

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



KENDALL WEST UTILITY, LLC
SOAH Docket No. 582-22-0489
TCEQ Docket No. 2021-0755-MWD
Permit No. WQ0015787001

APPLICATION.

Kendall West Utility, LLC, P.O. Box 1335, Boerne, Texas 78006, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015787001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 490,000 gallons per day. TCEQ received this application on April 17, 2019.

The facility will be located approximately 500 feet north of Eagle Drive, 1,375 feet east-southeast of the intersection of Eagle Drive and Tapatio Drive East, in Kendall County, Texas 78006. The treated effluent will be discharged via Outfall 001 to an unnamed tributary, thence to Masters Lake, thence to Frederick Creek, thence to Lake Oz, thence to Frederick Creek, thence to Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin; and via Outfall 002 to an unnamed tributary, thence to Smith Investment Co. Lake No. 1, thence to Smith Investment Co. Lake No. 3, thence to Masters Lake, thence to Frederick Creek, thence to Lake Oz, thence to Frederick Creek, thence to Upper Cibolo Creek in Segment No. 1908 of the San Antonio River Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributary (Outfall 002), limited aquatic life use for the unnamed tributary (Outfall 001), and high aquatic life use for Smith Investment Co. Lake Nos. 1 and 3, Masters Lake, and Frederick Creek. The designated uses for Segment No. 1908 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code § 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. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Masters Lake, Smith Investment Co. Lake Nos. 1 and 3, and Frederick Creek, which have been identified as having high aquatic life uses. 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=-98.806944%2C29.768888&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 Patrick Heath Public Library, 451 North Main Street, Boerne, 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. – November 29, 2021

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 161 331 7577

Password: 1hZ7E3

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 161 331 7577

Password: 076371

**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 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 September 13, 2021. 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 Kendall West Utility, LLC at the address stated above or by calling Ms. Jamie Miller, P.E., Integrated Water Services, Inc., at 303-993-3713.

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 22, 2021

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Texas Commission on Environmental Quality