and disposal systems. The City Comment Letter also identified inaccurate and incomplete information provided by the Applicant in the regionalization portion of the Draft Permit Application (i.e., Domestic Technical Report 1.1, Section 1.B.3)—primarily that that Applicant contends that there is no WWTF with available capacity within three miles. That assertion by the Applicant is incorrect. One of the City's WWTFs, Berry Creek WWTF, is located within approximately two miles of the Proposed Package Plant, and the proposed Site is located within approximately 1,025 feet of the City's nearest wastewater collection facility. And despite this proximity, the Application does not contain copies of any correspondence from the City, or any cost analysis of expenditures required to connect to the City's facilities. Instead, the Applicant only provided evidence that they mailed a certified letter, dated February 3, 2024, to the City requesting *confirmation* that "it is not economically feasible to convey wastewater to the City of Georgetown Berry Creek WWTF." This does not rise to the level of a "request for service." Further, the Application fails to contain any responses from the City or an associated cost analysis to connect to the City's wastewater system. Each of these is a failure to meet the requirements of the Regionalization Policy.

Moreover, even though the City Comment Letter addresses the inaccuracy and incompleteness of the Application (as reiterated above), ED's RTC No. 7 fails to provide any substantive response to the City Comment Letter regarding Regionalization or the issuance of the Draft Permit authorizing the Proposed Package Plant. Rather than respond to the detailed comments provided by the City, the ED ignores them because it maintains that Regionalization does not apply when a permit does not authorize discharge into waters of the state. However, even though the ED's RTC No. 7 claims that the Regionalization Policy does not apply in this TLAP context, the Special Provisions of the Draft Permit state otherwise. In fact, Special Provision No. 1 states that:

*This permit is granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, if an area-wide system is developed; to require the delivery of the wastes authorized to be collected in, treated by, or discharged from the system, to an area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the*

changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment, or disposal system.

Draft Permit at page 32 (emphasis added). Furthermore, the ED's statement that regionalization does not apply to TLAP permits is contradicted by the administrative cases raising said policy in TLAP cases. See, e.g., *In re: Application of J. H. Uptmore and Associates for Proposed Wastewater Permit No. 14037-001*, SOAH Docket No. 582-99-1863, TNRCC Docket No. 1999-0767-MWD, 2001 WL 36084377 (2001); *In re: Application of Lazy Nine Municipal Utility District and Forest City Sweetwater Limited Partnership For Proposed Permit WQ0014629001*, SOAH Docket No. 582-06-2596, TCEQ Docket No. 2006-0688-MWD, 2007 WL 1308372 (2007); *In re: Application of Midtex Partners, Ltd., for Water Quality Permit No. 14472-001*, SOAH Docket No. 582-06-1581, TCEQ Docket No. 2005-1720-MWD, 2007 WL 3085936 (2007).

TCEQ's regionalization evaluation includes the following steps:

- (1) Identify all permitted domestic WWTFs or sanitary sewer collection systems within a three-mile radius of a proposed facility;
- (2) Request service from the existing permitted system owner or operator;
- (3) If approved, conduct a financial, managerial, and technical analysis if there is reason to believe that connecting to the existing system is unfeasible, cost prohibitive, or otherwise not a viable option;
- (4) Request a pre-application meeting with TCEQ staff;
- (5) If it is determined that regionalization is not a viable option for a project, the information gathered must be submitted to TCEQ to complete the "Justification of Permit" section in the Domestic Technical Report 1.1 of the permit application.<sup>9</sup>

Given the existence of a municipal WWTF within three miles of the Proposed Package Plant, it was unreasonable for the Applicant or the ED's RTC to not consider regionalization. The regionalization analysis is not administratively burdensome—certainly not more so than the process of approving a new WWTF. Had Applicant conducted the regionalization evaluation, it would have likely discovered that it was more cost effective and efficient to connect to the existing infrastructure.

Moreover, authorizing the operation of a private wastewater treatment plant in close proximity to the City's existing wastewater infrastructure effectively creates a competitor to the City's wastewater utility. The creation of competition not only harms the City immediately by

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<sup>9</sup> See TCEQ Water Quality Division, Evaluating Regionalization for Proposed Wastewater Systems, RG-632 at 3-5 (Aug. 2023), available online at: <https://www.tceq.texas.gov/downloads/permitting/wastewater/general/regionalization-rg-632-final.pdf>.

preventing the City from obtaining the maximum benefits of providing wastewater services at scale as residential development unfolds over the coming months and years, it also harms the City's ability to secure ratepayers that will use and fund the expansion of wastewater capacity that the City has invested in and is developing even now to serve the long-term population growth that the Proposed Package Plant is intended to serve.

Therefore, the City reasserts the comments it made in the City Comment Letter on the Issue of regionalization and requests a contested case hearing and the ED's reconsideration of the following issue: whether the Application and Draft Permit comply with the Legislature's statutory policy directive to *encourage and promote the development and use of regional and areawide waste collection, treatment, and disposal systems* per TWC §§ 26.003, 26.0282, and 26.081(a)."

**i. There is no need for the Proposed Package Plant—RTC No. 7.**

The City owns and operates an extensive wastewater system, serving approximately 40,000 wastewater customers at five existing wastewater treatment plants with a sixth to be constructed soon,<sup>10</sup> all of which eliminates the need for package plants such as the one described in the Application. Three of these WWTFs have a combined capacity of 8.0 MDG—sufficient to support more than 80,000 people. As noted in the City Comment Letter, the closest WWTF (Berry Creek WWTF) has a capacity of 0.3 MGD, which is more than five times the requested discharge rate. The City has thoughtfully planned and specifically constructed its wastewater treatment and collection system to eliminate the need for small package plants serving single subdivisions such as the Proposed Package Plant.<sup>11</sup> This systematic planning is consistent with the State's Regionalization Policy, which results in a reduction of WWTF footprint, as well as the opportunity to operate economies of scale that result in lower customer costs. Because the City's current wastewater treatment and wastewater collection system have sufficient capacity to serve the Proposed Package Plant, the Applicant has failed to demonstrate the need for the proposed facilities.

The ED's RTC No. 7 acknowledges that the City previously commented on this issue but failed to respond in its entirety. The ED does not explain how the Applicant proved the need for the permit or justified the Proposed Package Plant, or how the issuance of the permit is consistent with the Regionalization Policy. Because ED failed to provide a meaningful, substantive response to the concerns raised about the lack of justification and need for the Proposed Package Plant, this issue

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<sup>10</sup> The City owns and operates the following WWTFs: Cimarron Hills WWTF (RN101609618, TPDES Permit No. WQ0014232001); San Gabriel WWTF (RN102140571, TPDES Permit No. WQ0010489002); Dove Springs WWTF (RN102917242, TPDES Permit No. WQ0010489003); Pecan Branch WWTF (RN101608701, TPDES Permit No. WQ0010489005); and **Berry Creek WWTF (RN101612208, TPDES Permit No. WQ0010489006)**. In addition, the City holds TPDES Permit No. WQ0010489007 for the Northlands WWTF (RN105830160, TPDES Permit No. WQ0010489007), which is not yet in operation.

<sup>11</sup> As shown by the City's 2022 Wastewater Master Plan map, available at [https://georgetown.org/gis/pdfs/Wastewater\\_Master\\_Plan.pdf](https://georgetown.org/gis/pdfs/Wastewater_Master_Plan.pdf), the Site is near certain planned improvements to the City's existing wastewater collection and treatment system. Thus, the Site is proposed to be located near City wastewater infrastructure that is currently in existence as well as planned wastewater infrastructure improvements and expansions.

should be taken up in a contested case hearing; or, the alternative, the ED should reconsider its decision and deny the permit.

**B. Applicant lacks the wastewater/sewer CCN necessary to provide wastewater/sewer service to the Site via the Proposed Package Plant—RTC No. 8.**

As noted in the City Comment Letter, under the TWC, “a utility . . . may *not in any way* render retail water or sewer utility service . . . to the public without first having obtained from the [PUC] a [CCN].” TWC §13.242 (emphasis added). Despite the ED’s contention that a *TLAP permit* does not require a CCN, the operation of a WWTF to provide sewer utility service—like the one proposed here—does. Thus, if Applicant intends to provide wastewater/sewer utility service to the Site via the Proposed Package Plant, they must obtain a wastewater/sewer CCN issued by the PUC. However, according to PUC’s Water and Sewer CCN Viewer,<sup>12</sup> since the City Comment Letter, Applicant still has not obtained a wastewater/sewer CCN required to provide wastewater/sewer utility service to the Site via the Proposed Package Plant. Furthermore, according to the PUC’s Interchange Filing Search,<sup>13</sup> the Applicant has not even applied for a wastewater/sewer CCN from the PUC.

**C. The Draft Permit is not protective quality of groundwater or hydrologically connected surface waters of the Edwards Aquifer or its unique karst features—RTC Nos. 1 and 2.**

During the Public Comment Period, the City and many others expressed their concerns about this Draft Permit and its potential to allow contamination of the Edwards Aquifer. The ED’s attempt to abate these concerns by noting that the Draft Permit only authorizes the disposal of wastewater via irrigation—as if the Edwards Aquifer is a non-permeable, confined Aquifer, that does not recharge via its porous bedrock. In fact, the primary characteristic of the Edwards Aquifer system is its highly permeable and porous karst limestone. The ED’s response ignores the reality of operating a WWTF and applying the wastewater by irrigation over the Edwards Aquifer. Under the Draft Permit, the proposed irrigation rate over the relatively small land application area poses an unacceptable risk that nitrogen, phosphorous, and other pollutants (i.e., those without limitations set in the Draft Permit) will affect water quality in the Edwards Aquifer and hydrologically connected surface waters.

Because ED failed to provide a meaningful, substantive response to the concerns raised about the Proposed Package Plant, this issue should be taken up in a contested case hearing; or, the alternative, the ED should reconsider its decision and deny the permit.

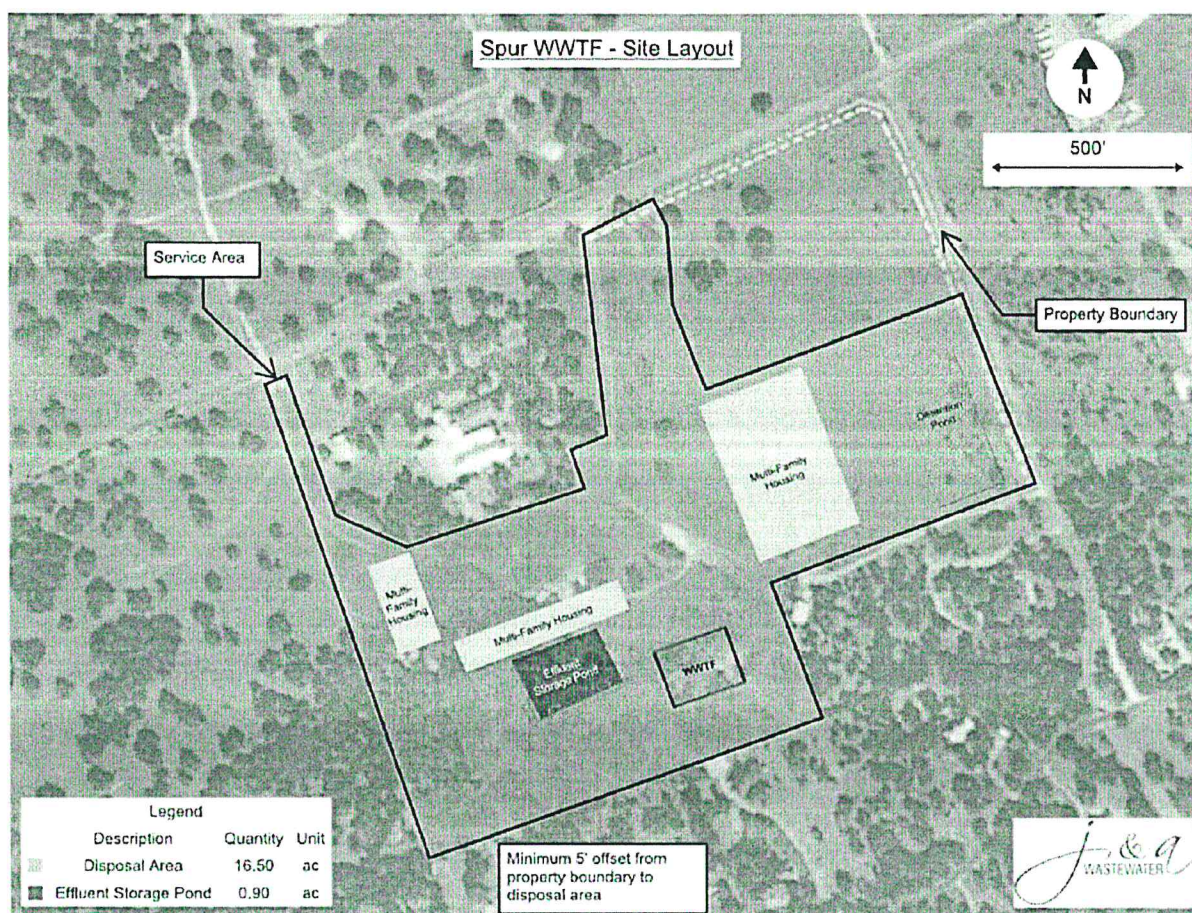
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<sup>12</sup> Available at <https://www.puc.texas.gov/industry/water/utilities/map.aspx>.

<sup>13</sup> Available at <https://interchange.puc.texas.gov/>.

**D. The Draft Permit is not protective of the public health and safety of nearby residents—RTC No. 5.**

The City remains concerned about the public health risk posed by the Proposed Package Plant to nearby City residents, and the ED's RTC does little to alleviate these concerns. Specifically, the City is concerned that the very close distance of the Proposed Package Plant, treated effluent storage pond, and land application area to adjacent residences poses the potential for nuisance odors and health risks, including the potential exposure of residents to harmful pathogens via vectors (e.g., flies), aerosols (e.g., bacteria containing mists), and the receiving water (e.g., bacteria and viruses in the treated wastewater). In the site layout presented below, the proximity of the effluent storage pond to the multi-family housing complex poses a significant threat of harm.



The ED's RTC attempt to alleviate the City's concerns is the addition of the 126 CFU or MPN of *E. coli* limitation in the Draft Permit, but this does little to alleviate the proximity concerns noted above. Because the treated effluent will be applied among a residential neighborhood to irrigate imported vegetation, the permit should require the Applicant's treated effluent to comply with the requirements for Type 1 reclaimed water (e.g., bacteriological testing; and biweekly sampling); nitrogen and phosphorus limits that ensure protection against pollution of groundwater and

interconnected surface water and the creation of nuisance conditions in such surface waters; and such other measures as are needed to provide adequate safeguards to nearby residents and the environment (e.g., requiring the installation of one or more calamity tanks and redundant treatment components to be operated during treatment system upsets and failures). In the absence of such conditions, the draft permit is not protective of public health and the safety of nearby residents. Because ED failed to provide a substantive response to the concerns raised regarding the Draft Permit's public health risks, this issue should be taken up in a contested case hearing; or, the alternative, the ED should reconsider its decision, amend the Draft Permit's terms or deny the permit.

**E. The Draft Permit does not protect nearby landowners' livestock or endangered species—RTC No. 3.**

As noted in the City Comment Letter, the area surrounding the Proposed Package Plant includes the San Gabriel River, which is home to several endangered species—including the Texas Shiner and Guadalupe Bass as well as several endangered salamanders. The Draft Permit is set to expose these species to adverse effects from the lack of limitations on phosphorus and nitrogen and the resulting algal growth. Further, the ED's RTC No. 3 confirms the City's concerns that the Application was approved without the proper authorities having conducted the requisite endangered species review. Specifically, the ED admitted that neither the US Fish and Wildlife Service nor TPWD expressed concern about the discharge effects on wildlife in the area. This RTC demonstrates that the TCEQ is not evaluating permit applications, making permitting decisions, or deriving permit conditions to ensure the protection of water quality necessary to support endangered species. What is more, is that the ED makes the sweeping assumption that if the Draft Permit is protective of aquatic species, it is also protective of terrestrial species.

Because the City disputes that the ED's RTC No. 3 has responded to and abated the concerns regarding the protectiveness of the Draft Permit as to terrestrial and endangered species in the area, this issue should be taken up in a contested case hearing; or, in the alternative, the ED should direct TCEQ staff to undertake the requisite analyses and either derive such permit conditions as are needed to protect the aforementioned species or recommend denial of the permit, as appropriate.

**F. The Draft Permit does not contain sufficient operational or monitoring requirements or irrigation-related limits to ensure protection of water quality in accordance with Texas Surface Water Quality Standards—RTC Nos. 2 and 5.**

At present, the Draft Permit does not contain permit limits or conditions that limit the amount of nitrogen or phosphorous that may be applied to the land application area, limits for other drinking water pollutants, or that require the installation of a robust subsurface leak detection system for the treated effluent pond. The ED's RTC points to loosely defined run-on/run-off controls, biochemical oxygen demand ("**BOD**") and total suspended solids ("**TSS**") limitations (both of which are only monitored once monthly), and newly added *E. coli* limitations, as sufficient to protect the underlying groundwater and interconnected surface waters. They are not.

Because the proposed land application area lies over the Edwards Aquifer, a significant source of drinking water supply for the City and the region at large, sampling for only pH, BOD, and TSS—and only monthly at that—is not sufficient protection. More frequent monitoring of BOD, TSS, and other pollution indicators should be required in the Draft Permit given the porosity of limestone bedrock in this area and attendant high potential for interconnection with shallow surface water bodies.

Further, the type of sampling—i.e., a grab sample—only reflects performance at the single, short point in time when the sample was collected.<sup>14</sup> Although grab sampling may be appropriate for pH, DO, or total residual chlorine, composite sampling would be more appropriate for other parameters like BOD, TSS, ammonia nitrogen, total phosphorous, and E. coli. The Draft Permit should require composite sampling techniques wherever possible because composite samples are more representative of the characteristics of the effluent over a longer period and more accurately reflect how the treatment plant is performing over the entire sampling period (usually, over the course of a day).

In the absence of more protective conditions, there is an unacceptable risk that the use of treated effluent for irrigation at the Proposed Service Area will pollute, degrade, or otherwise adversely affect groundwater (i.e., the Edwards Aquifer) and/or hydrologically connected surface waters. Therefore, the Draft Permit should be appropriately amended or denied.

**G. The Application is deficient, which creates substantial uncertainty as to whether TCEQ was provided with sufficiently accurate and complete information to prepare the Draft Permit in compliance with all applicable laws and regulations—*RTC No. 11.***

As explained in detail in the City Comment Letter, the Application should be denied, or at a minimum, remanded for further technical review because of significant deficiencies. The most significant deficiency in the Application is that the Applicant used an inaccurate estimated daily wastewater flow as the basis for the design of the Proposed Package Plant. At the more appropriate estimated flow, the Proposed Package Plant would require a larger capacity, and the Site would require a larger land application area, which will result in a deficient Draft Permit that fails to protect the water quality in groundwater and hydrologically connected surface waters. The ED's RTC No. 11 does nothing to address this concern or that of unsuitable site characteristics—both of which are set to potentially pose a significant threat to nearby landowners and the quality in groundwater and hydrologically connected surface waters. Therefore, the Draft Permit should be appropriately amended or denied.

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<sup>14</sup> This means that that less than 15 minutes of the facility's operations over a three-month period must be monitored. And because grab samples in two consecutive months could be taken as much as 59 days apart, treated effluent could violate water quality standards for some or all that time without any means of detection or notice. This sampling frequency and testing regime are inadequate to assure the City or the public that the treated effluent will not introduce other pollutants to the Edwards Aquifer or that the plant is producing an effluent meeting the requirements of the draft permit during the long periods of time that the plant is unmonitored.

## VI. SUMMARY OF DISPUTED ISSUES FOR REFERRAL

The City has identified critical issues that the Commission should explore through an open and public contested case hearing. At a minimum, the City requests that the following issues be referred to the State Office of Administrative Hearings for a contested case hearing:

- (1) Whether the issuance of the Draft Permit violates the Texas Regionalization Policy;
- (2) Whether the Applicant needs a wastewater/sewer CCN to provide wastewater/sewer service to the Site via the Proposed Package Plant;
- (3) Whether the Draft Permit is protective of groundwater quality or hydrologically connected surface waters of the Edwards Aquifer or its unique karst features;
- (4) Whether the Draft Permit is protective of the public health and safety of nearby residents;
- (5) Whether the Draft Permit protects nearby landowners' livestock or endangered species;
- (6) Whether the Draft Permit contains sufficient operational or monitoring requirements or irrigation-related limits to ensure protection of water quality in accordance with Texas Surface Water Quality Standards; and
- (7) Whether the Application is deficient.

The City reserves the right to raise and pursue any and all issues that may be relevant to its interest in the event of a contested case hearing.

Respectfully submitted,

SPENCER FANE, LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78701  
Telephone: (512) 575-6060  
Facsimile: (512) 840-4551

/s/ William A. Faulk, III  
William A. Faulk, III  
State Bar No. 24075674  
[cfaulk@spencerfane.com](mailto:cfaulk@spencerfane.com)  
Carlota Hopinks-Baul  
State Bar No. 24094039  
[chbaul@spencerfane.com](mailto:chbaul@spencerfane.com)  
Kelsey Parker  
State Bar No. 24143891  
[kparker@spencerfane.com](mailto:kparker@spencerfane.com)

**ATTORNEYS FOR CITY  
OF GEORGETOWN**

# EXHIBIT 1



SpencerFane®

MARIS M. CHAMBERS  
DIRECT DIAL: (214) 663-6792  
mchambers@spencerfane.com

February 11, 2025

Ms. Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality  
Via e-Comment to <https://www14.tceq.texas.gov/epic/eComment/>

Re: **Public Comments and Request for a Contested Case Hearing**  
Application by Nova368, LLC (CN606231256) for Proposed New Texas Land Application  
Permit No. WQ0016488001

Dear Ms. Gharis:

On behalf of the City of Georgetown, Texas (the "**City**"), please accept these timely filed public comments ("**Public Comments**") and request for a contested case hearing ("**Hearing Request**") regarding the application ("**Application**") by Nova368, LLC (CN606231256) ("**Applicant**") for new Texas Land Application Permit No. WQ0016488001 (the "**Draft Permit**") for the proposed Spur WWTF (RN111909164) (the "**Proposed Package Plant**"). As I represent the City with respect to this matter, please include me on the mailing list for all filings related to the above-referenced Application. My mailing/contact information is as follows:

Ms. Maris M. Chambers  
Spencer Fane LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78701  
[mchambers@spencerfane.com](mailto:mchambers@spencerfane.com)  
Telephone: (214) 663-6792  
Facsimile: (512) 840-4551

## I. EXECUTIVE SUMMARY

The City respectfully requests that the Texas Commission on Environmental Quality ("**TCEQ**") deny the Application based on the relevant and material Public Comments presented herein. If the Application is not denied or, at least, remanded to TCEQ staff for further technical review, the City alternatively requests a contested case hearing regarding the Application, Draft Permit, and each and every issue raised herein and in any and all supplements and amendments hereto.

## II. BACKGROUND

### A. Description of the Proposed Package Plant and Site

Applicant requests authorization to dispose of treated domestic wastewater at a daily average flow not to exceed 0.0565 million gallons per day (“**MGD**”) via surface irrigation of 16.5 acres of public access land. Upon approval of the Application and issuance of the Draft Permit, the Proposed Package Plant would be an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase would include screening, two aeration basins, two final clarifiers, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase would include screening, three aeration basins, three final clarifiers, three sludge digesters, and a chlorine contact chamber. Applicant would be authorized to dispose of treated domestic wastewater at a daily average flow not to exceed 0.02825 MGD via surface irrigation of 8.25 acres of public access land in the Interim phase, and a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase. The disposal site (the “**Site**”) would include a storage pond with a total surface area of 0.90 acres and a total capacity of 22.69 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land would not exceed 3.84 acre-feet per year per acre irrigated, and the irrigated crops would include Bermuda grass (warm season) and cereal rye (cool season). The Proposed Package Plant and Site are intended to be located approximately 0.31 miles southwest of the intersection of Shell Spur and Shell Road in Williamson County, Texas 78628. **The Site is directly adjacent to the City’s nearest corporate boundary and less than three (3) miles from the City’s nearest wastewater treatment facility (“WWTF”) and wastewater collection infrastructure.** Specifically, the City’s Berry Creek WWTF (RN101612208, Texas Pollutant Discharge Elimination System (“**TPDES**”) Permit No. WQ0010489006) is located approximately two (2) miles from the location proposed for the Site, which is about 1,025 feet from the City’s nearest wastewater collection facilities. The Proposed Package Plant and Site would also be within the drainage basin of Berry Creek in classified Segment No. 1248, San Gabriel/North Fork San Gabriel River, of the Brazos River Basin. Classified Segment No. 1248 is included in the “2024 Texas Integrated Report - Index of Water Quality Impairments” for chloride in water. The Proposed Package Plant and Site also overlie the Edwards Aquifer Recharge Zone, as mapped by the TCEQ.

### B. Procedural History

According to the TCEQ Commissioners’ Integrated Database (the “**CID**”), the Application was received by TCEQ on February 15, 2024. The CID further indicates that TCEQ’s Executive Director (“**ED**”) declared the Application administratively complete on March 19, 2024, and the Notice of Receipt of Application and Intent to Obtain Water Quality Permit (“**NORI**”) was issued that same day. The NORI was published in English in *The Williamson County Sun* on April 10, 2024, and published in Spanish in *El Mundo Newspaper* on April 11, 2024. Contrary to the Application, the NORI indicates that Applicant requests authorization to dispose of treated wastewater at a volume not to exceed a daily average flow of 0.075 MGD via surface application on 17.3 acres of land. A Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Water Quality Land Application Permit for Municipal Wastewater (“**Combined NAPD**”) was issued on December 20, 2024. Neither the CID nor the Application provide evidence that the Combined NAPD was published as required by 30 Texas Administrative

Code (“*TAC*”) §§ 39.419 and 39.551. The Combined NAPD indicates that the ED has completed the technical review of the Application and prepared the Draft Permit and provides notice that a public meeting regarding the Application is to be held on February 11, 2025, because it was requested by a local legislator. As such, pursuant to 30 TAC § 55.152(b), the current deadline to submit public comments about the Application and Draft Permit is the close of such public meeting. Therefore, the Public Comments set forth herein are timely filed.

### III. PUBLIC COMMENTS

The Application should be denied because it is inaccurate, incomplete, and fails to comply with all applicable regulatory and statutory requirements. Specifically, (1) issuance of the Draft Permit would contravene the regionalization policy codified in Chapter 26 of the Texas Water Code (“*TWC*”); (2) there is no need for the Proposed Package Plant; (3) Applicant lacks the wastewater Certificate of Convenience and Necessity (“*CCN*”) required to provide wastewater service to the Site; (4) the Application fails to demonstrate compliance with TCEQ’s requirements related to unsuitable site characteristics; (5) the Draft Permit is not protective of water quality, public health and safety, livestock, or the habitats of endangered species; (6) the Draft Permit does not contain sufficient operational requirements; and (7) the Application contains numerous significant deficiencies, which create substantial uncertainty as to whether TCEQ was provided with sufficiently accurate and complete information to prepare the Draft Permit in compliance with all applicable laws and regulations.

**A. Approval of the Application and issuance of the Draft Permit would violate Texas’ legislatively mandated policy to encourage and promote the development and use of regional and areawide wastewater collection, treatment, and disposal systems.**

The Application should be denied because issuance of the Draft Permit would contravene TCEQ’s statutory mandate to encourage and promote the regionalization of wastewater infrastructure. Texas’ regionalization policy is clearly and expressly set forth in TWC § 26.003 as follows:

It is the policy of this state . . . to encourage and promote the development and use of regional and areawide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.

The regionalization policy is also codified in TWC § 26.081, which plainly and unambiguously states that the Texas legislature has found and declared “that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to 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 the water in the state.” In addition, the TWC contains numerous other provisions relating to or facilitating the implementation of the regionalization policy. Such provisions include, but are not limited to, the following:

- TWC § 26.0282, which states that it “is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater,” authorizes TCEQ, “[i]n considering the issuance, amendment, or renewal of a permit to discharge waste,” to “deny or alter the terms and conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems” without regard to whether a given system has been “designated as such by [TCEQ] order.”
- TWC § 13.183(c), which provides that the Public Utility Commission (“*PUC*”) or the governing body of a municipality may use alternative ratemaking methodologies to fix the rates for sewer services “to encourage regionalization.”
- TWC § 13.241(d), which requires an applicant to “demonstrate to the [PUC] that regionalization or consolidation with another retail public utility is not economically feasible” in order for PUC to grant “a new certificate of convenience and necessity for an area which would require construction of a physically separate water or sewer system.”<sup>1</sup>
- TWC § 26.0135(a), which requires TCEQ to conduct periodic assessments of water quality, also dictates that such an “assessment must include a review of wastewater discharges, nonpoint source pollution, nutrient loading, toxic materials, biological health of aquatic life, public education and involvement in water quality issues, local and regional pollution prevention efforts, and other factors that affect water quality within the watershed.”

TCEQ is charged with implementing the regionalization policy and, pursuant to TWC § 5.013(a)(10), has general jurisdiction over “the state’s responsibilities relating to regional waste disposal.” This mandate is clearly acknowledged in TCEQ form TCEQ-10053ins, Instructions for Completing the Domestic Wastewater Permit Application (the “*Instructions*”), which state “TCEQ is required to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state.”<sup>2</sup> As part of its commitment to do so, TCEQ’s TPDES permit application form includes Domestic Technical Report 1.1, the first section of which contains questions related to the potential for regionalization.<sup>3</sup> Of these questions, those included in Section 1.B.3 are most relevant to these Public Comments, and Applicant’s responses thereto are shown by the following excerpt from the Application:

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<sup>1</sup> *Accord* Tex. Water Code § 13.245(c-4)(2)(B) (providing that the PUC may not grant a CCN within the corporate boundaries or extraterritorial jurisdiction of a municipality with a population of 500,000 or more unless it determines that “regionalization of the retail public utility or consolidation of the retail public utility with another retail public utility is not economically feasible under Section 13.241(d).”).

<sup>2</sup> Instructions at 56.

<sup>3</sup> TCEQ-10054 (10/17/2024) Domestic Wastewater Permit Application Technical Report at 19-20.

### 3. *Nearby WWTPs or collection systems*

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

Yes ☒ No ☐

If yes, attach a list of these facilities that includes the permittee's name and permit number, and an area map showing the location of these facilities.

**Attachment:** Nearby WWTP Map

If yes, attach copies of your certified letters to these facilities and their response letters concerning connection with their system.

**Attachment:** Nearby WWTP Letter

Does a permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility currently have the capacity to accept or is willing to expand to accept the volume of wastewater proposed in this application?

Yes ☐ No ☒

If yes, attach an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion.

**Attachment:** Cost Analysis

When, as is the case here, there are domestic permitted WWTFs or collection systems located within a three-mile radius of a proposed WWTF, the Instructions require wastewater permit applicants to provide copies of "any correspondence received from [such nearby] facilit[ies] concerning the proposed service area ([i.e.,] consent or denial to provide service from the [nearby] facility)." <sup>4</sup> Further, "[i]f any [nearby] facilities agree to provide service," the wastewater permit applicant must "provide justification and a cost analysis of expenditures that shows the cost of connecting to these [nearby] facilities versus the cost of the proposed facility or expansion." <sup>5</sup> Similarly, the Instructions require that "[c]ost estimates and rate fees regarding regionalizing must be provided from the entity agreeing to provide service, either on appropriate letterhead or from an official email account[, i.e.,] the applicant must submit documentation of the quoted costs and rates given in writing by the entity agreeing to provide service." <sup>6</sup>

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<sup>4</sup> Instructions at 57.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Here, despite the fact that one of the City's WWTFs, the Berry Creek WWTF, is located within about two (2) miles of the Proposed Package Plant, and the Site is proposed to be located within about 1,025 feet of the City's nearest wastewater collection facilities, the Application does not contain copies of any correspondence from the City, let alone a cost analysis of expenditures that shows the cost of connecting to the City's facilities versus the cost of the Proposed Package Plant. Thus, the Applicant's foregoing responses are incomplete and inaccurate.

With respect to the first item in Section 1.B.3, whether there are any domestic permitted WWTFs or collection systems located within a three-mile radius of the Proposed Package Plant, the Application materials accurately disclose that the City's Berry Creek WWTF is located approximately two (2) miles from the location proposed for the Site. The Application materials also include the requisite (1) list of neighboring facilities that includes the permittee's name and permit number and an area map showing the location of these facilities as well as (2) copies of Applicant's certified letters to these facilities. Again, however, the Application materials do not include either (1) the requisite response from the City concerning the possibility of connection with its nearby wastewater facilities or (2) the associated cost analysis. **Contrary to the indication in Section 1.B.3 of Domestic Technical Report 1.1, the City has never indicated that it currently does not have the capacity to accept or is not willing to expand to accept the volume of wastewater proposed in the Application, and as explained in more detail in Section III.B, below, the City's wastewater collection system has sufficient capacity to serve the Site even as the City continues to grow over the next few years.**

Thus, the Application falsely indicates that no permitted WWTF located within three (3) miles of the Proposed Package Plant currently has the capacity to accept or is willing to expand to accept the volume of wastewater contemplated by the Application. Further, the fact that the Application lacks any communications whatsoever from the City means Applicant has no basis to make such an assertion. Simply put, without such information, the Application fails to demonstrate that no permitted domestic WWTF or collection system located within three (3) miles of the Proposed Package Plant currently has the capacity or willingness to accept the volume of wastewater proposed in the Application. Additionally, and in further contravention of the instructions in Section 1.B.3, Applicant also failed to provide the requisite analysis of expenditures required to connect to the City's permitted Berry Creek WWTF or collection system versus the cost of the Proposed Package Plant. Consequently, the Application cannot reasonably be relied upon to assess the feasibility, either economic or logistical, of regionalization. Given these significant deficiencies, Applicant has failed to demonstrate that approval of the Application and issuance of the Draft Permit would comply with Texas's statutorily mandated regionalization policy. To the contrary, **given the close proximity of the City's wastewater collection system and Berry Creek WWTF, which have sufficient capacity to serve the Site, approval of the Application and issuance of the Draft Permit would violate Texas' legislatively mandated policy to encourage and promote the development and use of regional and areawide wastewater collection, treatment, and disposal systems, and the Application should be denied.**

**B. There is no need for the Proposed Package Plant.**

As noted above, pursuant to TWC § 26.0282, “[i]n considering the issuance, amendment, or renewal of a permit to discharge waste, [TCEQ] may deny or alter the terms and conditions of the proposed permit . . . based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as such by [TCEQ] order.” The Instructions clarify that TCEQ “is charged with the responsibility of determining the need for a permit”<sup>7</sup> and require applicants, “[i]f the permit contains a phase that has not been constructed or is not in operation,” to “provide a detailed discussion of the continued need for the unbuilt phase.”<sup>8</sup> Further, according to the Instructions, “[f]ailure to provide sufficient justification for the continued need for the permit and/or each identified phase may result in a recommendation for denial of the application or removal of unbuilt phases from the permit.”<sup>9</sup> Simply put, for purposes of “implementing regionalization,” the Instructions indicate that TCEQ “will” require wastewater permit applicants to justify the need for such a permit.<sup>10</sup>

Consistent with Texas’ regionalization policy, the City has planned and constructed its regional wastewater treatment and collection system to eliminate the need for small package plants serving single developments, like the Proposed Package Plant.<sup>11</sup> Specifically, the City owns and operates five existing WWTFs and has a permit for a sixth to be constructed in the near future.<sup>12</sup> Three (3) of the City’s WWTFs are interconnected: the Dove Springs WWTF, the Pecan Branch WWTF, and the San Gabriel WWTF. Together, just these three large, connected plants can treat 8.0 MGD of wastewater, which is the equivalent of 80,000 people (at 100 gallons per day (“GPD”)/person). The City’s two (2) other WWTFs, the aforementioned Berry Creek WWTF and Cimarron Hills WWTF, can treat 0.3 MGD and 0.24 MGD of wastewater, respectively, which is the combined equivalent of 5,000 people (at 100 GPD/person). Thus, the City has a total wastewater treatment capacity sufficient to serve approximately 85,000 customers.<sup>13</sup> At present,

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<sup>7</sup> *Id.* at 44; *accord Id.* at 56 (TCEQ “is charged with the responsibility of determining the need for a permit.”).

<sup>8</sup> *Id.* at 44.

<sup>9</sup> *Id.*; *accord Id.* at 56 (“Failure to provide sufficient justification for the continued need for the permit and/or each proposed phase may result in a recommendation for denial of the application or proposed phases.”).

<sup>10</sup> *Id.* at 44.

<sup>11</sup> As shown by the City’s 2022 Wastewater Master Plan map, available at [https://georgetown.org/gis/pdfs/Wastewater\\_Master\\_Plan.pdf](https://georgetown.org/gis/pdfs/Wastewater_Master_Plan.pdf), the Site is located in close proximity to certain planned improvements to the City’s existing wastewater collection and treatment system. Thus, the Site is proposed to be located near City wastewater infrastructure that is currently in existence as well as wastewater infrastructure improvements and expansions planned for the future.

<sup>12</sup> The City owns and operates the following WWTFs: Cimarron Hills WWTF (RN101609618, TPDES Permit No. WQ0014232001); San Gabriel WWTF (RN102140571, TPDES Permit No. WQ0010489002); Dove Springs WWTF (RN102917242, TPDES Permit No. WQ0010489003); Pecan Branch WWTF (RN101608701, TPDES Permit No. WQ0010489005); and Berry Creek WWTF (RN101612208, TPDES Permit No. WQ0010489006). In addition, the City holds TPDES Permit No. WQ0010489007 for the Northlands WWTF (RN105830160, TPDES Permit No. WQ0010489007), which is not yet in operation.

<sup>13</sup> Based on information from the US Census Bureau, available online at <https://www.census.gov/quickfacts/fact/table/georgetowncitytexas#>, the City population as of the April 1, 2020

however, the City provides wastewater service to about 40,000 customers. Therefore, **the City has more than enough capacity to provide wastewater treatment service to the 353 units proposed to be constructed at the Site even as the City continues to grow over the next few years. Consequently, there is no need for the Proposed Package Plant, and consistent with Texas' statutorily mandated regionalization policy, the Application should be denied.**

**C. Applicant lacks the wastewater/sewer CCN necessary to provide wastewater/sewer service to the Site via the Proposed Package Plant.**

Pursuant to TWC § 13.242, “a utility . . . may not in any way render retail water or sewer utility service directly or indirectly to the public without first having obtained from the [PUC] a [CCN].” The term “utility” is defined in TWC § 13.002(23) as “any . . . corporation,” like Applicant, “owning or operating for compensation in this state equipment or facilities . . . for the collection, transportation, treatment, or disposal of sewage or other operation of a sewage disposal service for the public.” Thus, in order to provide wastewater/sewer utility service to the Site via the Proposed Package Plant, Applicant requires a wastewater/sewer CCN issued by the PUC. However, according to the PUC's Water and Sewer CCN Viewer, available at <https://www.puc.texas.gov/industry/water/utilities/map.aspx>, **Applicant does not possess the wastewater/sewer CCN required to provide wastewater/sewer utility service to the Site via the Proposed Package Plant.**

**D. The Application fails to demonstrate compliance with TCEQ's requirements related to unsuitable site characteristics.**

TCEQ regulations do not allow WWTFs to be located within a 100-year floodplain.<sup>14</sup> Applicant represented that the Site would not fall within the 100-year frequency flood level.<sup>15</sup> To support this assertion, the Applicant relied on Federal Emergency Management Agency (“*FEMA*”) flood map number 48491C0280E. (the “*FEMA Map*”).<sup>16</sup> That reliance was inappropriate.

The absence of a floodplain in the area of the Site on the FEMA Map does not mean that the Proposed Package Plant is not in a 100-year floodplain. FEMA floodplain maps typically only show watersheds that are one square mile or more in size. Thus, the fact that no floodplain is shown for the small area in question does not mean that there is no 100-year floodplain present. A more thorough analysis of the floodplain extent and water surface elevation is required to accurately assess whether the location of the Site is suitable. Placement of the Proposed Package Plant and/or proposed disposal area within a 100-year floodplain would pose a significant threat to both surface water and groundwater quality in the area of the Site, which is in the Edwards Aquifer Recharge Zone.

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census was 67,464.

<sup>14</sup> 30 TAC § 309.13(a).

<sup>15</sup> Application at 26, 37.

<sup>16</sup> *Id.* at 26.

**E. The Draft Permit is not protective of groundwater quality or the quality of hydrologically connected surface waters, or of existing uses of such surface waters in accordance with Texas Surface Water Quality Standards, including protection of public health and enjoyment of waters in the state and aquatic and terrestrial life.**

Given that the slightest plant upset would adversely affect the water quality in the treated effluent pond and groundwater and surface waters to which the treated effluent may flow, the City is concerned that the proposed land application poses risks to water quality in the Edwards Aquifer and hydrologically connected surface waters, and may create unsanitary or unsafe water quality conditions, which may affect the health and safety of its citizens, their enjoyment of such waters, and other non-human receptors (including karst-dwelling species). The Application provides no information regarding phosphorus, bacteria, or per- and polyfluoroalkyl substances (“*PFAS*”) in the treated effluent. At the proposed irrigation rate over the relatively small land application area, there is an unacceptable risk that such pollutants may affect water quality in the Edwards Aquifer and hydrologically connected surface waters in the absence of specific permit limits to safeguard water quality for drinking water and other beneficial uses (including aquatic life protection for endangered karst-dwelling species). Because the Draft Permit does not contain limits and conditions to safeguard groundwater quality, the quality of hydrologically connected surface waters, beneficial uses, and human and non-human receptors, the Draft Permit is inconsistent with Texas’ antidegradation policy, and the Application should be denied.

**F. The Draft Permit is not protective of the public health and safety of nearby residents.**

The City is also concerned about the public health risk to nearby residents posed by the Proposed Package Plant. The City is concerned that the very close distance of the Proposed Package Plant to adjacent residences poses health risks, including the potential exposure of residents to harmful pathogens via vectors (e.g., flies), aerosols (e.g., bacteria containing mists), and the land application area (e.g., bacteria and viruses in the treated wastewater).

**G. The Draft Permit does not protect the health and safety of nearby landowners’ livestock and the habitats of endangered species.**

The area surrounding the Proposed Package Plant is agricultural in nature and contains livestock. Also, the surrounding area and the San Gabriel River are home to several endangered species, including the Texas Shiner and Guadalupe Bass as well as a number of endangered salamanders.<sup>17</sup> Granting the Application would expose these animals to adverse effects from the growth of algae,<sup>18</sup> high nitrogen content, toxic substances that are not subject to effluent

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<sup>17</sup> These endangered species can be found by using the Texas Parks and Wildlife Rare, Threatened, and Endangered Species of Texas by County search available at <https://tpwd.texas.gov/gis/rtest/> and cross-referencing using the United States Geological Survey species list available at <https://nas.er.usgs.gov/queries/>.

<sup>18</sup> The Draft Permit does not include a limit for total phosphorus, however, even a limit of 0.15 mg/L for total phosphorus was determined by the TCEQ to not be adequately protective against algal blooms in the recently issued permit for the City of Liberty Hill’s WWTF. Because algal blooms are known to present health hazards to livestock,

limitations,<sup>19</sup> and bacterial contamination from the proposed land application.

**H. The Draft Permit does not protect the habitat of karst-dwelling species, including endangered species.**

The Proposed Package Plant and Site are intended to be located in a Karst Zone 1 or 2 area—that is, an area known to contain, or having a high probability of containing, endangered karst invertebrate species.<sup>20</sup> In addition, the City is aware that the Georgetown salamander, an endangered karst-dwelling species, has been identified in areas near the Site.<sup>21</sup> Nevertheless, the Draft Permit does not include permit limits or other conditions to ensure protection of water quality protective of the Georgetown salamander, such as those required under the City’s ordinance relating to “Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone.”<sup>22</sup> “[T]he primary threat to [the Georgetown salamander] is habitat modification in the form of degraded water quality and quantity,” and the Georgetown salamander “depend[s] on high-quality water in sufficient quantities for survival, growth, and reproduction.”<sup>23</sup> Further, “[t]he Georgetown salamander is thought occur exclusively in springs along two tributaries of the San Gabriel River drainage in the vicinity of Georgetown in Williamson County, Texas” (and in proximity to the Site), and “substrate modification [is] a threat to [the Georgetown salamander] since interstitial spaces are a critical component of their surface habitat.”<sup>24</sup> In the absence of permit provisions requiring a robust groundwater monitoring system to ensure that the Proposed Package Plant and associated land application area do not degrade groundwater quality and water quality in hydrologically connected surface waters, to prevent the filling of interstitial spaces, and to provide such other protections as may be necessary to ensure the protection of the Georgetown salamander and other karst-dwelling species (such as limiting irrigation rates to prevent contamination of the Edwards Aquifer), the Application should be denied.

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the lack of a total phosphorus limit in the Draft Permit does not appear to be protective of agricultural uses (e.g., livestock watering).

<sup>19</sup> The Draft Permit does not include effluent limits that are protective of livestock watering uses and irrigation of crops – for example, limits salinity, sulfates, etc. that may affect crop production, palatability or growth and development of livestock, and other agricultural uses.

<sup>20</sup> TCEQ publication RG-348B, Appendix B (September 2007), “Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer and Related Karst Features that May be Habitat for Karst Dwelling Invertebrates,” available online at <https://www.tceq.texas.gov/downloads/publications/rg/appendix-b-to-rg-348.pdf>.

<sup>21</sup> Williamson County, Known Locations of Salamander Springs (Nov. 2011), available online at <https://www.wilcotx.gov/DocumentCenter/View/1355/Map-of-the-Approximate-Locations-of-the-Salamander-Species-PDF>.

<sup>22</sup> See City’s Unified Development Code § 11.07.030, available online at [https://library.municode.com/tx/georgetown/codes/unified\\_development\\_code?nodeId=UNDECO\\_CH11ENPR\\_S11.07WAQUIREPRLOOVEDAQREZO](https://library.municode.com/tx/georgetown/codes/unified_development_code?nodeId=UNDECO_CH11ENPR_S11.07WAQUIREPRLOOVEDAQREZO).

<sup>23</sup> See Industrial Economics, Incorporated Memorandum to the U.S. Fish and Wildlife Service, “Screening Analysis of the Likely Economic Impacts of Critical Habitat Designation for the Georgetown and Salado Salamanders” at 3 (Apr. 13, 2021), available online at: <https://downloads.regulations.gov/FWS-R2-ES-2020-0048-0032/content.pdf>.

<sup>24</sup> *Id.*

**I. The Draft Permit does not contain sufficient operational requirements to ensure that water quality is protected.**

**1. The Draft Permit does not contain irrigation-related limits sufficient to safeguard water quality in both groundwater and hydrologically connected surface waters.**

As noted above, the Draft Permit does not limit certain drinking water pollutants, like PFAS, or require the installation of a robust subsurface leak detection system for the treated effluent pond. In the absence of such conditions, there is an unacceptable risk that the proposed land application of treated effluent at the Site will pollute, degrade, or otherwise adversely affect groundwater (i.e., the Edwards Aquifer) and/or hydrologically connected surface waters. Therefore, the Application should be denied.

**2. The Draft Permit does not require adequate sampling and monitoring.**

The Proposed Package Plant would operate 24 hours a day 7 days a week, but only be monitored by grab sample once per month for biochemical oxygen demand (“**BOD**”) and total suspended solids (“**TSS**”). This means that less than 15 minutes of the Proposed Package Plant’s operations over a three-month period must be monitored. Further, because grab samples in two consecutive months could be taken as much as 59 days apart, treated effluent could violate water quality standards for some or all of that time without any means of detection or notice. This sampling frequency and testing regime does not provide adequate assurances to the City or the public that the treated effluent will not introduce pollutants to the Edwards Aquifer or that the Proposed Package Plant is producing effluent meeting the requirements of the Draft Permit during the long periods of time that the Proposed Package Plant is unmonitored. Because the Site lies over the Edwards Aquifer, a significant source of drinking water supply for the City, sampling for only BOD and TSS—and only on a monthly basis—is not sufficient to protect the Edwards Aquifer. More frequent monitoring of BOD, TSS, and other pollution indicators should also be required given the porosity of limestone bedrock in this area and the attendant high potential for interconnection with shallow surface water bodies. Finally, with regard to the type of sampling, a grab sample only reflects performance at the single, short point in time when the sample was collected, and only if the sample is properly collected. The results can change depending on the time of day or whether the Proposed Package Plant is operating near its average daily flow rate. More than likely, these samples will be taken during daylight hours when flows are at their lowest part of the diurnal curve, meaning plant performance will be at its best. Composite sampling<sup>25</sup> techniques are more representative of the characteristics of the effluent over a longer period of time and more accurately reflect how a treatment plant is performing at all points along the diurnal curve. Although grab sampling may be fine for pH, dissolved oxygen, or total residual chlorine, which can change quickly in water once the sample is taken, composite sampling would be more appropriate for other parameters like BOD, TSS, ammonia nitrogen, total phosphorous, and E. coli. Also, if a single grab sample does not meet permit conditions, adjustments to the plant can be made and additional grab samples taken to get the average back in compliance with the permit

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<sup>25</sup> Composite sampling consists of a collection of numerous individual discrete samples taken at regular intervals over a period of time, such as 24 hours, or continuous sampling.

parameter.<sup>26</sup>

- J. The Application contains numerous deficiencies, which create substantial uncertainty as to whether TCEQ was provided with sufficiently accurate and complete information to prepare the Draft Permit in compliance with all applicable laws and regulations.**

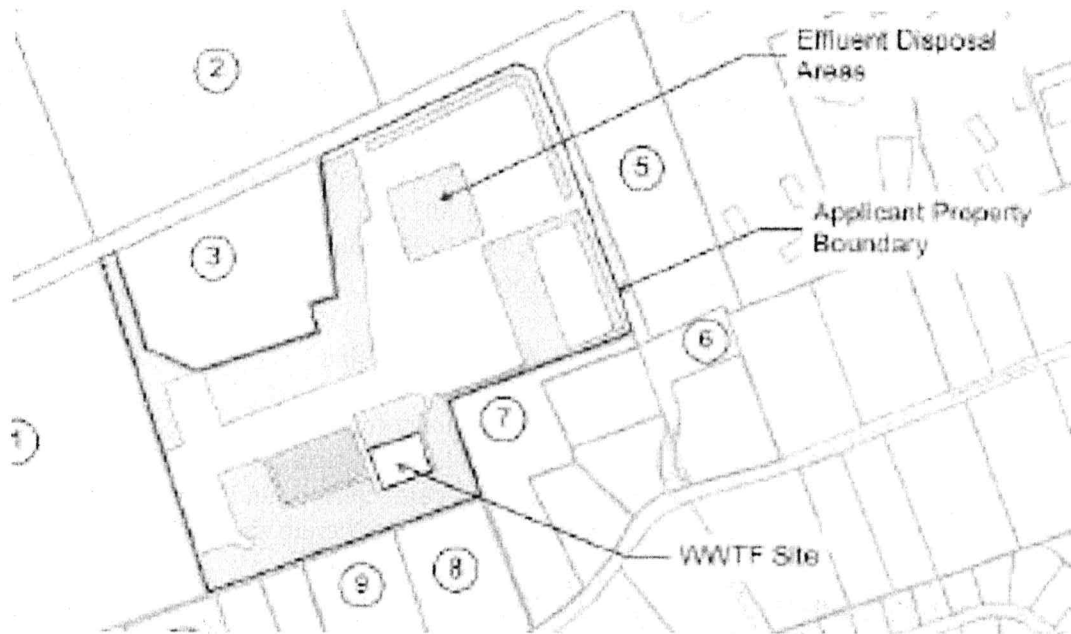
The Application should be denied, or at a minimum, remanded to technical review as a result of significant deficiencies, including, but not limited to, the following, all of which call into question whether issuance of the Draft Permit would comply with all applicable requirements.

- **As noted above, the Application lacks any responsive communications from the City regarding the possibility of connecting to the City's existing nearby wastewater collection system and Berry Creek WWTF.**
- **Also noted above, the Application lacks the required justification and cost analysis of expenditures that shows the cost of connecting to the City's nearby facilities versus the cost of the Proposed Package Plant.**
- **Applicant used an inaccurate estimated daily wastewater flow as the basis for the design of the Proposed Package Plant.** According to an email dated September 10, 2024, at 2:00 PM, Applicant "utilized 160 [GPD]/unit" as the basis for the design of the Proposed Package Plant. This is consistent with Applicant's response in Section 1.A of Domestic Technical Report 1.1, which states "[the Proposed Package Plant] will serve a new community of approximately 353 units at 160 [GPD]/unit." As the Proposed Package Plant will serve a multi-family development primarily consisting of studio, one-bedroom, and two-bedroom units, a more appropriate estimated flow would be 190 GPD/per unit. At that estimated flow, the Proposed Package Plant would require a larger capacity, and the Site would require a larger land application area. Simply put, this incorrect calculation yields an unrealistic estimate of the anticipated volume of treated wastewater, which necessarily affects the proposed land application rate and area required to ensure protection of water quality in groundwater and hydrologically connected surface waters. As such, the Application should be denied.
- **The Affected Landowner Map submitted with the Application fails to comply with the Instructions.** According to the Instructions, "[a]ll applicants shall submit a map that clearly shows . . . the required buffer zone . . . [and] all effluent holding/storage/evaporation lagoons."<sup>27</sup> As shown by the Application excerpt below, the "Spur WWTF – Affected Landowner Map" included as part of the Application does not depict the required buffer zone or the proposed storage pond.

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<sup>26</sup> While unscrupulous, such a practice would still meet the permit's sampling requirements. This is a widely known problem in the industry and should not be exacerbated by issuing permits with lax sampling requirements.

<sup>27</sup> Instructions at 36.



- **The USGS maps submitted with the Application fail to comply with the Instructions.** Specifically, “[f]or all USGS Map submittals,” the Instructions state that “the maps must contain,” among other things, the following information “**clearly outlined and labeled on the map:** . . . all parks, playgrounds, and schoolyards” (emphasis in original). The Grace Bible Church playground, located within less than one (1) mile of the Site, is not shown on the USGS maps submitted with the Application.
- **The Application lacks a completed Summary of Application in Plain Language Form.** According to the Instructions, wastewater permit applicants are required to “[d]ownload, complete, and attach the Summary of Application in Plain Language Form (TCEQ Form 20972).”<sup>28</sup> Further, if the applicant is “subject to the alternative language notice requirements in 30 [TAC] § 39.426, [the applicant] must also provide a translated copy of the completed summary of application in the appropriate alternative language as part of your application package.”<sup>29</sup> The Application materials do not contain a completed Summary of Application in Plain Language Form in English or Spanish.
- **Applicant used outdated forms to complete the Application.**

## V. REQUEST FOR CONTESTED CASE HEARING

If the Application is not denied or, at least, remanded back to TCEQ staff for further

<sup>28</sup> *Id.* at 29.

<sup>29</sup> *Id.*

technical review, the City requests a contested case hearing regarding the Application, Draft Permit, and each and every issue raised in these Public Comments and any and all supplements and amendments thereto. Further, if such circumstances arise, this Hearing Request will be supplemented to (1) meet the requirements of 30 TAC § 55.201 (Requests for Reconsideration or Contested Case Hearing) and (2) demonstrate the City's affected person status under TWC § 5.115 (Persons Affected in Commission Hearings) and 30 TAC § 55.203 (Determination of Affected Person) no later than 30 days after TCEQ's chief clerk mails or otherwise transmits the ED's response to comments and decision on the Application.

## **VI. CONCLUSION**

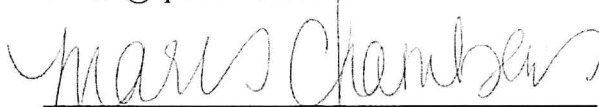
Based on the foregoing, sufficient grounds exist for TCEQ to deny the Application. If the Application is not denied or, at least, remanded to TCEQ staff for further technical review, a contested case hearing regarding the Application, Draft Permit, and each and every issue raised herein and in any and all supplements and/or amendments hereto should be ordered.

Given that additional information may become apparent through the scheduled public meeting, the City reserves its right to supplement these Public Comments and its Hearing Request as it learns more about the Application and/or Draft Permit.

Thank you for your consideration of this important matter, and please do not hesitate to contact me if you or your staff have any questions regarding the City's Public Comments and/or Hearing Request.

Respectfully submitted,

William A. Faulk, III  
State Bar No. 24075674  
[cfaulk@spencerfane.com](mailto:cfaulk@spencerfane.com)  
Coty Hopinks-Baul  
State Bar No. 24094039  
[chbaul@spencerfane.com](mailto:chbaul@spencerfane.com)



Maris M. Chambers  
State Bar No. 24101607  
[mchambers@spencerfane.com](mailto:mchambers@spencerfane.com)

SPENCER FANE, LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78701  
Telephone: (512) 575-6060  
Facsimile: (512) 840-4551

**ATTORNEYS FOR CITY OF GEORGETOWN**

## **Tammy Johnson**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, February 11, 2025 10:46 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001  
**Attachments:** 2025.02.11 Comments re Application by Nova368, LLC for Proposed TLAP No. WQ0016488001.pdf

H

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**From:** mchambers@spencerfane.com <mchambers@spencerfane.com>  
**Sent:** Tuesday, February 11, 2025 10:31 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Maris Marshall Chambers

**EMAIL:** [mchambers@spencerfane.com](mailto:mchambers@spencerfane.com)

**COMPANY:** Spencer Fane LLP

**ADDRESS:** 816 Congress Avenue Suite 1200  
Austin, TX 78701

**PHONE:** 2146636792

**FAX:**

**COMMENTS:** Please accept the attached "Public Comments and Request for a Contested Case Hearing."



SpencerFane®

MARIS M. CHAMBERS  
DIRECT DIAL: (214) 663-6792  
mchambers@spencerfane.com

February 11, 2025

Ms. Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality  
Via e-Comment to <https://www14.tceq.texas.gov/epic/eComment/>

Re: **Public Comments and Request for a Contested Case Hearing**  
Application by Nova368, LLC (CN606231256) for Proposed New Texas Land Application  
Permit No. WQ0016488001

Dear Ms. Gharis:

On behalf of the City of Georgetown, Texas (the “**City**”), please accept these timely filed public comments (“**Public Comments**”) and request for a contested case hearing (“**Hearing Request**”) regarding the application (“**Application**”) by Nova368, LLC (CN606231256) (“**Applicant**”) for new Texas Land Application Permit No. WQ0016488001 (the “**Draft Permit**”) for the proposed Spur WWTF (RN111909164) (the “**Proposed Package Plant**”). As I represent the City with respect to this matter, please include me on the mailing list for all filings related to the above-referenced Application. My mailing/contact information is as follows:

Ms. Maris M. Chambers  
Spencer Fane LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78701  
[mchambers@spencerfane.com](mailto:mchambers@spencerfane.com)  
Telephone: (214) 663-6792  
Facsimile: (512) 840-4551

## I. EXECUTIVE SUMMARY

The City respectfully requests that the Texas Commission on Environmental Quality (“**TCEQ**”) deny the Application based on the relevant and material Public Comments presented herein. If the Application is not denied or, at least, remanded to TCEQ staff for further technical review, the City alternatively requests a contested case hearing regarding the Application, Draft Permit, and each and every issue raised herein and in any and all supplements and amendments hereto.

## II. BACKGROUND

### A. Description of the Proposed Package Plant and Site

Applicant requests authorization to dispose of treated domestic wastewater at a daily average flow not to exceed 0.0565 million gallons per day (“**MGD**”) via surface irrigation of 16.5 acres of public access land. Upon approval of the Application and issuance of the Draft Permit, the Proposed Package Plant would be an activated sludge process plant using the complete mix mode. Treatment units in the Interim phase would include screening, two aeration basins, two final clarifiers, two sludge digesters, and a chlorine contact chamber. Treatment units in the Final phase would include screening, three aeration basins, three final clarifiers, three sludge digesters, and a chlorine contact chamber. Applicant would be authorized to dispose of treated domestic wastewater at a daily average flow not to exceed 0.02825 MGD via surface irrigation of 8.25 acres of public access land in the Interim phase, and a daily average flow not to exceed 0.0565 MGD via surface irrigation of 16.5 acres of public access land in the Final phase. The disposal site (the “**Site**”) would include a storage pond with a total surface area of 0.90 acres and a total capacity of 22.69 acre-feet for storage of treated effluent prior to irrigation. Application rates to the irrigated land would not exceed 3.84 acre-feet per year per acre irrigated, and the irrigated crops would include Bermuda grass (warm season) and cereal rye (cool season). The Proposed Package Plant and Site are intended to be located approximately 0.31 miles southwest of the intersection of Shell Spur and Shell Road in Williamson County, Texas 78628. **The Site is directly adjacent to the City’s nearest corporate boundary and less than three (3) miles from the City’s nearest wastewater treatment facility (“WWTF”) and wastewater collection infrastructure.** Specifically, the City’s Berry Creek WWTF (RN101612208, Texas Pollutant Discharge Elimination System (“**TPDES**”) Permit No. WQ0010489006) is located approximately two (2) miles from the location proposed for the Site, which is about 1,025 feet from the City’s nearest wastewater collection facilities. The Proposed Package Plant and Site would also be within the drainage basin of Berry Creek in classified Segment No. 1248, San Gabriel/North Fork San Gabriel River, of the Brazos River Basin. Classified Segment No. 1248 is included in the “2024 Texas Integrated Report - Index of Water Quality Impairments” for chloride in water. The Proposed Package Plant and Site also overlie the Edwards Aquifer Recharge Zone, as mapped by the TCEQ.

### B. Procedural History

According to the TCEQ Commissioners’ Integrated Database (the “**CID**”), the Application was received by TCEQ on February 15, 2024. The CID further indicates that TCEQ’s Executive Director (“**ED**”) declared the Application administratively complete on March 19, 2024, and the Notice of Receipt of Application and Intent to Obtain Water Quality Permit (“**NORI**”) was issued that same day. The NORI was published in English in *The Williamson County Sun* on April 10, 2024, and published in Spanish in *El Mundo Newspaper* on April 11, 2024. Contrary to the Application, the NORI indicates that Applicant requests authorization to dispose of treated wastewater at a volume not to exceed a daily average flow of 0.075 MGD via surface application on 17.3 acres of land. A Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Water Quality Land Application Permit for Municipal Wastewater (“**Combined NAPD**”) was issued on December 20, 2024. Neither the CID nor the Application provide evidence that the Combined NAPD was published as required by 30 Texas Administrative

Code (“**TAC**”) §§ 39.419 and 39.551. The Combined NAPD indicates that the ED has completed the technical review of the Application and prepared the Draft Permit and provides notice that a public meeting regarding the Application is to be held on February 11, 2025, because it was requested by a local legislator. As such, pursuant to 30 TAC § 55.152(b), the current deadline to submit public comments about the Application and Draft Permit is the close of such public meeting. Therefore, the Public Comments set forth herein are timely filed.

### **III. PUBLIC COMMENTS**

The Application should be denied because it is inaccurate, incomplete, and fails to comply with all applicable regulatory and statutory requirements. Specifically, (1) issuance of the Draft Permit would contravene the regionalization policy codified in Chapter 26 of the Texas Water Code (“**TWC**”); (2) there is no need for the Proposed Package Plant; (3) Applicant lacks the wastewater Certificate of Convenience and Necessity (“**CCN**”) required to provide wastewater service to the Site; (4) the Application fails to demonstrate compliance with TCEQ’s requirements related to unsuitable site characteristics; (5) the Draft Permit is not protective of water quality, public health and safety, livestock, or the habitats of endangered species; (6) the Draft Permit does not contain sufficient operational requirements; and (7) the Application contains numerous significant deficiencies, which create substantial uncertainty as to whether TCEQ was provided with sufficiently accurate and complete information to prepare the Draft Permit in compliance with all applicable laws and regulations.

**A. Approval of the Application and issuance of the Draft Permit would violate Texas’ legislatively mandated policy to encourage and promote the development and use of regional and areawide wastewater collection, treatment, and disposal systems.**

The Application should be denied because issuance of the Draft Permit would contravene TCEQ’s statutory mandate to encourage and promote the regionalization of wastewater infrastructure. Texas’ regionalization policy is clearly and expressly set forth in TWC § 26.003 as follows:

It is the policy of this state . . . to encourage and promote the development and use of regional and areawide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.

The regionalization policy is also codified in TWC § 26.081, which plainly and unambiguously states that the Texas legislature has found and declared “that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to 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 the water in the state.” In addition, the TWC contains numerous other provisions relating to or facilitating the implementation of the regionalization policy. Such provisions include, but are not limited to, the following:

- TWC § 26.0282, which states that it “is expressly directed to the control and treatment of conventional pollutants normally found in domestic wastewater,” authorizes TCEQ, “[i]n considering the issuance, amendment, or renewal of a permit to discharge waste,” to “deny or alter the terms and conditions of the proposed permit, amendment, or renewal based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems” without regard to whether a given system has been “designated as such by [TCEQ] order.”
- TWC § 13.183(c), which provides that the Public Utility Commission (“**PUC**”) or the governing body of a municipality may use alternative ratemaking methodologies to fix the rates for sewer services “to encourage regionalization.”
- TWC § 13.241(d), which requires an applicant to “demonstrate to the [PUC] that regionalization or consolidation with another retail public utility is not economically feasible” in order for PUC to grant “a new certificate of convenience and necessity for an area which would require construction of a physically separate water or sewer system.”<sup>1</sup>
- TWC § 26.0135(a), which requires TCEQ to conduct periodic assessments of water quality, also dictates that such an “assessment must include a review of wastewater discharges, nonpoint source pollution, nutrient loading, toxic materials, biological health of aquatic life, public education and involvement in water quality issues, local and regional pollution prevention efforts, and other factors that affect water quality within the watershed.”

TCEQ is charged with implementing the regionalization policy and, pursuant to TWC § 5.013(a)(10), has general jurisdiction over “the state’s responsibilities relating to regional waste disposal.” This mandate is clearly acknowledged in TCEQ form TCEQ-10053ins, Instructions for Completing the Domestic Wastewater Permit Application (the “**Instructions**”), which state “TCEQ is required to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state.”<sup>2</sup> As part of its commitment to do so, TCEQ’s TPDES permit application form includes Domestic Technical Report 1.1, the first section of which contains questions related to the potential for regionalization.<sup>3</sup> Of these questions, those included in Section 1.B.3 are most relevant to these Public Comments, and Applicant’s responses thereto are shown by the following excerpt from the Application:

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<sup>1</sup> *Accord* Tex. Water Code § 13.245(c-4)(2)(B) (providing that the PUC may not grant a CCN within the corporate boundaries or extraterritorial jurisdiction of a municipality with a population of 500,000 or more unless it determines that “regionalization of the retail public utility or consolidation of the retail public utility with another retail public utility is not economically feasible under Section 13.241(d).”).

<sup>2</sup> Instructions at 56.

<sup>3</sup> TCEQ-10054 (10/17/2024) Domestic Wastewater Permit Application Technical Report at 19-20.

### 3. *Nearby WWTPs or collection systems*

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

Yes ☒ No ☐

If yes, attach a list of these facilities that includes the permittee's name and permit number, and an area map showing the location of these facilities.

Attachment: Nearby WWTP Map

If yes, attach copies of your certified letters to these facilities and their response letters concerning connection with their system.

Attachment: Nearby WWTP Letter

Does a permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility currently have the capacity to accept or is willing to expand to accept the volume of wastewater proposed in this application?

Yes ☐ No ☒

If yes, attach an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion.

Attachment: Wastewater Treatment Facility

When, as is the case here, there are domestic permitted WWTFs or collection systems located within a three-mile radius of a proposed WWTF, the Instructions require wastewater permit applicants to provide copies of "any correspondence received from [such nearby] facilit[ies] concerning the proposed service area ([i.e., ]consent or denial to provide service from the [nearby] facility)." <sup>4</sup> Further, "[i]f any [nearby] facilities agree to provide service," the wastewater permit applicant must "provide justification and a cost analysis of expenditures that shows the cost of connecting to these [nearby] facilities versus the cost of the proposed facility or expansion." <sup>5</sup> Similarly, the Instructions require that "[c]ost estimates and rate fees regarding regionalizing must be provided from the entity agreeing to provide service, either on appropriate letterhead or from an official email account[, i.e.,] the applicant must submit documentation of the quoted costs and rates given in writing by the entity agreeing to provide service." <sup>6</sup>

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<sup>4</sup> Instructions at 57.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Here, despite the fact that one of the City's WWTFs, the Berry Creek WWTF, is located within about two (2) miles of the Proposed Package Plant, and the Site is proposed to be located within about 1,025 feet of the City's nearest wastewater collection facilities, the Application does not contain copies of any correspondence from the City, let alone a cost analysis of expenditures that shows the cost of connecting to the City's facilities versus the cost of the Proposed Package Plant. Thus, the Applicant's foregoing responses are incomplete and inaccurate.

With respect to the first item in Section 1.B.3, whether there are any domestic permitted WWTFs or collection systems located within a three-mile radius of the Proposed Package Plant, the Application materials accurately disclose that the City's Berry Creek WWTF is located approximately two (2) miles from the location proposed for the Site. The Application materials also include the requisite (1) list of neighboring facilities that includes the permittee's name and permit number and an area map showing the location of these facilities as well as (2) copies of Applicant's certified letters to these facilities. Again, however, the Application materials do not include either (1) the requisite response from the City concerning the possibility of connection with its nearby wastewater facilities or (2) the associated cost analysis. **Contrary to the indication in Section 1.B.3 of Domestic Technical Report 1.1, the City has never indicated that it currently does not have the capacity to accept or is not willing to expand to accept the volume of wastewater proposed in the Application, and as explained in more detail in Section III.B, below, the City's wastewater collection system has sufficient capacity to serve the Site even as the City continues to grow over the next few years.**

Thus, the Application falsely indicates that no permitted WWTF located within three (3) miles of the Proposed Package Plant currently has the capacity to accept or is willing to expand to accept the volume of wastewater contemplated by the Application. Further, the fact that the Application lacks any communications whatsoever from the City means Applicant has no basis to make such an assertion. Simply put, without such information, the Application fails to demonstrate that no permitted domestic WWTF or collection system located within three (3) miles of the Proposed Package Plant currently has the capacity or willingness to accept the volume of wastewater proposed in the Application. Additionally, and in further contravention of the instructions in Section 1.B.3, Applicant also failed to provide the requisite analysis of expenditures required to connect to the City's permitted Berry Creek WWTF or collection system versus the cost of the Proposed Package Plant. Consequently, the Application cannot reasonably be relied upon to assess the feasibility, either economic or logistical, of regionalization. Given these significant deficiencies, Applicant has failed to demonstrate that approval of the Application and issuance of the Draft Permit would comply with Texas's statutorily mandated regionalization policy. To the contrary, **given the close proximity of the City's wastewater collection system and Berry Creek WWTF, which have sufficient capacity to serve the Site, approval of the Application and issuance of the Draft Permit would violate Texas' legislatively mandated policy to encourage and promote the development and use of regional and areawide wastewater collection, treatment, and disposal systems, and the Application should be denied.**

**B. There is no need for the Proposed Package Plant.**

As noted above, pursuant to TWC § 26.0282, “[i]n considering the issuance, amendment, or renewal of a permit to discharge waste, [TCEQ] may deny or alter the terms and conditions of the proposed permit . . . based on consideration of need, including the expected volume and quality of the influent and the availability of existing or proposed areawide or regional waste collection, treatment, and disposal systems not designated as such by [TCEQ] order.” The Instructions clarify that TCEQ “is charged with the responsibility of determining the need for a permit”<sup>7</sup> and require applicants, “[i]f the permit contains a phase that has not been constructed or is not in operation,” to “provide a detailed discussion of the continued need for the unbuilt phase.”<sup>8</sup> Further, according to the Instructions, “[f]ailure to provide sufficient justification for the continued need for the permit and/or each identified phase may result in a recommendation for denial of the application or removal of unbuilt phases from the permit.”<sup>9</sup> Simply put, for purposes of “implementing regionalization,” the Instructions indicate that TCEQ “will” require wastewater permit applicants to justify the need for such a permit.<sup>10</sup>

Consistent with Texas’ regionalization policy, the City has planned and constructed its regional wastewater treatment and collection system to eliminate the need for small package plants serving single developments, like the Proposed Package Plant.<sup>11</sup> Specifically, the City owns and operates five existing WWTFs and has a permit for a sixth to be constructed in the near future.<sup>12</sup> Three (3) of the City’s WWTFs are interconnected: the Dove Springs WWTF, the Pecan Branch WWTF, and the San Gabriel WWTF. Together, just these three large, connected plants can treat 8.0 MGD of wastewater, which is the equivalent of 80,000 people (at 100 gallons per day (“GPD”)/person). The City’s two (2) other WWTFs, the aforementioned Berry Creek WWTF and Cimarron Hills WWTF, can treat 0.3 MGD and 0.24 MGD of wastewater, respectively, which is the combined equivalent of 5,000 people (at 100 GPD/person). Thus, the City has a total wastewater treatment capacity sufficient to serve approximately 85,000 customers.<sup>13</sup> At present,

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<sup>7</sup> *Id.* at 44; *accord Id.* at 56 (TCEQ “is charged with the responsibility of determining the need for a permit.”).

<sup>8</sup> *Id.* at 44.

<sup>9</sup> *Id.*; *accord Id.* at 56 (“Failure to provide sufficient justification for the continued need for the permit and/or each proposed phase may result in a recommendation for denial of the application or proposed phases.”).

<sup>10</sup> *Id.* at 44.

<sup>11</sup> As shown by the City’s 2022 Wastewater Master Plan map, available at [https://georgetown.org/gis/pdfs/Wastewater\\_Master\\_Plan.pdf](https://georgetown.org/gis/pdfs/Wastewater_Master_Plan.pdf), the Site is located in close proximity to certain planned improvements to the City’s existing wastewater collection and treatment system. Thus, the Site is proposed to be located near City wastewater infrastructure that is currently in existence as well as wastewater infrastructure improvements and expansions planned for the future.

<sup>12</sup> The City owns and operates the following WWTFs: Cimarron Hills WWTF (RN101609618, TPDES Permit No. WQ0014232001); San Gabriel WWTF (RN102140571, TPDES Permit No. WQ0010489002); Dove Springs WWTF (RN102917242, TPDES Permit No. WQ0010489003); Pecan Branch WWTF (RN101608701, TPDES Permit No. WQ0010489005); and Berry Creek WWTF (RN101612208, TPDES Permit No. WQ0010489006). In addition, the City holds TPDES Permit No. WQ0010489007 for the Northlands WWTF (RN105830160, TPDES Permit No. WQ0010489007), which is not yet in operation.

<sup>13</sup> Based on information from the US Census Bureau, available online at <https://www.census.gov/quickfacts/fact/table/georgetowncitytexas#>, the City population as of the April 1, 2020

however, the City provides wastewater service to about 40,000 customers. Therefore, **the City has more than enough capacity to provide wastewater treatment service to the 353 units proposed to be constructed at the Site even as the City continues to grow over the next few years. Consequently, there is no need for the Proposed Package Plant, and consistent with Texas' statutorily mandated regionalization policy, the Application should be denied.**

**C. Applicant lacks the wastewater/sewer CCN necessary to provide wastewater/sewer service to the Site via the Proposed Package Plant.**

Pursuant to TWC § 13.242, “a utility . . . may not in any way render retail water or sewer utility service directly or indirectly to the public without first having obtained from the [PUC] a [CCN].” The term “utility” is defined in TWC § 13.002(23) as “any . . . corporation,” like Applicant, “owning or operating for compensation in this state equipment or facilities . . . for the collection, transportation, treatment, or disposal of sewage or other operation of a sewage disposal service for the public.” Thus, in order to provide wastewater/sewer utility service to the Site via the Proposed Package Plant, Applicant requires a wastewater/sewer CCN issued by the PUC. However, according to the PUC’s Water and Sewer CCN Viewer, available at <https://www.puc.texas.gov/industry/water/utilities/map.aspx>, **Applicant does not possess the wastewater/sewer CCN required to provide wastewater/sewer utility service to the Site via the Proposed Package Plant.**

**D. The Application fails to demonstrate compliance with TCEQ’s requirements related to unsuitable site characteristics.**

TCEQ regulations do not allow WWTFs to be located within a 100-year floodplain.<sup>14</sup> Applicant represented that the Site would not fall within the 100-year frequency flood level.<sup>15</sup> To support this assertion, the Applicant relied on Federal Emergency Management Agency (“*FEMA*”) flood map number 48491C0280E. (the “*FEMA Map*”).<sup>16</sup> That reliance was inappropriate.

The absence of a floodplain in the area of the Site on the FEMA Map does not mean that the Proposed Package Plant is not in a 100-year floodplain. FEMA floodplain maps typically only show watersheds that are one square mile or more in size. Thus, the fact that no floodplain is shown for the small area in question does not mean that there is no 100-year floodplain present. A more thorough analysis of the floodplain extent and water surface elevation is required to accurately assess whether the location of the Site is suitable. Placement of the Proposed Package Plant and/or proposed disposal area within a 100-year floodplain would pose a significant threat to both surface water and groundwater quality in the area of the Site, which is in the Edwards Aquifer Recharge Zone.

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census was 67,464.

<sup>14</sup> 30 TAC § 309.13(a).

<sup>15</sup> Application at 26, 37.

<sup>16</sup> *Id.* at 26.

**E. The Draft Permit is not protective of groundwater quality or the quality of hydrologically connected surface waters, or of existing uses of such surface waters in accordance with Texas Surface Water Quality Standards, including protection of public health and enjoyment of waters in the state and aquatic and terrestrial life.**

Given that the slightest plant upset would adversely affect the water quality in the treated effluent pond and groundwater and surface waters to which the treated effluent may flow, the City is concerned that the proposed land application poses risks to water quality in the Edwards Aquifer and hydrologically connected surface waters, and may create unsanitary or unsafe water quality conditions, which may affect the health and safety of its citizens, their enjoyment of such waters, and other non-human receptors (including karst-dwelling species). The Application provides no information regarding phosphorus, bacteria, or per- and polyfluoroalkyl substances (“*PFAS*”) in the treated effluent. At the proposed irrigation rate over the relatively small land application area, there is an unacceptable risk that such pollutants may affect water quality in the Edwards Aquifer and hydrologically connected surface waters in the absence of specific permit limits to safeguard water quality for drinking water and other beneficial uses (including aquatic life protection for endangered karst-dwelling species). Because the Draft Permit does not contain limits and conditions to safeguard groundwater quality, the quality of hydrologically connected surface waters, beneficial uses, and human and non-human receptors, the Draft Permit is inconsistent with Texas’ antidegradation policy, and the Application should be denied.

**F. The Draft Permit is not protective of the public health and safety of nearby residents.**

The City is also concerned about the public health risk to nearby residents posed by the Proposed Package Plant. The City is concerned that the very close distance of the Proposed Package Plant to adjacent residences poses health risks, including the potential exposure of residents to harmful pathogens via vectors (e.g., flies), aerosols (e.g., bacteria containing mists), and the land application area (e.g., bacteria and viruses in the treated wastewater).

**G. The Draft Permit does not protect the health and safety of nearby landowners’ livestock and the habitats of endangered species.**

The area surrounding the Proposed Package Plant is agricultural in nature and contains livestock. Also, the surrounding area and the San Gabriel River are home to several endangered species, including the Texas Shiner and Guadalupe Bass as well as a number of endangered salamanders.<sup>17</sup> Granting the Application would expose these animals to adverse effects from the growth of algae,<sup>18</sup> high nitrogen content, toxic substances that are not subject to effluent

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<sup>17</sup> These endangered species can be found by using the Texas Parks and Wildlife Rare, Threatened, and Endangered Species of Texas by County search available at <https://tpwd.texas.gov/gis/rtest/> and cross-referencing using the United States Geological Survey species list available at <https://nas.er.usgs.gov/queries/>.

<sup>18</sup> The Draft Permit does not include a limit for total phosphorus, however, even a limit of 0.15 mg/L for total phosphorus was determined by the TCEQ to not be adequately protective against algal blooms in the recently issued permit for the City of Liberty Hill’s WWTF. Because algal blooms are known to present health hazards to livestock,

limitations,<sup>19</sup> and bacterial contamination from the proposed land application.

**H. The Draft Permit does not protect the habitat of karst-dwelling species, including endangered species.**

The Proposed Package Plant and Site are intended to be located in a Karst Zone 1 or 2 area—that is, an area known to contain, or having a high probability of containing, endangered karst invertebrate species.<sup>20</sup> In addition, the City is aware that the Georgetown salamander, an endangered karst-dwelling species, has been identified in areas near the Site.<sup>21</sup> Nevertheless, the Draft Permit does not include permit limits or other conditions to ensure protection of water quality protective of the Georgetown salamander, such as those required under the City’s ordinance relating to “Water Quality Regulations for Property Located Over the Edwards Aquifer Recharge Zone.”<sup>22</sup> “[T]he primary threat to [the Georgetown salamander] is habitat modification in the form of degraded water quality and quantity,” and the Georgetown salamander “depend[s] on high-quality water in sufficient quantities for survival, growth, and reproduction.”<sup>23</sup> Further, “[t]he Georgetown salamander is thought occur exclusively in springs along two tributaries of the San Gabriel River drainage in the vicinity of Georgetown in Williamson County, Texas” (and in proximity to the Site), and “substrate modification [is] a threat to [the Georgetown salamander] since interstitial spaces are a critical component of their surface habitat.”<sup>24</sup> In the absence of permit provisions requiring a robust groundwater monitoring system to ensure that the Proposed Package Plant and associated land application area do not degrade groundwater quality and water quality in hydrologically connected surface waters, to prevent the filling of interstitial spaces, and to provide such other protections as may be necessary to ensure the protection of the Georgetown salamander and other karst-dwelling species (such as limiting irrigation rates to prevent contamination of the Edwards Aquifer), the Application should be denied.

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the lack of a total phosphorus limit in the Draft Permit does not appear to be protective of agricultural uses (e.g., livestock watering).

<sup>19</sup> The Draft Permit does not include effluent limits that are protective of livestock watering uses and irrigation of crops – for example, limits salinity, sulfates, etc. that may affect crop production, palatability or growth and development of livestock, and other agricultural uses.

<sup>20</sup> TCEQ publication RG-348B, Appendix B (September 2007), “Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer and Related Karst Features that May be Habitat for Karst Dwelling Invertebrates,” available online at <https://www.tceq.texas.gov/downloads/publications/rg/appendix-b-to-rg-348.pdf>.

<sup>21</sup> Williamson County, Known Locations of Salamander Springs (Nov. 2011), available online at <https://www.wilcotx.gov/DocumentCenter/View/1355/Map-of-the-Approximate-Locations-of-the-Salamander-Species-PDF>.

<sup>22</sup> See City’s Unified Development Code § 11.07.030, available online at [https://library.municode.com/tx/georgetown/codes/unified\\_development\\_code?nodeId=UNDECO\\_CH11ENPR\\_S11.07WAQUREPRLOOVEDAQREZO](https://library.municode.com/tx/georgetown/codes/unified_development_code?nodeId=UNDECO_CH11ENPR_S11.07WAQUREPRLOOVEDAQREZO).

<sup>23</sup> See Industrial Economics, Incorporated Memorandum to the U.S. Fish and Wildlife Service, “Screening Analysis of the Likely Economic Impacts of Critical Habitat Designation for the Georgetown and Salado Salamanders” at 3 (Apr. 13, 2021), available online at: <https://downloads.regulations.gov/FWS-R2-ES-2020-0048-0032/content.pdf>.

<sup>24</sup> *Id.*

**I. The Draft Permit does not contain sufficient operational requirements to ensure that water quality is protected.**

**1. The Draft Permit does not contain irrigation-related limits sufficient to safeguard water quality in both groundwater and hydrologically connected surface waters.**

As noted above, the Draft Permit does not limit certain drinking water pollutants, like PFAS, or require the installation of a robust subsurface leak detection system for the treated effluent pond. In the absence of such conditions, there is an unacceptable risk that the proposed land application of treated effluent at the Site will pollute, degrade, or otherwise adversely affect groundwater (i.e., the Edwards Aquifer) and/or hydrologically connected surface waters. Therefore, the Application should be denied.

**2. The Draft Permit does not require adequate sampling and monitoring.**

The Proposed Package Plant would operate 24 hours a day 7 days a week, but only be monitored by grab sample once per month for biochemical oxygen demand (“**BOD**”) and total suspended solids (“**TSS**”). This means that less than 15 minutes of the Proposed Package Plant’s operations over a three-month period must be monitored. Further, because grab samples in two consecutive months could be taken as much as 59 days apart, treated effluent could violate water quality standards for some or all of that time without any means of detection or notice. This sampling frequency and testing regime does not provide adequate assurances to the City or the public that the treated effluent will not introduce pollutants to the Edwards Aquifer or that the Proposed Package Plant is producing effluent meeting the requirements of the Draft Permit during the long periods of time that the Proposed Package Plant is unmonitored. Because the Site lies over the Edwards Aquifer, a significant source of drinking water supply for the City, sampling for only BOD and TSS—and only on a monthly basis—is not sufficient to protect the Edwards Aquifer. More frequent monitoring of BOD, TSS, and other pollution indicators should also be required given the porosity of limestone bedrock in this area and the attendant high potential for interconnection with shallow surface water bodies. Finally, with regard to the type of sampling, a grab sample only reflects performance at the single, short point in time when the sample was collected, and only if the sample is properly collected. The results can change depending on the time of day or whether the Proposed Package Plant is operating near its average daily flow rate. More than likely, these samples will be taken during daylight hours when flows are at their lowest part of the diurnal curve, meaning plant performance will be at its best. Composite sampling<sup>25</sup> techniques are more representative of the characteristics of the effluent over a longer period of time and more accurately reflect how a treatment plant is performing at all points along the diurnal curve. Although grab sampling may be fine for pH, dissolved oxygen, or total residual chlorine, which can change quickly in water once the sample is taken, composite sampling would be more appropriate for other parameters like BOD, TSS, ammonia nitrogen, total phosphorous, and E. coli. Also, if a single grab sample does not meet permit conditions, adjustments to the plant can be made and additional grab samples taken to get the average back in compliance with the permit

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<sup>25</sup> Composite sampling consists of a collection of numerous individual discrete samples taken at regular intervals over a period of time, such as 24 hours, or continuous sampling.

parameter.<sup>26</sup>

- J. The Application contains numerous deficiencies, which create substantial uncertainty as to whether TCEQ was provided with sufficiently accurate and complete information to prepare the Draft Permit in compliance with all applicable laws and regulations.**

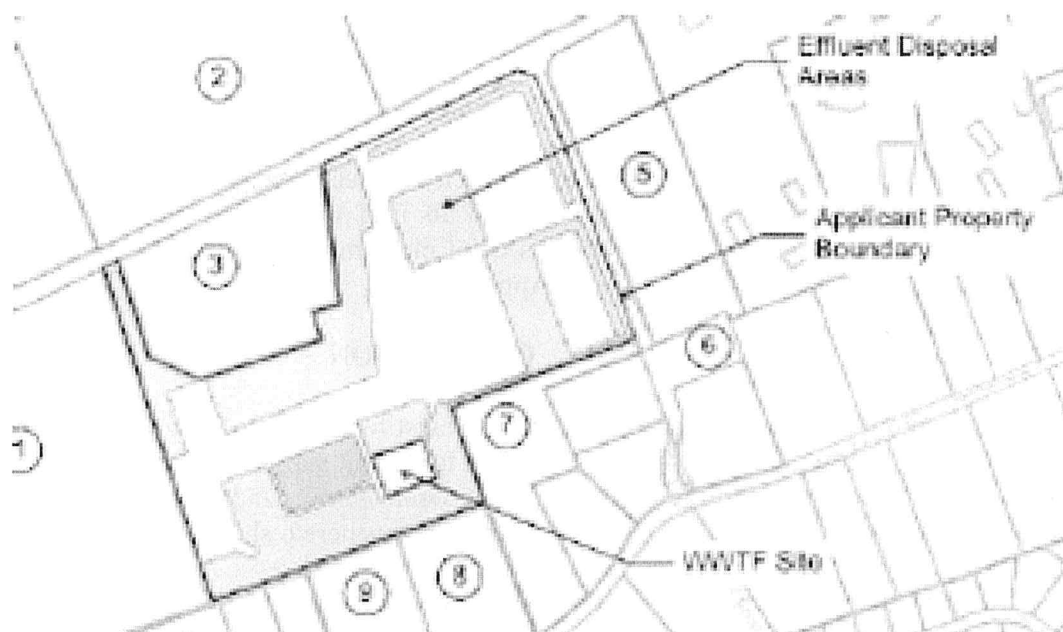
The Application should be denied, or at a minimum, remanded to technical review as a result of significant deficiencies, including, but not limited to, the following, all of which call into question whether issuance of the Draft Permit would comply with all applicable requirements.

- As noted above, the Application lacks any responsive communications from the City regarding the possibility of connecting to the City's existing nearby wastewater collection system and Berry Creek WWTF.
- Also noted above, the Application lacks the required justification and cost analysis of expenditures that shows the cost of connecting to the City's nearby facilities versus the cost of the Proposed Package Plant.
- Applicant used an inaccurate estimated daily wastewater flow as the basis for the design of the Proposed Package Plant. According to an email dated September 10, 2024, at 2:00 PM, Applicant "utilized 160 [GPD]/unit" as the basis for the design of the Proposed Package Plant. This is consistent with Applicant's response in Section 1.A of Domestic Technical Report 1.1, which states "[the Proposed Package Plant] will serve a new community of approximately 353 units at 160 [GPD]/unit." As the Proposed Package Plant will serve a multi-family development primarily consisting of studio, one-bedroom, and two-bedroom units, a more appropriate estimated flow would be 190 GPD/per unit. At that estimated flow, the Proposed Package Plant would require a larger capacity, and the Site would require a larger land application area. Simply put, this incorrect calculation yields an unrealistic estimate of the anticipated volume of treated wastewater, which necessarily affects the proposed land application rate and area required to ensure protection of water quality in groundwater and hydrologically connected surface waters. As such, the Application should be denied.
- **The Affected Landowner Map submitted with the Application fails to comply with the Instructions.** According to the Instructions, "[a]ll applicants shall submit a map that clearly shows . . . the required buffer zone . . . [and] all effluent holding/storage/evaporation lagoons."<sup>27</sup> As shown by the Application excerpt below, the "Spur WWTF – Affected Landowner Map" included as part of the Application does not depict the required buffer zone or the proposed storage pond.

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<sup>26</sup> While unscrupulous, such a practice would still meet the permit's sampling requirements. This is a widely known problem in the industry and should not be exacerbated by issuing permits with lax sampling requirements.

<sup>27</sup> Instructions at 36.



- **The USGS maps submitted with the Application fail to comply with the Instructions.** Specifically, “[f]or all USGS Map submittals,” the Instructions state that “the maps must contain,” among other things, the following information “**clearly outlined and labeled on the map:** . . . all parks, playgrounds, and schoolyards” (emphasis in original). The Grace Bible Church playground, located within less than one (1) mile of the Site, is not shown on the USGS maps submitted with the Application.
- **The Application lacks a completed Summary of Application in Plain Language Form.** According to the Instructions, wastewater permit applicants are required to “[d]ownload, complete, and attach the Summary of Application in Plain Language Form (TCEQ Form 20972).”<sup>28</sup> Further, if the applicant is “subject to the alternative language notice requirements in 30 [TAC] § 39.426, [the applicant] must also provide a translated copy of the completed summary of application in the appropriate alternative language as part of your application package.”<sup>29</sup> The Application materials do not contain a completed Summary of Application in Plain Language Form in English or Spanish.
- **Applicant used outdated forms to complete the Application.**

## V. REQUEST FOR CONTESTED CASE HEARING

If the Application is not denied or, at least, remanded back to TCEQ staff for further

<sup>28</sup> *Id.* at 29.

<sup>29</sup> *Id.*

technical review, the City requests a contested case hearing regarding the Application, Draft Permit, and each and every issue raised in these Public Comments and any and all supplements and amendments thereto. Further, if such circumstances arise, this Hearing Request will be supplemented to (1) meet the requirements of 30 TAC § 55.201 (Requests for Reconsideration or Contested Case Hearing) and (2) demonstrate the City's affected person status under TWC § 5.115 (Persons Affected in Commission Hearings) and 30 TAC § 55.203 (Determination of Affected Person) no later than 30 days after TCEQ's chief clerk mails or otherwise transmits the ED's response to comments and decision on the Application.

## **VI. CONCLUSION**

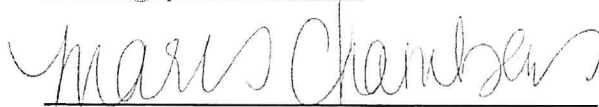
Based on the foregoing, sufficient grounds exist for TCEQ to deny the Application. If the Application is not denied or, at least, remanded to TCEQ staff for further technical review, a contested case hearing regarding the Application, Draft Permit, and each and every issue raised herein and in any and all supplements and/or amendments hereto should be ordered.

Given that additional information may become apparent through the scheduled public meeting, the City reserves its right to supplement these Public Comments and its Hearing Request as it learns more about the Application and/or Draft Permit.

Thank you for your consideration of this important matter, and please do not hesitate to contact me if you or your staff have any questions regarding the City's Public Comments and/or Hearing Request.

Respectfully submitted,

William A. Faulk, III  
State Bar No. 24075674  
[cfaulk@spencerfane.com](mailto:cfaulk@spencerfane.com)  
Coty Hopinks-Baul  
State Bar No. 24094039  
[chbaul@spencerfane.com](mailto:chbaul@spencerfane.com)



Maris M. Chambers  
State Bar No. 24101607  
[mchambers@spencerfane.com](mailto:mchambers@spencerfane.com)

SPENCER FANE, LLP  
816 Congress Avenue, Suite 1200  
Austin, TX 78701  
Telephone: (512) 575-6060  
Facsimile: (512) 840-4551

**ATTORNEYS FOR CITY OF GEORGETOWN**

## Tammy Washington

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 16, 2025 11:51 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Contested Case Hearing Request - WQ0016488001. NOVA 368, LLC

H

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**From:** CHIEFCLK <chiefclk@tceq.texas.gov>  
**Sent:** Tuesday, September 16, 2025 10:40 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** FW: Contested Case Hearing Request - WQ0016488001. NOVA 368, LLC

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**From:** Richard And Gayle Elsasser <sasser33@verizon.net>  
**Sent:** Tuesday, September 16, 2025 10:31 AM  
**To:** CHIEFCLK <chiefclk@tceq.texas.gov>  
**Subject:** Contested Case Hearing Request - WQ0016488001. NOVA 368, LLC

I am requesting a contested case hearing in response to NOVA 368, LLC, permit for a WWTF. The TCEQ permit number is WQ0016488001.

My details:  
Gayle Elsasser  
313 Logan Ranch Road  
Georgetown, 78628  
512-869-1641

I am an affected person involved in the above mentioned case. My homestead is attached at NOVA's southwest property line. The following comments state my beliefs as to why the WWTF permit should not be allowed. I am replying to the statements contained in the RTC. My comments were previously recorded at the TCEQ meeting in February, 2025.

Comment 1:

TCEQ requests private well owners to test their water more often for microbial and chemical contaminants if the WWTF is built. This is understandable however I believe the developers building the WWTF should cover the expense.

There are two karst features identified on the Lennar property which is attached to the NOVA property in the southwest section. Those developers had to extremely alter lot sizes due to these karst features. My concern is related to other possible karst features on the NOVA property which could affect the WWTF operation.

The WWTF is proposed for the general southwestern acreage. NOVA's south property line is their only property line attached to the estate homes of Logan Ranch subdivision or any private homesteads.

Comment 4:

In discussions with the Texas Water Development Board, officials stated wells pull water from groundwater and aquifers. Due to low water levels, I have had to have water delivered for common household activities at an unexpected high expense. Those residents near a WWTF with shallow wells are more prone to contamination than residents with deeper wells. We are concerned with well contamination if the WWTF is not operated properly but also concerned with contamination in our storage tanks. They would require disinfection at a high expense.

Comment 9:

I believe NOVA left the ETJ in order to obtain a permit for a WWTF. I also believe a WWTF is inappropriate next to a 40 year old subdivision consisting of estate homes on 2 1/2 to 11 acre homesteads. The city of Georgetown is now equipped to provide wastewater disposal in a common, safe and more efficient manner for this development.

Comment 10:

Most homeowners attached to NOVA's property are retired or semi retired senior citizens. Older adults generally experience heightened respiratory and allergic reactions affecting breathing and vision. We are extremely concerned with the possibility of pathogenic airborne microorganisms being released into the air. WWTF developers should be required to provide emission monitoring systems to detect levels of hydrogen sulfide and volatile organic compounds and report to nearby homeowners and TCEQ.

My overall opposition was created by attending all neighborhood, zoning and city council meetings regarding this property over the last three years. Even under a PUD, the owners refused or ignored most city and neighborhood concerns.

Also, my property will be devalued due to having a WWTF close to our property line. My husband and I have spent countless additional hours in our dedicated careers in order to build, maintain and upgrade our homestead. We may not be able to pass down this valuable homestead to our children and grandchildren.

Comment 12:

In regard to backup power and emergency alerts, the applicants will be required to report unauthorized discharge of raw sewage to TCEQ. I believe NOVA should be required to report possible unauthorized discharge to nearby homeowners and TCEQ. The homeowners would be the individuals affected although TCEQ should also be notified. This would be the time to test private well water and storage tank water at the expense of developers.

Comment 13:

My question was if NOVA was going to drill private wells for landscape irrigation not septic aeration. Is effluent wastewater approved for use on decorative trees and shrubs?

In summary, the WWTF introduces adverse situations which could affect my health, safety and limits the use of my property. The researched statements of noise and air pollution affects my health and safety along with increasing heightened anxiety levels. Constant mechanical noise and the visual addition of industrial buildings not congruent with a quiet estate subdivision limits the use of my property. The largest expenditure families endure is maintaining or increasing the value of their homestead. The placement of a WWTF possibly 150 feet from my backyard farm fence along with their aeration process devalues my homestead tremendously.

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 30, 2024 11:04 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001

PM

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**From:** Sasser33@verizon.net <Sasser33@verizon.net>  
**Sent:** Friday, September 27, 2024 5:45 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** MRS Gayle Elsasser

**EMAIL:** [Sasser33@verizon.net](mailto:Sasser33@verizon.net)

**COMPANY:**

**ADDRESS:** 313 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

**PHONE:** 5128691641

**FAX:**

**COMMENTS:** My property is attached to the proposed NOVA rental development at the corner of Shell Road and Shell Spur. We have lived in this subdivision for nearly forty years. Our only option for our home water supply is our private well. During the last few summers we have had water delivered due to low water levels in the aquifer. We are considered for our health and safety due to this project. We are opposed to the aeration septic system and the high density multi family development attached to our

backyard. My husband and I are requesting a meeting with TCEQ and interested neighbors in order to voice our opinions. Thank you. Richard & Gayle Elsasser

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 30, 2024 11:01 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001

PM

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**From:** Sasser33@verizon.net <Sasser33@verizon.net>  
**Sent:** Friday, September 27, 2024 5:26 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** MRS Gayle Elsasser

**EMAIL:** [Sasser33@verizon.net](mailto:Sasser33@verizon.net)

**COMPANY:**

**ADDRESS:** 313 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

**PHONE:** 5128691641

**FAX:**

**COMMENTS:** My property is attached to the proposed NOVA rental development at the corner of Shell Road and Shell Spur. We have lived in this subdivision for nearly forty years. Our only option for our home water supply is our private well. During the last few summers we have had water delivered due to low water levels in the aquifer. We are considered for our health and safety due to this project. We are opposed to the aeration septic system and the high density multi family development attached to our

backyard. My husband and I are requesting a meeting with TCEQ and interested neighbors in order to voice our opinions. Thank you. Richard & Gayle Elsasser

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 3, 2024 10:32 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001

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**From:** Sasser33@verizon.net <Sasser33@verizon.net>  
**Sent:** Tuesday, September 3, 2024 10:22 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** MRS Gayle Elsasser

**EMAIL:** [Sasser33@verizon.net](mailto:Sasser33@verizon.net)

**COMPANY:**

**ADDRESS:** 313 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

**PHONE:** 5128691641

**FAX:**

**COMMENTS:** Richard and I have lived at this address for close to 40 years. We have a private water well and a 2200 storage tank for water. Over the last three summers we have had to have water delivered due to low water levels in the aquifer. In discussions with neighbors many have had water delivered or new wells drilled. We are extremely concerned about the four multi family apartments and the aeration septic system proposed for property attached to our backyards. A neighbor recently found documentation of a

cave on the proposed property. The spraying of wastewater from apartments and commercial entities, caves in the area and the impervious cover from this development is a detriment to the ground water, aquifers and the Edwards Aquifer recharge zone. The city recently denied a high density multi family project across the road from this project even though they had city wastewater plans. The developers of the above project left the ETJ so they could bypass certain regulations. PLEASE consider our 40 year old subdivision and help us retain our country atmosphere. Thank you for your consideration. Richard & Gayle Elsasser

# TCEQ Registration Form

February 11, 2025

Nova368, LLC  
Water Quality Land Application  
Proposed Permit No. WQ0016488001

*PLEASE PRINT*

Name: Gayle Elsasser

Mailing Address: 313 Logan Ranch Road

Physical Address (if different): \_\_\_\_\_

City/State: Georgetown Tx Zip: 78628

*\*\*This information is subject to public disclosure under the Texas Public Information Act.\*\**

Email: sasser33@verizon.net

Phone Number: (512) 869-1641

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☐ Please add me to the mailing list.

☐ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting.)

Please See back

Please give this form to the person at the information table. Thank you.

1. 6 out of 7 Homesteads attached to this property are retirees. We cannot take on additional expenses — well + water testing are expensive. Is NOVA bonded & will they provide water testing monthly for our private wells?
2. Our electricity goes out periodically — how does smell or sludge stay safe?
3. Our wells may be affected by NOVA's use if they have private wells for NOVA's landscaping. Will NOVA have private wells for landscaping?
4. My water storage tank is within 500 ft. Is this safe?

RECEIVED

FEB 11 2025

AT PUBLIC MEETING

Pick up Truck?

# TCEQ Registration Form

February 11, 2025

Nova368, LLC  
Water Quality Land Application  
Proposed Permit No. WQ0016488001

*PLEASE PRINT*

Name: Gayle Elsasser

Mailing Address: 313 Logan Ranch Rd

Physical Address (if different): \_\_\_\_\_

City/State: Georgetown Zip: 78628

*\*\*This information is subject to public disclosure under the Texas Public Information Act.\*\**

Email: sasser33@verizon.net

Phone Number: (512) 869-1641

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☐ Please add me to the mailing list.

☐ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting.)

Please give this form to the person at the information table. Thank you.

## Tammy Washington

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 16, 2025 11:56 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016488001  
**Attachments:** WQ0016488001 Contested Case Hearing Request.pdf

H

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**From:** grond@mac.com <grond@mac.com>  
**Sent:** Tuesday, September 16, 2025 10:58 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Heath Culp

**EMAIL:** [grond@mac.com](mailto:grond@mac.com)

**COMPANY:**

**ADDRESS:** 383 Logan Ranch Rd  
Georgetown, TX 78628

**PHONE:** 5128263330

**FAX:**

**COMMENTS:** Contested Hearing Request 1) Heath Culp 383 Logan Ranch Rd Georgetown, TX 78628 512-826-3330 (cell) 2) Applicant/Respondent Name: NOVA368 LLC TCEQ Customer Number: CN606231256 Regulated Entity Name: SPUR WWTF Regulated Entity Number: RN111909164 Program: WWPERMIT Permit Number: WQ0016488001 3) I REQUEST A CONTESTED CASE HEARING. My property

is located within 1000 feet of the Proposed Facility Property. I am located with the ETJ of Georgetown and use well water as no city water is available, as such, the potential impacts of the Spur WWTF can directly affect my health and quality of life due to impacts to water quality especially as relates to the proper application of the waste water effluent. Comments which I submitted and were responded to include;

COMMENT 1: The City of Georgetown, Joanna Bartholomew, Heath Culp, Susan Culp, Cynthia Dyess, William Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, John Hachett, Terrie Hahn, Donna Howard, Lyndsay Hunsaker, Eunice Kiser, Paula Krog, Kris Lawley, Renee Long, Rowdy Roush, and Carol Tharp expressed concern regarding groundwater contamination from the proposed facility, including contamination of the Edwards Aquifer, which local residents rely on for drinking water. Additionally, the City of Georgetown, Heath Culp, Susan Culp, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, Terrie Hahn, Rowdy Roush, and Carol Tharp expressed concern regarding the nearby karst features and asked if the site will be inspected for potential karst features. Susan Culp and Gayle Elsasser asked if their water storage tanks would be impacted by the proposed WWTF. COMMENT 6: Heath Culp asked how much of the land is intended to be used for irrigation and the overall intended use of the property. COMMENT 10: Peter Bahrs, Heath Culp, Susan Culp, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, and Kris Lawley commented that the quality of life will be negatively impacted by the proposed WWTF. Peter Bahrs said the established community would be negatively impacted. Heath Culp, Susan Culp, Cynthia Dyess, William Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, John Hachett, Terrie Hahn, Donna Howard, Kris Lawley, and Carol Tharp expressed overall opposition to the wastewater permit. Additionally, Peter Bahrs and Heath Culp commented about the potential for nuisance odors from the proposed facility. Heath Culp made comments requesting that the applicant have a buffer between the irrigation area and the landowner's property line. These responses point to requirements to mitigate the impacts of the Land application, but as a whole do not document the impact of these requirements on the application. Specifically, the application sets aside 8.25 acres of public access land in the Interim phase, and 16.5 acres of public access land in the Final phase. The draft permit also contains buffers for the land application site in Special Provision No. 25 to state that the permittee shall comply with 30 TAC § 309.13(c) to ensure no public water wells, springs, other similar sources for public drinking water are within 500 ft., private wells are within 150 ft., and surface waters in the state are within 100 ft. from the irrigation site. When viewing the application, there are wells missing within the designated land application area. Two are within 150 ft of proposed irrigation fields, one for Grace Bible Church along the north property line, and also one on the property itself near the middle. The required buffers would require some of the land designated for irrigation to be excluded, which would reduce the assigned acreage to below the stated sizes, which would throw off the calculations for application rates etc. This would mean an overloading of effluent which would impact the Edwards recharge zone and subsequently the water supply of those nearby including myself. Failure for the permit to ensure that the appropriate acreage is available for application should be corrected as well as having the wells properly documented. Additionally, spraying of effluent adjacent to the documented retention pond for rainwater runoff from the impermeable ground cover as well as the creek bed which shows on USGS Topological maps is not addressed as to applicability, but that further reduces the availability of acreage for effluent disposal. I do not believe that the available land will support the WWTF required acreage for application as well as the intended use of the property for multifamily housing, parking etc. Comments I made in public hearing which I do not believe were addressed. A) Inaccurate Wind Rose used for application (10:55 mark of recording) This should move buffer zone back from South property line to prevent prevailing winds from blowing the spray onto adjacent properties, TCEQ regulations give the ability for land application to be treated on a case by case, and steps to protect the use of property and health and safety should prevail. B) Rainwater Retention Pond impact to Land Application buffer (12:00 mark of recording) Spraying of effluent adjacent to the documented retention pond for rainwater runoff from the impermeable ground cover is not addressed as to applicability C) Inaccurate/incomplete

data within the application (12:50 mark of recording) Steps to correct or update inaccuracies do not appear to have been addressed. D) Applicability to wet weather creek bed within subject property and buffer zones for both the treatment plant and land application. (15:10 mark of recording) Not addressed. This creek bed does show on USGS Topo maps as running to Berry Creek which would then empty into the San Gabriel. Comments submitted to TCEQ Commissioners' Integrated Database which I do not believe were addressed. E) 11/26/2024 3:42 PM CULP, HEATH Comment - Written English When reviewing the application, there is very little information on the intended use of the property, or how the treatment plant and housing units built on it will be situated. The black and white map included is deceptive when compared to a color example obtained in a separate discussion. Is there any regulations of protections in place regarding putting in this system and spray fields taking up most all space which will not be housing or parking? This does not seem to be safe or in the best interests of tenants. F) 11/26/2024 3:25 PM CULP, HEATH Comment - Written English Using the buffer zone map that is in the application and in the current permit, it is difficult to tell if the anerobic and anoxic treatment units will meet the rule in 30 TAC § 309.13(e)(1), which states: Lagoons with zones of anaerobic activity (e.g., facultative lagoons, un-aerated equalization basins, etc.) may not be located closer than 500 feet to the nearest property line. All other wastewater treatment plant units may not be located closer than 150 feet to the nearest property line. Land used to treat primary effluent is considered a plant unit. Buffer zones for land used to dispose of treated effluent by irrigation shall be evaluated on a case-by-case basis. The permittee must hold legal title or have other sufficient property interest to a contiguous tract of land necessary to meet the distance requirements specified in this paragraph during the time effluent is disposed by irrigation. "LAND USED TO DISPOSE OF TREATED EFFLUENT", is shown as immediately abutting the adjacent properties to the south. There is ZERO buffer from the limits of the disposal zones and the neighbors, and when included with a wind map from current times which shows a reasonable % of winds from the north, would cause both effluent to be sprayed onto neighboring property, but also an increased odor nuisance. "BUFFER ZONES FOR LAND USED TO DISPOSE OF TREATED EFFLUENT BY IRRIGATION SHALL BE EVALUATED ON A CASE-BY-CASE BASIS." - we ask that there be a buffer between the fields and neighboring property lines.

## Contested Hearing Request

1)

Heath Culp  
383 Logan Ranch Rd  
Georgetown, TX 78628  
512-826-3330 (cell)

2)

Applicant/Respondent Name: NOVA368 LLC  
TCEQ Customer Number: CN606231256  
Regulated Entity Name: SPUR WWTF  
Regulated Entity Number: RN111909164  
Program: WWPERMIT  
Permit Number: WQ0016488001

3)

I REQUEST A CONTESTED CASE HEARING.

My property is located within 1000 feet of the Proposed Facility Property. I am located with the ETJ of Georgetown and use well water as no city water is available, as such, the potential impacts of the Spur WWTF can directly affect my health and quality of life due to impacts to water quality especially as relates to the proper application of the waste water effluent.

Comments which I submitted and were responded to include;

### COMMENT 1:

The City of Georgetown, Joanna Bartholomew, Heath Culp, Susan Culp, Cynthia Dyess, William Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, John Hachett, Terrie Hahn, Donna Howard, Lyndsay Hunsaker, Eunice Kiser, Paula Krog, Kris Lawley, Renee Long, Rowdy Roush, and Carol Tharp expressed concern regarding groundwater contamination from the proposed facility, including contamination of the Edwards Aquifer, which local residents rely on for drinking water. Additionally, the City of Georgetown, Heath Culp, Susan Culp, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, Terrie Hahn, Rowdy Rousch, and Carol Tharp expressed concern regarding the nearby karst features and asked if the site will be inspected for potential karst features. Susan Culp and Gayle Elsasser asked if their water storage tanks would be impacted by the proposed WWTF.

### COMMENT 6:

Heath Culp asked how much of the land is intended to be used for irrigation and the overall intended use of the property.

### COMMENT 10:

Peter Bahrs, Heath Culp, Susan Culp, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, and Kris Lawley commented that the quality of life will be negatively impacted by

the proposed WWTF. Peter Bahrs said the established community would be negatively impacted. Heath Culp, Susan Culp, Cynthia Dyess, William Dyess, Gayle Elsasser, Richard Elsasser, Heather Dawn Fraser, John Hachett, Terrie Hahn, Donna Howard, Kris Lawley, and Carol Tharp expressed overall opposition to the wastewater permit. Additionally, Peter Bahrs and Heath Culp commented about the potential for nuisance odors from the proposed facility. Heath Culp made comments requesting that the applicant have a buffer between the irrigation area and the landowner's property line.

These responses point to requirements to mitigate the impacts of the Land application, but as a whole do not document the impact of these requirements on the application. Specifically, the application sets aside 8.25 acres of public access land in the Interim phase, and 16.5 acres of public access land in the Final phase. The draft permit also contains buffers for the land application site in Special Provision No. 25 to state that the permittee shall comply with 30 TAC § 309.13(c) to ensure no public water wells, springs, other similar sources for public drinking water are within 500 ft., private wells are within 150 ft., and surface waters in the state are within 100 ft. from the irrigation site. When viewing the application, there are wells missing within the designated land application area. Two are within 150 ft of proposed irrigation fields, one for Grace Bible Church along the north property line, and also one on the property itself near the middle. The required buffers would require some of the land designated for irrigation to be excluded, which would reduce the assigned acreage to below the stated sizes, which would throw off the calculations for application rates etc. This would mean an overloading of effluent which would impact the Edwards recharge zone and subsequently the water supply of those nearby including myself. Failure for the permit to ensure that the appropriate acreage is available for application should be corrected as well as having the wells properly documented. Additionally, spraying of effluent adjacent to the documented retention pond for rainwater runoff from the impermeable ground cover as well as the creek bed which shows on USGS Topological maps is not addressed as to applicability, but that further reduces the availability of acreage for effluent disposal. I do not believe that the available land will support the WWTF required acreage for application as well as the intended use of the property for multifamily housing, parking etc.

Comments I made in public hearing which I do not believe were addressed.

A) Inaccurate Wind Rose used for application (10:55 mark of recording)

This should move buffer zone back from South property line to prevent prevailing winds from blowing the spray onto adjacent properties, TCEQ regulations give the ability for land application to be treated on a case by case, and steps to protect the use of property and health and safety should prevail.

B) Rainwater Retention Pond impact to Land Application buffer (12:00 mark of recording)

Spraying of effluent adjacent to the documented retention pond for rainwater runoff from the impermeable ground cover is not addressed as to applicability

C) Inaccurate/incomplete data within the application (12:50 mark of recording)

Steps to correct or update inaccuracies do not appear to have been addressed.

D) Applicability to wet weather creek bed within subject property and buffer zones for both the treatment plant and land application. (15:10 mark of recording)

Not addressed. This creek bed does show on USGS Topo maps as running to Berry Creek which would then empty into the San Gabriel.

Comments submitted to TCEQ Commissioners' Integrated Database which I do not believe were addressed.

E) 11/26/2024 3:42 PM CULP,HEATH Comment - Written English

When reviewing the application, there is very little information on the intended use of the property, or how the treatment plant and housing units built on it will be situated. The black and white map included is deceptive when compared to a color example obtained in a separate discussion. Is there any regulations of protections in place regarding putting in this system and spray fields taking up most all space which will not be housing or parking? This does not seem to be safe or in the best interests of tenants.

F) 11/26/2024 3:25 PM CULP,HEATH Comment - Written English

Using the buffer zone map that is in the application and in the current permit, it is difficult to tell if

the anerobic and anoxic treatment units will meet the rule in 30 TAC § 309.13(e)(1), which states:

Lagoons with zones of anaerobic activity (e.g., facultative lagoons, un-aerated equalization basins,

etc.) may not be located closer than 500 feet to the nearest property line. All other wastewater

treatment plant units may not be located closer than 150 feet to the nearest property line. Land used

to treat primary effluent is considered a plant unit. Buffer zones for land used to dispose of treated

effluent by irrigation shall be evaluated on a case-by-case basis. The permittee must hold legal title or

have other sufficient property interest to a contiguous tract of land necessary to meet the distance

requirements specified in this paragraph during the time effluent is disposed by irrigation.

"LAND USED TO DISPOSE OF TREATED EFFLUENT", is shown as immediately abutting the adjacent properties to the south. There is ZERO buffer from the limits of the disposal zones and the neighbors, and when included with a wind map from current times which shows a reasonable % of winds from the north, would cause both effluent to be sprayed onto neighboring property, but also an increased odor nuisance.

"BUFFER ZONES FOR LAND USED TO DISPOSE OF TREATED EFFLUENT BY IRRIGATION SHALL BE EVALUATED ON A CASE-BY-CASE BASIS." - we ask that there be a buffer between the fields and neighboring property lines.

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 30, 2024 10:27 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001

PM

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**From:** Grond@mac.com <Grond@mac.com>  
**Sent:** Friday, September 27, 2024 2:11 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Heath Culp

**EMAIL:** [Grond@mac.com](mailto:Grond@mac.com)

**COMPANY:**

**ADDRESS:** 383 LOGAN RANCH RD  
GEORGETOWN TX 78628-1209

**PHONE:** 5128263330

**FAX:**

**COMMENTS:** I request a public meeting to discuss my concerns over this project.

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, August 30, 2024 11:52 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001

**From:** grond@mac.com <grond@mac.com>  
**Sent:** Thursday, August 29, 2024 12:18 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Heath Culp

**EMAIL:** [grond@mac.com](mailto:grond@mac.com)

**COMPANY:**

**ADDRESS:** 383 LOGAN RANCH RD  
GEORGETOWN TX 78628-1209

**PHONE:** 5128263330

**FAX:**

**COMMENTS:** I am concerned about the impact of this request to local homes on wells, the Edwards Aquifer recharge zone and the impact on quality of life of neighbors. I have been told that karst formations exist in nearby and potentially into the subject areas. Immediately south of the property is ETJ, with no city water, and all homes are on wells. At least 5 such properties are directly adjacent to the requesting location.

6

# TCEQ Registration Form

February 11, 2025

Nova368, LLC  
Water Quality Land Application  
Proposed Permit No. WQ0016488001

*PLEASE PRINT*

Name: Heath Culp

Mailing Address: 383 Logan Ranch Rd

Physical Address (if different): \_\_\_\_\_

City/State: Georgetown, TX Zip: 78628

*\*\*This information is subject to public disclosure under the Texas Public Information Act.\*\**

Email: sculp@mc.com

Phone Number: (512) 423-2864

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting.)

Please give this form to the person at the information table. Thank you.

## Tammy Washington

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**From:** PUBCOMMENT-OCC  
**Sent:** Thursday, September 18, 2025 11:30 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016488001

H

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**From:** moompie45@hotmail.com  
**Sent:** Wednesday, September 17, 2025 6:19 PM  
**To:** PUBCOMMENT-OCC  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Terrie R. Hahn

**EMAIL:** [moompie45@hotmail.com](mailto:moompie45@hotmail.com)

**COMPANY:**

**ADDRESS:** 321 Logan Ranch Rd  
Georgetown, TX 78628

**PHONE:** 5126354939

**FAX:**

**COMMENTS:** I am requesting a contested case hearing in response to NOVA 368, LLC, permit for a WWTF. The TCEQ permit number is WQ0016488001. My details: Terrie Hahn 321 Logan Ranch Rd. Georgetown, TX 78628 512-635-4939 I am an affected person involved in the above mentioned case. My homestead is attached at NOVA's southern property line. The following comments state my beliefs as to why the WWTF permit should not be allowed. I am replying to the statements contained in the RTC. My

comments were previously recorded on your website . My 5 acre tract with home (plat 33) and well (which is not listed on the TX well registry) butts up against the NOVA property where the effluent will be sprayed. My well, which is on the Edwards Aquifer (along with other neighbors wells) is only 300' from the designated area to be sprayed. I'm concerned about the effect this will have on my drinking water. Much of this area is solid rock and will this be taken into consideration when placing this septic aeration system? When it rains, water just sits on the NOVA property. Since there are caves nearby, has there been an unbiased geological survey done? I understand you require 500' for a public well from one of these systems. Why is a private well different? Is my health not as important as the public in general? Thank you for your attention. .

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, September 30, 2024 10:30 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001

PM

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**From:** moompie45@hotmail.com <moompie45@hotmail.com>  
**Sent:** Friday, September 27, 2024 4:49 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Terrie Hahn

**EMAIL:** [moompie45@hotmail.com](mailto:moompie45@hotmail.com)

**COMPANY:**

**ADDRESS:** 321 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

**PHONE:** 5126354939

**FAX:**

**COMMENTS:** I request a public meeting to discuss my concerns over this project. My home sits in the middle of lot 33 (321 Logan Ranch rd.), just one lot over from being directly behind the effluent storage pond on the property at Shell Spur/Shell Rd in Georgetown. My well is by my calculations looking at my survey, only about 300' from the back property line. I'm very concerned about the health/quality of my well water and other wells in the area with this huge development going in with an aeration septic

system. The impact this development will have on the wildlife, the possible cave life, drainage and the wells and aquifer in the area will, I'm certain, be substantial. Please do not agree to this proposal. Thank you for your attention.

## Tammy Washington

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 16, 2025 10:58 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016488001

PM

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**From:** moompie45@hotmail.com <moompie45@hotmail.com>  
**Sent:** Monday, September 15, 2025 1:34 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Terrie R. Hahn

**EMAIL:** [moompie45@hotmail.com](mailto:moompie45@hotmail.com)

**COMPANY:**

**ADDRESS:** 321 Logan Ranch Rd  
Georgetown, TX 78628

**PHONE:** 5126354939

**FAX:**

**COMMENTS:** I request a public meeting regarding the above referenced permit. My 5 acre tract with home (plat 33) and well butts up against the NOVA property where the effluent will be sprayed. My well, which is on the Edwards Aquifer (along with other neighbors wells) is only 300' from the designated area to be sprayed. I'm concerned about the effect this will have on my drinking water. Much of this area is solid rock and will this be taken into consideration when placing this septic aeration system? When it

rains, water just sits on the NOVA property. Since there are caves nearby, has there been an unbiased geological survey done? Thank you for your attention.

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 3, 2024 12:34 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016488001

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** moompie45@hotmail.com <moompie45@hotmail.com>  
**Sent:** Tuesday, September 3, 2024 11:59 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Terrie Hahn

**EMAIL:** [moompie45@hotmail.com](mailto:moompie45@hotmail.com)

**COMPANY:**

**ADDRESS:** 321 LOGAN RANCH RD  
GEORGETOWN TX 78628-1208

**PHONE:** 5126354939

**FAX:**

**COMMENTS:** My home sits in the middle of lot 33 (321 Logan Ranch rd.), just one lot over from being directly behind the effluent storage pond on the property at Shell Spur/Shell Rd in Georgetown. My well is by my calculations looking at my survey, only about 300' from the back property line. I'm very concerned about the health/quality of my well water and other wells in the area with this huge development going in with an aeration septic system. The impact this development will have on the wildlife, the possible cave life, drainage and the wells and aquifer in the area will, I'm certain, be substantial. Please do not agree to this proposal. Thank you for your attention.

# TCEQ Registration Form

February 11, 2025

Nova368, LLC  
Water Quality Land Application  
Proposed Permit No. WQ0016488001

*PLEASE PRINT*

Name: Terrie Hahn

Mailing Address: 321 Logan Ranch Rd

Physical Address (if different): \_\_\_\_\_

City/State: Georgetown Zip: 78628

*\*\*This information is subject to public disclosure under the Texas Public Information Act.\*\**

Email: moompie45@hotmail.com

Phone Number: (       ) \_\_\_\_\_

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☒ Please add me to the mailing list.

☐ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting.)

Please give this form to the person at the information table. Thank you.

**Jennifer Cox**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, October 25, 2024 2:35 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016488001

H

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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**From:** dexterh801@gmail.com <dexterh801@gmail.com>  
**Sent:** Thursday, October 24, 2024 7:51 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Dexter Harmon

**EMAIL:** [dexterh801@gmail.com](mailto:dexterh801@gmail.com)

**COMPANY:**

**ADDRESS:** 801 BOQUILLA TRL  
GEORGETOWN TX 78633-5081

**PHONE:** 4325592417

**FAX:**

**COMMENTS:** I request a hearing on this matter.

## Vincent Redondo

---

**From:** PUBCOMMENT-OCC  
**Sent:** Monday, November 4, 2024 8:45 AM  
**To:** PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC  
**Subject:** FW: Public comment on Permit Number WQ0016488001

H

**From:** hartfordemail@yahoo.com <hartfordemail@yahoo.com>  
**Sent:** Saturday, November 2, 2024 11:06 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Randy Hartford

**EMAIL:** [hartfordemail@yahoo.com](mailto:hartfordemail@yahoo.com)

**COMPANY:**

**ADDRESS:** 103 OLDE OAK DR  
GEORGETOWN TX 78633-9360

**PHONE:** 5125082077

**FAX:**

**COMMENTS:** I would like a public hearing on this.

## **Tammy Washington**

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**From:** PUBCOMMENT-OCC  
**Sent:** Wednesday, September 17, 2025 3:45 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016488001

H

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**From:** prahtb@aol.com <prahtb@aol.com>  
**Sent:** Wednesday, September 17, 2025 3:30 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME** SPUR WWTF

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** MRS Carol Tharp

**EMAIL:** [prahtb@aol.com](mailto:prahtb@aol.com)

**COMPANY:**

**ADDRESS:** 340 Shell Spur, Texas  
Georgetown, TX 78628

**PHONE:** 5128484170

**FAX:**

**COMMENTS:** I am requesting a contested case hearing. Please see attached file.

**Jennifer Cox**

---

**From:** PUBCOMMENT-OCC  
**Sent:** Tuesday, September 3, 2024 12:34 PM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ  
**Subject:** FW: Public comment on Permit Number WQ0016488001

PM

Jesús Bárcena  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
Office Phone: 512-239-3319

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[www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey)

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**From:** Prahtb@aol.com <Prahtb@aol.com>  
**Sent:** Monday, September 2, 2024 11:17 AM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number WQ0016488001

**REGULATED ENTY NAME SPUR WWTF**

**RN NUMBER:** RN111909164

**PERMIT NUMBER:** WQ0016488001

**DOCKET NUMBER:**

**COUNTY:** WILLIAMSON

**PRINCIPAL NAME:** NOVA368 LLC

**CN NUMBER:** CN606231256

**NAME:** Carol J Tharp

**EMAIL:** [Prahtb@aol.com](mailto:Prahtb@aol.com)

**COMPANY:**

**ADDRESS:** 340 SHELL SPUR  
GEORGETOWN TX 78628-1202

**PHONE:** 5128484170

**FAX:**

**COMMENTS:** I am very concerned about the impact of this request for several reasons. First, the properties to the south of this property are all on wells. We are not in the city of Georgetown and we do not have access to city water. Second, this property is over the Edward's Aquifer recharge zone and I am concerned about the impact this wastewater treatment plant and the release of effluent will have on that. Third, there is a protected cave in very close proximity to this property. It has several endangered species. It is my understanding that the applicants property has caves as well. I would appreciate a meeting so that my concerns and my neighbors concerns can be addressed. Thank you.

3

# TCEQ Registration Form

February 11, 2025

Nova368, LLC  
Water Quality Land Application  
Proposed Permit No. WQ0016488001

PLEASE PRINT

Name: Carol Tharp

Mailing Address: 340 Shell spur

Physical Address (if different): \_\_\_\_\_

City/State: Georgetown Zip: 78628

*\*\*This information is subject to public disclosure under the Texas Public Information Act.\*\**

Email: prahtb@aol.com

Phone Number: (       ) \_\_\_\_\_

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? \_\_\_\_\_

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting.)

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