

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

January 9, 2025

Mary Smith
General Counsel
Texas Commission on Environmental Quality

VIA EFILE TEXAS

RE: Docket Number 582-24-07157.TCEQ; Texas Commission on Environmental Quality No. 2023-0850-MWD; Megatel Homes, L.L.C. - TCEQ 2023-0850-MWD

Dear Parties:

On December 12, 2024, Protestant the City of Mansfield and Applicant Megatel Homes, L.L.C. filed exceptions to the Proposal for Decision issued in this matter. On December 23, 2024, Applicant filed a reply to the City's exceptions.

In its exceptions, the City continues to reurge its positions that, despite its City Council's vote, it is willing to provide wastewater service, that Applicant failed to provide TCEQ staff with the relevant information, and that Applicant has not established that connecting to service would be too expensive. These issues are addressed in the PFD, and the City has provided no reason to reevaluated them.

Applicant requests two clarifications to the proposed findings of fact and one to the proposed ordering provision. Those clarifications are appropriate, and the ALJ recommends that the following changes be made to the Proposed Order:

Findings of Fact:

25. Neither the City nor the Trinity River Authority (TRA) [TRA] are designated regional providers, and no regional provider has been designated

for the proposed territory of the Cipriani Development to be served by the Facility.

34. The City has a contract with TRA [~~the Trinity River Authority (TRA)~~], under which the City transports wastewater to TRA's Mountain Creek Regional Wastewater System for treatment. Under the City's contract with TRA, the City is to provide service to the area that includes the Cipriani Development.

Ordering Provisions:

2. Applicant and the City must each pay 50% of the transcription costs, which total \$3,363.50. The City is ordered to pay to Applicant \$1,681.62.

With those changes, the PFD is ready for consideration.

ALJ Signature(s):



Rebecca Smith,

Presiding Administrative Law Judge

CC: Service List