

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
DMS REAL TREE, LLC
SOAH Docket No. 582-16-1442
TCEQ Docket No. 2015-1264-MWD
Proposed Permit No. WQ0015293001**

APPLICATION.

DMS Real Tree, LLC, 3736 Bee Cave Road, Suite 1-122, West Lake Hills, Texas 78746, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015293001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 540,000 gallons per day.

The facility will be located 2,500 feet north of the intersection of Highway 21 and Yarrington Road, in Hays County, Texas 78640. The treated effluent will be discharged to Hemphill Creek; thence to Morrison Creek; thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Hemphill Creek. The designated uses for Segment No. 1808 are high aquatic life use, public water supply, and primary contact recreation. In accordance with 30 Texas Administrative Code (TAC) § 307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at the Hays Government Center, Law Library, 712 South Stagecoach Trail, San Marcos, Texas and the Hays County Court House, 111 East San Antonio Street, Suite 300, San Marcos, Texas 78666. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact

location, refer to the application.

<https://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.923611&lng=-97.849166&zoom=13&type=r>

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing at:

**10:00 a.m. – January 25, 2016
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on November 10, 2015. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from DMS Real Tree, LLC at the address stated above or by calling Mr. Jeff Goebel, Quadvest, LP, at 281-356-5347.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: December 10, 2015



Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality