

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

MCCC, LLC
SOAH Docket No. 582-17-3838
TCEQ Docket No. 2016-2137-WR
Application No. 12-3013C

APPLICATION.

MCCC, LLC, P.O. Box 159, Salado, Texas 76571, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.159, *et seq.*

MCCC, LLC has applied to amend Certificate of Adjudication No. 12-3013 by extending the expiration date of the term portion of its permit which authorizes the diversion and use of 168 acre-feet of water per year from a point on Salado Creek, Brazos River Basin, for agricultural purposes in Bell County.

Certificate of Adjudication No. 12-3013 authorizes the Owner to maintain an on-channel reservoir in Bell County. Owner is also authorized to divert and use not to exceed 236 acre-feet of water per year (168 acre-feet on a perpetual basis and 168 acre-feet on a term basis) from the perimeter of the on-channel reservoir and from a point on Salado Creek, tributary of the Lampasas River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin for agricultural purposes to irrigate 139.44 acres and 78.881 acres of land in Bell County. The term portion of the permit expired on December 31, 2009.

Applicant seeks to extend the expiration date of the term authorization. Applicant indicates the diversion point and on-channel reservoir are located within zip code 76511. Applicant has provided alternate sources of water from one groundwater well.

The application and partial fees were received December 10, 2009. Additional information and fees were received March 3, March 5, May 14, August 17, 2010; December 3, 2015; and January 4, January 21, February 18, April 6, April 21, April 25, May 3, May 12, and May 24, 2016. The application was declared administratively complete and accepted for filing on September 7, 2010.

The Executive Director has completed the technical review of the application and based on the results of the water availability analysis, appropriated but unused water is not available in the Brazos River Basin to support the Applicant's request. Staff therefore recommends that the application be denied. The application and technical memoranda are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F., Austin, TX 78753.

CONTESTED CASE HEARING.

SOAH will conduct a preliminary hearing on this application at:

**10:00 a.m. – June 12, 2017
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she 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 any person may request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

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 <http://www.tceq.texas.gov/>.

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: May 9, 2017



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