

ENVIRONMENT

Hill Country residents helpless as developer advances wastewater plan



by Lindsey Carnett
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Lennar Homes wants to build a wastewater treatment plant to serve 2,900 homes on 1,160-acres once part of the historic Guajolote Ranch in the Hill Country. Credit: Scott Ball / San Antonio Report

After a summer of intense drought, Helotes Creek hardly holds a puddle. But Grey Forest residents Susan Beavin and Jenn Nottingham say just a couple of years ago it was full of clear, rushing water.

“We swam all summer,” Beavin said, while leading a walk down a nature trail along the creek in northwest Bexar County.

If national developer Lennar Homes has its way, the residents say, the creek will someday flow constantly — with treated wastewater from a plant built to

The Miami-based homebuilder [recently applied for a permit](#) from the Texas Commission on Environmental Quality that would allow it to discharge 1 million gallons of treated wastewater into Helotes Creek every single day.

Treated wastewater today is [cleaner](#) than it was a generation ago, and some rivers, including the San Antonio River, benefit from the addition. SAWS [discharges](#) enough treated wastewater into its namesake river to keep it flowing all the way to the coast, even during drought.

But you can't drink treated wastewater, and you can't swim in the San Antonio River.

Because Helotes Creek runs over the Edwards Aquifer contributing zone, residents worry about the quality of the water treatment, and whether it, along with increased stormwater runoff from the development itself, could negatively impact the aquifer's water quality.

Lennar Homes, they say, already has a muddy record when it comes to environmental stewardship in the Hill Country, citing an agreement affecting a Bulverde development the homebuilder violated.

A Lennar Homes representative said via email that the company declined to comment.

Also because of the company's track record, residents say they worry Lennar will not abide by concessions it negotiated with the San Antonio Water System, designed to reduce the environmental impact of the development.

They also fear that if TCEQ grants this permit, other homebuilders could seek to build wastewater treatment plants that discharge into area creeks, increasing the likelihood of flooding in Helotes Canyon and further risking the purity of the aquifer.

And while residents have little faith in Lennar, they have even less in TCEQ's willingness to hold this homebuilder or others to account.

"TCEQ doesn't actually do anything," Nottingham said. "We're a property-rights state and the developers own the property. That's what they care about."

A year-long battle

It's been an ongoing battle for residents.

Lennar Homes approached SAWS last year seeking a utility service agreement to supply water for a proposed 2,900 homes on 1,160 acres once part of the historic Guajolote Ranch just outside of Grey Forest.



Lennar Homes is seeking a permit from the TCEQ to discharge up to a million gallons a day into Helotes Creek, which runs over the Edwards Aquifer contributing zone. Credit: Courtesy / Greater Edwards Aquifer Alliance

While the Guajolote tract is within SAWS' water service area, it is outside the utility's wastewater service area. That means SAWS cannot tell the developer how to handle its wastewater, although it can offer direction. SAWS offered Lennar four options for how the company might handle it, including two where the homebuilder would use SAWS as its service provider.

Nearby residents and environmental groups urged SAWS to recommend septic systems as a way to further limit density on the property. Ultimately, Lennar Homes chose to go the wastewater treatment route.

In February, SAWS approved an agreement for the development that included nine concessions Lennar Homes must meet, including limiting impervious cover to 30% of the property, setting aside 50% as open space and hiring an "A-level" wastewater operator to manage the wastewater treatment plant.

During the process, SAWS board member Amy Hardberger lamented that the utility must provide water service to any developer that requests it within the utility's territory, regardless of the environmental implications of those developments. While SAWS can seek concessions from developers, it cannot deny service.

If Lennar breaks any of the concessions it agreed to, SAWS could take legal action against the developer including cutting the developer's access to water, Tracey Lehmann, SAWS' director of engineering, told the San Antonio Report.

Increased risk of flooding

Neighbors' concerns about treated wastewater discharged into Helotes Creek potentially impacting the aquifer's quality are based on a study performed by former Southwest Research Institute technical advisor and project manager Ron Green.



[in 2020](#), modeled how pumping treated sewage in the Helotes Creek Watershed could affect the Edwards Aquifer.

The study found that any type of wastewater system could “significantly degrade the watershed and the quality of water recharging the Edwards Aquifer.”

Green told the San Antonio Report that building more homes and paving more roads would increase downstream flooding, likely affecting residents of Helotes Canyon, including Grey Forest.

“If you keep developing in the source areas for the [Edwards] ... you’re going to continue to load up the [aquifer] with stuff that you don’t want in the water,” Green said. If TCEQ approves the permit, “it will impress and empower others to [build in this area], and then you’re really going to start compounding the impact.”

Lennar’s Hill Country history

Lennar Homes doesn’t have the cleanest track record when it comes to sticking with its environmental agreements in the Hill Country, residents say.

In 2015, Lennar applied to TCEQ for a wastewater permit to serve its [45 Ranch development](#) in Bulverde — 1,880 homes on 780 acres between Stahl Lane and Smithson Valley Road. The permit would allow it to pump up to 480,000 gallons of treated sewage per day into Lewis Creek.

Both the Greater Edwards Aquifer Alliance and the Bulverde Neighborhood Alliance contested the permit application, worried about how the wastewater would affect the aquifer, because Lewis Creek feeds into Cibolo Creek, which recharges the Edwards Aquifer.

In 2016, TCEQ granted the application, and the parties came to a [settlement agreement](#) stipulating, among other things, that Lennar Homes would reuse the treated wastewater for irrigation, to ensure there would be no runoff. The agreement also required Lennar Homes to limit impervious cover to 35% of the development, use a responsible third party to run the wastewater treatment plant and develop a stormwater drainage plan that protected neighboring property owners.

In October 2019, Lennar Homes violated its agreement and the discharge permit when it failed to contain stormwater runoff following a major rain event, sending mud flows into nearby neighborhoods, [according to GEAA](#).

In response, GEAA and the Bulverde Neighborhood Alliance [filed a notice of intent to sue](#) Lennar Homes to get the company to comply with the 2016 agreement and its permits. Instead, Lennar and its construction partners paid \$175,000 to GEAA and the Bulverde Neighborhood Alliance [and recommended](#) to the 2016 agreement, GEAA Executive Director Annalisa Peace said.

legal action.

Appeasing developers

Residents remain frustrated that more cannot be done to manage development in the Hill Country. The risks to the environment and the Edwards Aquifer — which provides roughly half of the region's water supply — are high.

Helotes Canyon is home to four [Edwards Aquifer Protection Program](#) conservation easements, including the Scenic Canyon Conservation Easement and the [Madla Natural Area](#).

"This whole area so subject to flooding as it is," Beavin said. "And when we think about a million gallons of effluent a day — it's just scary."



Susan Beavin, a Grey Forest resident and former president of the San Antonio Conservation Society.
Credit: Scott Ball / San Antonio Report

“I’ve heard virtually no conversation on that,” Nirenberg said during SAWS’ September board meeting, “and seeing as much concrete that’s laid out there and what’s coming as a result of the roadways being built out there, the [new] rooftops — what are we doing to make sure that we protect the quality of that water?”

SAWS President and CEO Robert Puente pointed out that right now, SAWS’ hands are largely tied. It would need the city’s help to create tools to protect Edwards Aquifer water quality. “We don’t have the ability to pass ordinances, venues or anything like that,” Puente said. “If the city gives us those tools, yes, we will.”

The city already has one such tool, argues Beavin — it just continually fails to use it. The North Sector Plan, completed in 2010, is a development document meant to help guide the growth of San Antonio’s North Side.

But the San Antonio City Council [has made at least 85 changes](#) to the plan since 2010, according to a GEAA research report, almost always to appease developers. The plan has no legal bearing on the Guajolote tract, since it is located outside city limits.

Still Beavin and Nottingham urged elected officials at every level to enact more protections for the Edwards Aquifer contributing and recharge zones.

“We need folks to act with foresight, not just short-term to please the developers,” Beavin said. “This is not just affecting us. This affects all of San Antonio.”

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– **dream.things.that.never.were.** 2 days ago
 I wouldn't trust Lennar any further than I could throw them (maybe two feet on a good day).

The state commissioned a water board to oversee our state's water plans, delivery, etc. just a few years ago. However, like every other entity in state government, if you have money and influence, you can get what you want. The plastics folks recently got the board to remove wording calling for removal of certain microplastics. Failure to protect our open lands and our water supplies contribute directly to the growing climate issues we face nationally. Texas will never have enough water to keep up with the number of people moving in, along with those already here. And water conservation is a concept that seems foreign to most governmental entities and residents.

The city should be buying up parcels of land that directly impact the Edwards Aquifer Recharge Zone and protecting them from development into perpetuity. Wastewater treatment plants should be permitted only if they provide the highest level tertiary treatment.

But Texas seems hell-bent-for-leather to destroy all the natural beauty we ever possessed.

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– **TerryGlaser** 2 days ago
 The aquifer does not filter (think, cleanse) the water it holds. It comes in through holes and cracks in the limestone and comes up through wells into the water system in the same condition it went in.



comes up and into our water system. The sewage treatment system malfunctions and doesn't clean the water, it may as well be game over for our water supply. And even if it doesn't malfunction it is still, by definition, not putting potable water, water suitable to drink, into our aquifer.

This is madness.

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– **Mary Radicke** 2 days ago

Area residents should contact Bandera Canyonlands Alliance for advice. They have defeated two similar projects in Bandera County recently.

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– **JJJ** 2 days ago

↩ In reply to **Mary Radicke**

Would you have contact information for the group. My name is Jenni Johnson and we are trying to stop a wastewater treatment plant on Cypress Creek for a Lennar Development in Spring Branch this water will end up in the Guadalupe River at the 5\$ spot right at 281 and the Guadalupe River. Thank you in advance.

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– **CitizenKane** 2 days ago

We need to protect our water sources. The Edward's Aquifer is the reason that people originally settled here. It is our area's most essential natural asset. Protect the aquifer but make development easier in infill areas.

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– **Mystical** 2 days ago

Follow the money and the favors.

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