

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by City of Liberty Hill for renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0014477001; TCEQ Docket No. 2021-0999-MWD.

On October 6, 2021, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several requests for hearing and reconsideration concerning the application by City of Liberty Hill (Applicant) for renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0014477001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 4,000,000 gallons per day at a site located approximately 8,800 feet southeast of the intersection of U.S. Highway 29 and U.S. Highway 183, in Williamson County, Texas 78641. The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code (TAC) Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; replies; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Sharon Cassady, Terry Ira Cassady, Stephanie Morris, Daniel Morris, and Jeff Wiles are affected persons under applicable law and their hearing requests should be granted. The Commission also determined to refer the hearing requests filed by Jon and Carolyn Ahrens, David and Louise Bunnell, Gerald

and Susan Harkins, Carrol Holley, Jessica Jensen, LaWann Tull, and Mark Tummons to the State Office of Administrative Hearings (SOAH) for a preliminary determination on whether they qualify as affected persons. All remaining hearing requests and requests for reconsideration were denied.

The Commission next determined whether the requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by the affected persons during the comment period, and that are relevant and material to its decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to SOAH: A) Whether the draft permit is protective of water quality, groundwater, and uses of the receiving waters of the South Fork San Gabriel River in accordance with the Texas Surface Water Quality Standards, including recreational use and with consideration of the maximum volume of the proposed discharge; B) Whether the draft permit includes adequate provisions to protect the health of the requesters and their families and aquatic and terrestrial wildlife; C) Whether the draft permit adequately addresses nuisance conditions, including odor, in accordance with 30 TAC § 309.13(e); D) Whether the draft permit includes appropriate provisions to protect against excessive growth of algae and comply with the aesthetic parameters and requirements of 30 TAC § 307.4, including aquatic nutrient limitations; E) Whether the draft permit should be denied or altered based on the Applicant's compliance history; F) Whether the draft permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282, Consideration of Need and Regional Treatment Options; G) Whether the draft permit complies with applicable antidegradation requirements; H) Whether the draft permit requires adequate licensing requirements for the operator of the facility and adequate requirements regarding operator supervision; I) Whether the draft permit includes adequate provisions to protect the requesters' use and enjoyment of their property; and J) Whether the

draft permit includes sufficient monitoring and reporting requirements, including necessary operational requirements.

Finally, pursuant to 30 TAC § 50.115(d)(2), the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- (1) The hearing requests filed by Sharon Cassady, Terry Ira Cassady, Stephanie Morris, Daniel Morris, and Jeff Wiles are hereby GRANTED;
- (2) The hearing requests filed by Jon and Carolyn Ahrens, David and Louise Bunnell, Gerald and Susan Harkins, Carrol Holley, Jessica Jensen, LaWann Tull, and Mark Tummons are REFERRED to SOAH for a determination on whether they qualify as affected persons;
- (3) The remaining hearing requests and all requests for reconsideration are hereby DENIED;
- (4) The following issues are REFERRED to SOAH for a contested case hearing on the application:
 - A) Whether the draft permit is protective of water quality, groundwater, and uses of the receiving waters of the South Fork San Gabriel River in accordance with the Texas Surface Water Quality Standards, including recreational use and with consideration of the maximum volume of the proposed discharge;
 - B) Whether the draft permit includes adequate provisions to protect the health of the requesters and their families and aquatic and terrestrial wildlife;
 - C) Whether the draft permit adequately addresses nuisance conditions, including odor, in accordance with 30 TAC § 309.13(e);
 - D) Whether the draft permit includes appropriate provisions to protect against excessive growth of algae and comply with the aesthetic parameters and requirements of 30 TAC § 307.4, including aquatic nutrient limitations;

- E) Whether the draft permit should be denied or altered based on the Applicant's compliance history;
 - F) Whether the draft permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282, Consideration of Need and Regional Treatment Options;
 - G) Whether the draft permit complies with applicable antidegradation requirements;
 - H) Whether the draft permit requires adequate licensing requirements for the operator of the facility and adequate requirements regarding operator supervision;
 - I) Whether the draft permit includes adequate provisions to protect the requesters' use and enjoyment of their property; and
 - J) Whether the draft permit includes sufficient monitoring and reporting requirements, including necessary operational requirements; and
- (5) The maximum duration of the hearing is set at 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH; and
- (6) If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



Jon Njermann, Chairman

10/19/21

Date Signed