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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 30, 2025

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

RE: **IN THE MATTER OF THE APPLICATION BY THE CITY OF LIBERTY
HILL FOR TPDES PERMIT NO. WQ001500001
TCEQ DOCKET NO. 2025-1452-MWD**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing and Requests for Reconsideration in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Pranjal".

Pranjal M. Mehta, Attorney
Assistant Public Interest Counsel

cc: Mailing List

DOCKET NO. 2025-1452-MWD

APPLICATION BY THE CITY OF
LIBERTY HILL FOR TPDES
PERMIT NO. WQ0015000001

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE
TO REQUESTS FOR HEARING AND REQUESTS FOR RECONSIDERATION**

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response to requests for hearing and requests for reconsideration in the above-referenced matter.

I. Introduction

A. Summary of Position

Before the Commission is an application by the City of Liberty Hill (City or Applicant) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015000001. The Commission received numerous hearing requests. For the reasons stated herein, OPIC respectfully recommends the Commission find there is no right to a contested case hearing in this matter.

B. Description of Application and Facility

The Applicant, City of Liberty Hill, submitted an application for a renewal of TPDES Permit No. WQ0015000001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 100,000 gallons per day (gpd) in the Interim I phase, a daily average flow not to exceed 350,000 gpd in the Interim II phase, and an annual average flow not to exceed 1,400,000 gpd in the Final phase. The Applicant proposes to operate the Santa Rita Upper

Middlebrook Wastewater Treatment Facility, which would serve the Santa Rita/Upper Middlebrook Development.

The proposed facility would be located approximately 2.5 miles north of the intersection of Ronald Reagan Boulevard and State Highway 29 in Williamson County 78628. If the draft permit is issued, the treated effluent would be discharged to an unnamed tributary, then to Sowes Branch, then to North Fork San Gabriel River in Segment No. 1251 of the Brazos River Basin.

C. Procedural Background

The TCEQ received the application on March 23, 2023, and declared it administratively complete on May 10, 2023. The Notice of Receipt and Intent to Obtain a Water Quality Permit (NORI) was published on July 2, 2023, in the *Williamson County Sunday Sun*. The Notice of Application and Preliminary Decision (NAPD) was published on April 24, 2024, in the *Williamson County Sunday Sun*. The revised NORI, NAPD, and the Notice of Public Meeting was published on October 30, 2024, in the *Williamson County Sunday Sun*. The public comment period ended on December 3, 2024. The Chief Clerk mailed the Executive Director's (ED) preliminary decision and Response to Comments (RTC) on June 19, 2025. The deadline for filing requests for a contested case hearing and requests for reconsideration of the ED's decision was July 21, 2025.

II. Applicable Law

A. Hearing Requests

The Application was filed after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th

Leg., R.S. (2015). Under 30 Texas Administrative Code (TAC) § 55.21(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) 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;
- (3) request a contested case hearing;
- (4) list all relevant and material disputed issues of fact that were raised by the requestor 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 the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

Under 30 TAC § 55.203(a), 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. Relevant factors to be considered in determining whether a person is affected include:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) 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
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203(c).

Under § 55.203(d), to determine 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:

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the executive director; and

- (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission shall grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the RTC, and that are relevant and material to the Commission's decision on the application. Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

B. Requests for Reconsideration

Any person may file a request for reconsideration of the ED's decision under Title 30, Texas Administrative Code (TAC) § 55.201(e). The request must be in writing and filed with the Chief Clerk no later than 30 days after the Chief Clerk mails the ED's decision and RTC. The request must expressly state that the person is requesting reconsideration of the ED's decision and give reasons why the decision should be reconsidered.

III. Analysis of Hearing Requests

A. Right to Hearing

As a threshold matter, Texas Water Code (TWC) Section 26.028(d) states that the Commission may approve an application to renew a permit without a public hearing under certain conditions. *See also* 30 TAC §§ 50.113(d)(4),

55.211(d)(4). Commission Rule 55.201(i)(5) provides that no right to a hearing exists for certain water quality discharge permits. These authorizations include applications to renew or amend a permit if:

- (A) the applicant is not applying to increase significantly the quantity of waste to be discharged or change materially the pattern or place of discharge;
- (B) the activity to be authorized by the renewal or amended permit will maintain or improve the quality of waste authorized to be discharged;
- (C) any required opportunity for public meeting has been given;
- (D) consultation and response to all timely received and significant public comment has been given; and
- (E) the applicant's compliance history for the previous five years raises no issues regarding the applicant's ability to comply with a material term of the permit.

30 TAC § 55.201(i)(5); *see also* TWC § 26.028(d).

Applying these requirements to the application under consideration, first, because this application is for renewal of an existing permit, the draft permit would not increase the quantity of waste that could be discharged, or change the pattern or place of discharge, from the existing permit.

Second, effluent limitations and monitoring requirements would remain the same as existing permit requirements. Thus, the activity to be authorized by the renewed permit would maintain the quality of waste authorized to be discharged.

Third, a public meeting was held on December 3, 2024, at the Rock Pointe Event Center. Fourth, within the RTC, the ED has considered and responded to all timely and significant public comments.

Finally, as of September 1, 2025, the Applicant's compliance history classification is "satisfactory," and the facility's compliance history classification is "unclassified." Therefore, OPIC does not identify any concerns regarding the Applicant's ability to comply with a material term of the permit.

In sum, OPIC finds that because each requirement contained in 30 TAC § 55.201(i)(5) has been satisfied, no right to a contested case hearing exists in this case. If the Commission disagrees and finds there is a right to hearing on this application, OPIC provides the following analysis of the hearing requests.

B. Whether the Requestor is an Affected Person

Requestors Near the Facility Who Demonstrated Personal Justiciable Interest

The Commission received timely comments and hearing requests from Janet and Michael Aguilar; Danielle and Jesus Alva; David Boyer; Bronson Buell; Beth Carls; Naveen Challa; Songhua Chen; Michelle Cox; Cathy and Dennis Doescher; Louise Florence; Rahul Gonuru; Venkata Illendula; Nathalia Johnson; Betzi Kelton; Srikanth Kodali; Ronald Latz; Claudia and Randy Loewenstein; Preethi Malla; David and Deanna Martin; Christine Martinez; Chandrasekaran Mathur; Patrick Mcdevitt; Krishna Medavarapu; Nick Mihnovets; Usha Pillai; Pradeep Ramanna; Sridhar Ramavarapu; Sree Ravilla; Anders Roedland; Nirali Saliya; Minnie Sansom; David Smith; Susan Smith; Bhanu Tanneru; and Naveen Yamparala. According to the map created by ED staff, each of these individuals resides less than one mile from the proposed facility.

Collectively, these requestors raise concerns regarding water quality, human health, environmental impacts, odor, compliance history, and quality of

life. Because of these requestors' proximity to the proposed facility, OPIC finds that a reasonable relationship exists between the interests they seek to protect and the Applicant's regulated activity—a relevant factor under 30 TAC § 55.201(c)(3). Further, the requestors' proximity increases the likelihood that the regulated activity will impact their health, safety, use of property, and use of impacted natural resources. *See* 30 TAC § 55.203(c)(4)-(5). Given their relevant concerns and proximity, OPIC finds that these requestors would be affected by the application in a way not common to members of the general public as required by 30 TAC § 55.203(a). If the Commission finds that a right to hearing exists in this matter, OPIC recommends that these requestors would qualify as affected persons.

Requestors Who Are Relatively Distant from The Facility

Timely comments and hearing requests were submitted by Will Hutchinson; Srinivas Kandula; Matthew Lamkin; Cara and Bryan Massey; Stephanie Morris; Bryan and Jackie Primrose; Arjun Sridhar; Casi Stuchell; and Caroline and Dylar Walker. They also raise concerns regarding water quality, health impacts, and environmental concerns. However, according to the map created by ED staff, each of these individuals resides relatively distant from the facility. Considering their distance from the facility, OPIC cannot find that these requestors are likely to be impacted by the facility's operations in a way that differs from the general public as required by 30 TAC § 55.203(a). The intervening distance diminishes any likelihood that the regulated activity will impact their health, safety, or use of property. Without a personal justiciable

interest, a hearing requestor cannot qualify as an affected person. Therefore, OPIC finds that these requestors would not qualify as affected persons.

Requestors Who Did Not Submit Timely Comments

The remaining requestors submitted timely hearing requests but did not file any comments during the comment period which ended on December 3, 2024. By law, for the Commission to find that a hearing requestor qualifies as an affected person, the requestor must have submitted timely comments on the application, and the request must be based only on that affected person's timely comments. *See* TWC § 5.115(a)(a-1)(2)(B); 30 TAC § 55.201(c). Because these requestors have not complied with this requirement, OPIC must find that these requestors cannot qualify as affected persons.

C. Which issues raised in the hearing request are disputed

The potentially affected persons discussed above raised the following disputed issues:

1. Whether the draft permit is protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards.
2. Whether the draft permit is adequately protective of human health, safety, and the environment.
3. Whether the draft permit will cause nuisance odors.
4. Whether the application should be denied based on the Applicant's compliance history.
5. Whether the proposed facility will have adverse effects on property values.

D. Whether the dispute involves questions of fact or of law

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. 30 TAC § 55.211(c)(2)(A). The issues listed above are issues of fact.

E. Whether the issues were raised during the public comment period

All of the issues were raised by requestors during the public comment period.

F. Whether the hearing request is based on issues raised solely in a withdrawn public comment

No public comments were withdrawn in this matter. Therefore, the hearing request is not based on issues raised in withdrawn public comments.

G. Whether the issues are relevant and material to the decision on the application

To refer an issue to the State Office of Administrative Hearings (SOAH), the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny a permit. The Commission can only consider issues within its jurisdiction. Therefore, relevant and material issues include those governed by the substantive law relating to the permit at issue. *Anderson v. Liberty Mutual, Inc.*, 477 U.S. 242, 248-51 (1986).

Water Quality, Human Health, Safety, and Environment

The Commission is responsible for the protection of water quality under TWC Chapter 26 and 30 TAC Chapters 307 and 309. Texas Surface Water Quality Standards (Standards) in Chapter 307 require that the proposed permit "maintain

the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and economic development of the state." 30 TAC § 307.1. The Standards also require that "[a] permit must contain effluent limitations that protect existing uses and preclude degradation of existing water quality." 30 TAC § 307.2(d)(5)(D). Additionally, surface waters must not be toxic to humans from ingestion, consumption of aquatic organisms, or contact with the skin. 30 TAC § 307.4(d). Therefore, Issue Nos. 1 and 2 are relevant and material to the Commission's decision regarding this application.

Nuisance Odors

A wastewater treatment facility must abate and control nuisance odors. 30 TAC § 309.13(e). Because the TCEQ regulates nuisance odors from wastewater treatment facilities, Issue No. 3 is relevant and material.

Compliance History

Pursuant to 30 TAC § 60.1(a)(1)(A), TCEQ is required to utilize an applicant's compliance history when making decisions regarding a permit. Further, the Commission is required to utilize compliance history for five years prior to the date the permit application is received by the ED and specific components must be included in this history. *See* 30 TAC §§ 60.1(b), (c). Additional rules regarding use of compliance history in making permitting decisions are found at 30 TAC § 60.3. Therefore, the issue regarding compliance history is relevant and material to the Commission's decision regarding this application and is appropriate for referral to SOAH.

Property Values

TCEQ does not have jurisdiction to consider a draft permit's impact on property values. Therefore, Issue No. 5 is not relevant and material.

H. Issues Recommended for Referral

For the reasons discussed above, OPIC recommends the following issues be referred to SOAH for a contested case hearing:

1. Whether the draft permit is protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards.
2. Whether the draft permit is adequately protective of human health, safety, and the environment.
3. Whether the draft permit will cause nuisance odors.
4. Whether the application should be denied based on the Applicant's compliance history.

I. Maximum expected duration for the contested case hearing

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier. 30 TAC § 50.115(d)(2). To assist the Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing

on this application would be 180 days from the first date of the preliminary hearing until the proposal for decision is issued.

IV. REQUESTS FOR RECONSIDERATION

The Commission received timely requests for reconsideration from Bhanu Addanki, Nagendra Angana, Nishanth Athelli, Sarah Bowers, Jesse Da Cruz, Rajesh Dasariraju, Anne Hankey, Preethi Kankanala, Betzi Kelton, Divine Lakshmi, Charles Le, Jay Malepat, Nidhi Malik, Cara Massey, David Neeld, Dinesh P, Sadagopan Rajagopalan, Lakshmana Ramachandran, Sivanagaaditya Ravuri, Daniel Rombola, Jennifer Shaffer, Praveen Shivaprasad, Landon Smith, Susan Smith, Sujatha Suresh, Hans Suwinski, Kristen Turk, Priya Vaddepally, and Venkata Vakkalagadda. Their requests raise concerns about public health and safety; water quality and drinking water pollution; groundwater contamination; odor and air impacts; harm to local wildlife and ecosystem; flooding risks; impacts on natural resources; quality of life; economic effects including decreased property values; and facility's location. OPIC notes that a record establishing the evidentiary basis for reconsidering the ED's decision based on these issues would be needed to recommend that the requests for reconsideration be granted. As no such record exists, OPIC cannot recommend the requests for reconsideration be granted.

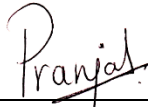
IV. Conclusion

Based on OPIC's review of the available record, we find that there is no right to a contested case hearing in this matter. However, if the Commission decides to consider affected persons and referable issues, we find that

requestors near the facility who demonstrated personal justiciable interests as discussed under III.B. would qualify as affected persons, and Issue Nos. 1-4 listed in section III.H. could be referred to SOAH for a contested case hearing. Finally, OPIC respectfully recommends denial of all pending hearing requests and requests for reconsideration.


Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2025, the foregoing document was filed with the TCEQ Chief Clerk, and copies were served to all parties on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.


Pranjal M. Mehta

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TCEQ DOCKET NO. 2025-1452-MWD**

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