

TCEQ DOCKET NO. 2025-1048-MWD

Application by	§	BEFORE THE
East Williamson County	§	
MUD No. 1	§	TEXAS COMMISSION ON
FOR TPDES PERMIT	§	
NO. WQ0016351001	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this Response to Hearing Request on an application by East Williamson County MUD No. 1 (Applicant) for a new TPDES Permit No. WQ0016351001. The Office of the Chief Clerk received contested case hearing requests from the following entity: Jonah Water Special Utility District (JWSUD).

The ED recommends that the Commission deny all hearing requests.

Attached for the Commission consideration are satellite maps of the area showing the locations of the facility, discharge route, and requestors.

I. FACILITY DESCRIPTION

The applicant has applied for a new TPDES permit to authorize the discharge of treated domestic wastewater at a daily average volume not to exceed 600,000 gallons per day. The domestic wastewater treatment facility will be located approximately 1.3 miles southwest of the intersection of County Road 121 and County Road 126, in Williamson County, Texas 78626. The applicant proposes operating the East Williamson County MUD 1 wastewater treatment plant, an activated sludge process plant operated in complete mix mode. Treatment units in the Interim I phase will include a manual bar screen, two aeration basins, a secondary clarifier, an aerobic sludge digester, and a chlorine contact chamber. Treatment units in the Interim II phase will include four aeration basins, two secondary clarifiers, two aerobic sludge digesters, and one chlorine contact chamber. Treatment units in the Final phase will include six aeration basins, three secondary clarifiers, three aerobic sludge digesters, and one chlorine contact chamber. The facility has not been constructed.

The treated effluent will be discharged to a channel, thence to an unnamed tributary, thence to the San Gabriel/North Fork San Gabriel River in Segment No. 1248 of the Brazos River Basin. The unclassified receiving water use is minimal aquatic life use for both the channel and the unnamed tributary. The designated uses for Segment No. 1248 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 the San Gabriel/North Fork San Gabriel River, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected.

The effluent limitations in the Interim through final phases of the draft permit, based on a daily average, are 5 mg/l CBDO5, 5 mg/l total suspended solids (TSS), 2 mg/l NH3-N, and 126 CFU or MPN of E. coli per 100 ml. The permittee shall not exceed a daily average E. coli per 100 ml.

The waste load allocation (WLA) for wastewater treatment facilities (WWTFs) was established as the final permitted flow for each facility multiplied by the geometric mean criterion for bacteria multiplied by a conversion factor (to get to units per day). The allocated loads were calculated for Escherichia coli (E. coli) and Enterococcus. The two indicators allow flexibility in establishing permit limits so the WWTFs are subject to the limits for the chosen indicator bacteria in their permits. Future growth from existing or new permitted sources is not limited by these TMDLs as long as the sources do not exceed the limits provided.

To ensure that effluent limitations for this discharge are consistent with the WLAs provided in the TMDL, a concentration-based effluent limitation of 35 most probable number (MPN) per 100 mL for Enterococcus has been included in the draft permit.

II. PROCEDURAL BACKGROUND

The permit application was received on June 5, 2023, and declared administratively complete on August 14, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on August 23, 2023, in the Williamson County Sun. The alternative language NORI was published in Spanish on August 24, 2023, in El Mundo. The Combined Notice of Application and Preliminary Decision (NAPD) and the alternative language NAPD were published on May 1, 2024, in the Williamson County Sun.

The public comment period ended on May 31, 2024. This application was filed on or after September 1, 2015; therefore, this application is subject to the procedural requirements adopted pursuant to House Bill (HB) 801, 76th Legislature (1999), and Senate Bill (SB) 709, 84th Legislature (2015), both implemented by the Commission in its rules in 30 TAC Chapters 39, 50, and 55. The Texas Legislature enacted SB 709, effective September 1, 2015, amending the requirements for comments and contested case hearings. This application is subject to those changes in the law.

III. THE EVALUATION PROCESS FOR HEARING REQUESTS

HB 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. SB 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The ED, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing request.¹

Responses to hearing requests must specifically address:

- (1) whether the requestor is an affected person;

¹ 30 Texas Administrative Code (TAC) Section (§) 55.209(d).

- (2) which issues raised in the hearing request are disputed;
- (3) whether the dispute involves questions of fact or of law;
- (4) whether the issues were raised during the public comment period;
- (5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the ED's Response to Comment;
- (6) whether the issues are relevant and material to the decision on the application; and
- (7) a maximum expected duration for the contested case hearing.²

B. Hearing Requests Requirements

For the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the ED's Response to Comment.³

A hearing request must substantially comply with the following:

give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;

identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

request a contested case hearing;

list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and

provide any other information specified in the public notice of application.⁴

² 30 TAC § 55.209(e).

³ 30 TAC § 55.201(c).

⁴ 30 TAC § 55.201(d).

C. Requirement that Requestor be an Affected Person/“Affected Person” Status

To grant a contested case hearing, the Commission must determine that a requestor is an “affected” person by conducting the following analysis:

For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.

Except as provided by § 55.103 of this title (relating to Definitions), governmental entities, including local governments and public agencies, with authority under state law over issues raised by the application may be considered affected persons.

In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:

- whether the interest claimed is one protected by the law under which the application will be considered;

- distance restrictions or other limitations imposed by law on the affected interest;

- whether a reasonable relationship exists between the interest claimed and the activity regulated;

- likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;

- likely impact of the regulated activity on use of the impacted natural resource by the person;

- for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and

- for governmental entities, their statutory authority over or interest in the issues relevant to the application.

In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the commission may also consider the following:

- the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;

- the analysis and opinions of the ED; and

- any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.

In determining whether a person is an affected person for the purpose of granting a hearing request for an application filed before September 1, 2015, the commission may also consider the factors in subsection (d) of this section to the extent consistent with case law.

D. Referral to the State Office of Administrative Hearings

“When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.”⁵ The Commission may not refer an issue to the State Office of Administrative Hearings (SOAH) for a contested case hearing unless the Commission determines that the issue:

- (1) involves a disputed question of fact or a mixed question of law and fact;
- (2) was raised during the public comment period by an affected person whose hearing request is granted; and
- (3) is relevant and material to the decision on the application.⁶

IV. ANALYSIS OF THE REQUEST

The ED has analyzed the hearing request to determine whether it complies with Commission rules, if the requestor qualifies as an affected person, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

- **JWSUD**

JWSUD submitted timely comments and three hearing requests. According to its requests, JWSUD provides water service for approximately 13,500 customers and 35,000 people in its service area. JWSUD states that the applicant’s proposed facility will be located entirely within JWSUD’s district boundary and water CCN and the effluent will flow through JWSUD’s territory. JWSUD raised concerns about the negative impacts on water quality and raw water sources; the additional flooding and contamination risk posed by the proposed facility; the Applicant’s failure to demonstrate need for the permit; the Applicant’s failure to secure consent to provide wastewater service within Jonah’s district boundary; and that the application fails to comply with TCEQ’s regionalization requirements.

As a Special Utility District operating under Tex. Water Code Chapter 65, JWSUD is a governmental entity. For a governmental entity to be considered an affected person it must have statutory authority over or an interest in issues relevant to the application.

JWSUD’s request states that as a provider of water that must meet state and federal standards, it has legal authority over the water quality in the San Gabriel River and Granger Lake. However, the requirement to provide water that meets state and federal requirements applies to any public water system and does not demonstrate that JWSUD has statutory authority over issues relevant to the pending TPDES application. JWSUD’s request also states that it has a substantial interest in maintaining its service areas and protecting the investment it has made in its infrastructure and the quality of water sources used to serve its customers. However, JWSUD’s hearing request does not demonstrate how its concerns related to maintaining its water service area and protecting its investment in infrastructure are relevant to the pending TPDES application. JWSUD’s hearing request does not indicate that it has wells located in proximity to the proposed wastewater treatment facility or outfall. Additionally, JWSUD’s hearing request failed to demonstrate how it could be affected by the proposed

⁵ 30 TAC § 50.115(b).

⁶ 30 TAC § 50.115(c).

discharge to the San Gabriel/North Fork San Gabriel River, or how its use of Granger Lake could be impacted, given the distance between the proposed outfall and the lake.⁷ JWSUD also raises regionalization issues, but its hearing request does not state that it has an existing wastewater treatment facility within three miles of the applicant's proposed facility that could accept the applicant's wastewater. JWSUD has not shown that it has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application not common to members of the general public, or that it has a statutory authority over any issue relevant to the pending TPDES application.

As a result, JWSUD has not demonstrated that it is an affected person and the Executive Director recommends the Commission deny JWSUD's hearing request.

V. ISSUES REFERABLE TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH).

The Executive Director has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the Response to Comments. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.⁸

However, because the Executive Director is recommending the Commission find that the sole hearing requestor for this application is not an affected person and deny its request, the Executive Director does not recommend referral of any issues to SOAH.

VI. CONCLUSION

The Executive Director recommends the following actions by the Commission:

1. Deny the hearing request from JWSUD; and
2. Issue the draft permit as prepared by the Executive Director.

⁷ According to the CAD map prepared by Jonah's District Engineer in their Hearing Request, Lake Granger is 16.75 miles from the proposed outfall.

⁸ TEX. GOVT. CODE § 2003.047(e-1); 30 TEX. ADMIN. CODE § 55.211(c)(2)(A)(ii).

Respectfully submitted,

Texas Commission on Environmental
Quality

Kelly Keel,
Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division

A handwritten signature in black ink, appearing to read "Ryan Rakowitz", with a horizontal line extending to the right.

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REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on August 15, 2025, the “Executive Director’s Response to Hearing Request” for TPDES Permit WQ0016351001 for East Williamson County MUD No. 1 was filed with the TCEQ’s Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

A handwritten signature in black ink, appearing to read "Ryan Rakowitz", with a horizontal line extending to the right.

Ryan Rakowitz
Staff Attorney
Environmental Law Division

MAILING LIST
East Williamson County Municipal Utility District 1
TCEQ Docket No./TCEQ Expediente N.º 2025-1048-MWD;
Permit No./ Permiso N.º WQ0016351001

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REQUESTER(S)/ SOLICITANTE(S)/

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Attachment A

East Williamson County MUD 1 TPDES

TPDES WQ0016351001

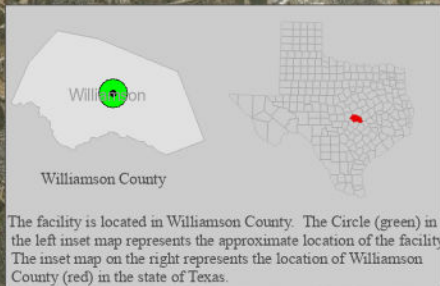
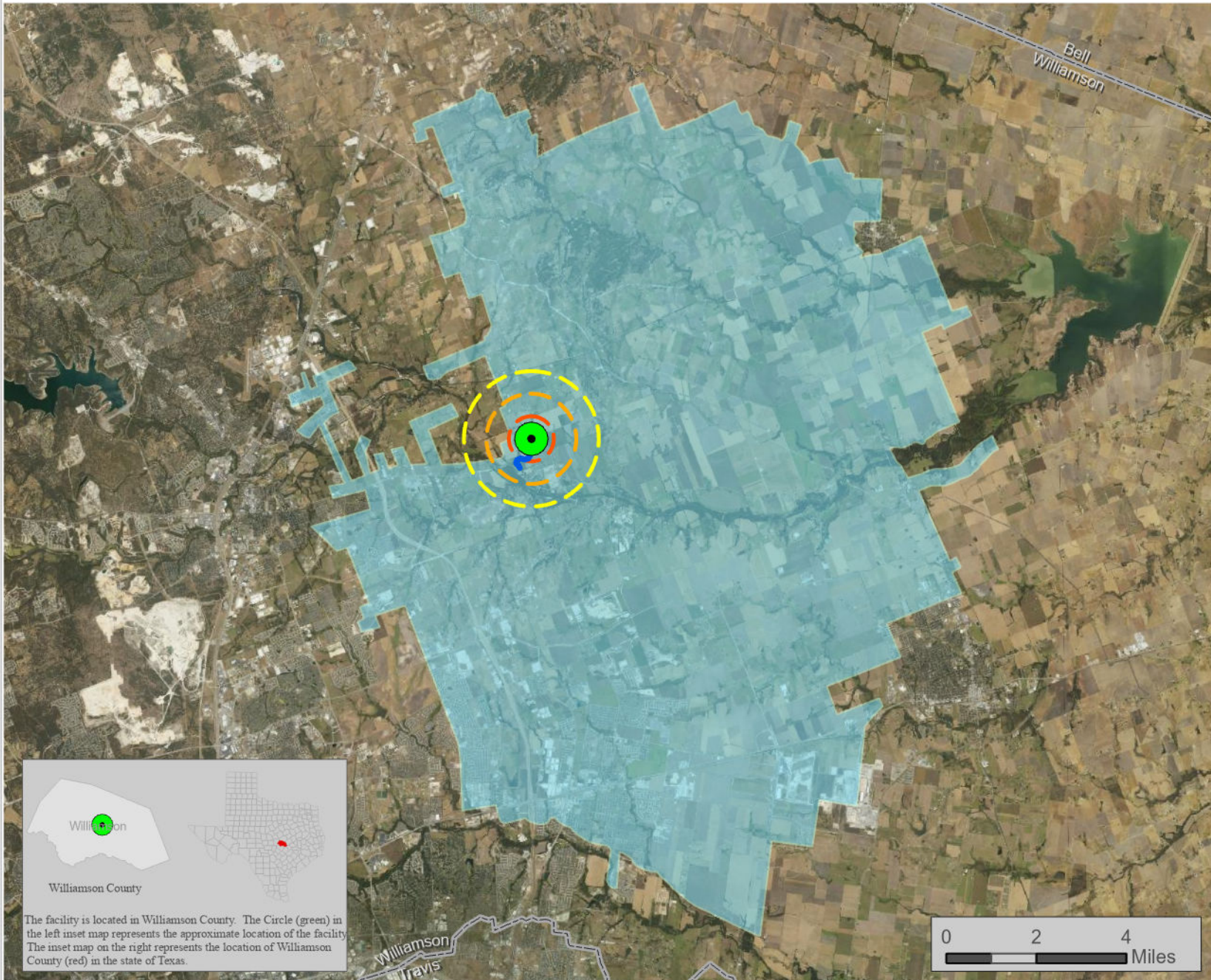


*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 8/1/2025
CRF 0114463
Cartographer: AProvenc



-  Facility Point
-  Jonah Water Special Utility District CCN
-  1 Mile Discharge Route
-  0.5 Mile Radius
-  1 Mile Radius
-  1.5 Mile Radius



The facility is located in Williamson County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Williamson County (red) in the state of Texas.

0 2 4
Miles

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

East Williamson County MUD 1 TPDES


TPDES WQ0016351001

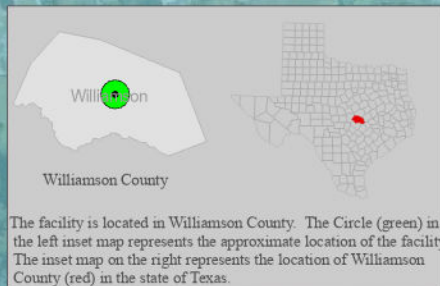
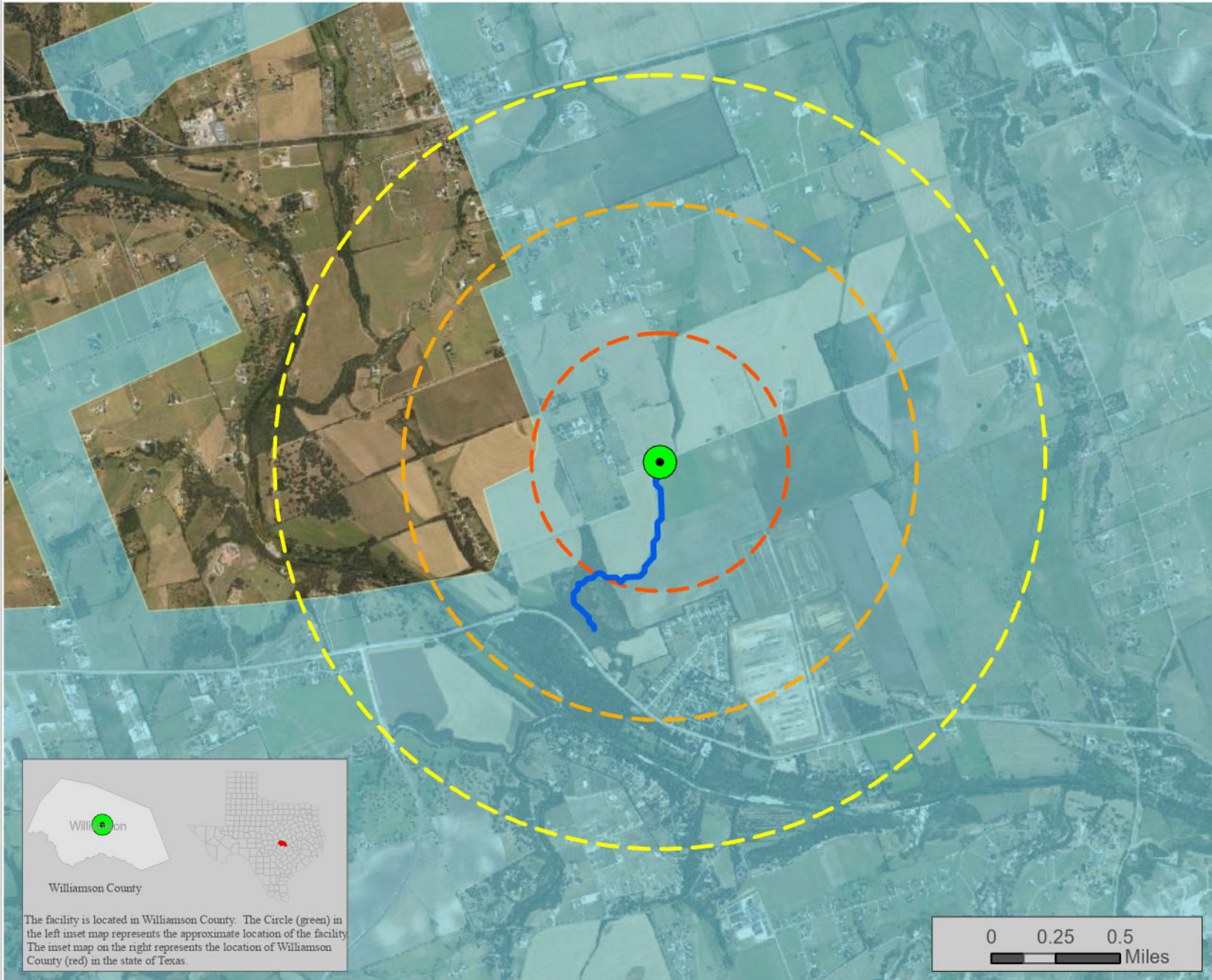


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-  Facility Point
-  Jonah Water Special Utility District CCN
-  1 Mile Discharge Route
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