

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by San Antonio Water System for Water Use Permit No. 13098; TCEQ Docket No. 2021-1391-WR.

On February 9, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by Guadalupe-Blanco River Authority (GBRA), Union Carbide Corporation, cities of San Marcos, Seguin, and Victoria, INV Nylon Chemicals Americas, LLC, New Braunfels Utilities, and Victoria County Navigation District concerning the application by San Antonio Water System (Applicant) for Water Use Permit No. 13098. The requests for hearing 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 filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; replies; and all timely public comment.

After evaluation of all relevant filings, the Commission determined that GBRA is an affected person under applicable law and its hearing request should be granted. The remaining hearing requests were denied. The Commission next determined to refer the application to the State Office of Administrative Hearings (SOAH) for a contested case hearing on the application. Finally, the Commission determined to deny GBRA's Plea to the Jurisdiction.

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

- (1) The Plea to the Jurisdiction filed by the Guadalupe-Blanco River Authority is hereby DENIED;
- (2) The hearing request filed by the Guadalupe-Blanco River Authority is hereby GRANTED;
- (3) The remaining hearing requests are hereby DENIED;
- (4) The Commission's Chief Clerk shall REFER this matter to SOAH for a contested case hearing on the application;
- (5) This matter is referred to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; 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

  
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Jon Niermann, Chairman

2/14/2022  
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Date Signed