

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
CHERRYVILLE GP, INC. AND CHERRYVILLE #5, LTD.
SOAH Docket No. 582-20-4388
TCEQ Docket No. 2020-0308-MWD
Permit No. WQ0015738001**

APPLICATION.

Cherryville GP, Inc. and Cherryville #5, Ltd., 10127 Tate Lane, Frisco, Texas 75033, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015738001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 160,000 gallons per day. TCEQ received this application on November 5, 2018.

The facility will be located approximately 600 feet south of the intersection of Dickerson Road and State Highway 80, east of State Highway 80, in Caldwell County, Texas 78655. The treated effluent will be discharged to Dickerson 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 Dickerson Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code (TAC) Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), 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. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:

<<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.80165%2C29.813014&level=12>>. For the exact location, refer to the application.

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 County Courthouse, 110 South Main Street, Lockhart, Texas.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. - December 8, 2020

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/j/1615847071?pwd=N29zRENHZStKQk5JUGtrN21ZOTZUUT09>

Meeting ID: 161 584 7071

Password: \$C6Bgk

or

To join the Zoom meeting via telephone:

(346) 248-7799

Meeting ID: 161 584 7071

Password: 751587

Visit the SOAH website for registration at: <http://www.soah.texas.gov/> or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, 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 July 6, 2020. 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.

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 800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

Further information may also be obtained from Cherryville GP, Inc. and Cherryville #5, Ltd. at the address stated above or by calling Ms. Jennifer Scholl, J.D., Armbrust & Brown, PLLC, at 512-435-2380.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: October 27, 2020

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive style with a large initial 'B'.

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