

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application by Harris County Municipal Utility District No. 495 for amended TPDES Permit No. WQ0015222001; TCEQ Docket No. 2022-0148-MWD.

On March 9, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by Christopher Spicer and Donnisha Spicer concerning the application by Harris County Municipal District No. 495 for amended TPDES Permit No. WQ0015222001 to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 0.90 million gallons per day (MGD) to 1.50 MGD. The wastewater treatment facility is located at 5455 ½ Porter Road in Harris County, Texas.

The requests for hearing were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing filed by the Executive Director, Applicant, and the Office of Public Interest Counsel; the requesters' timely replies; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Christopher Spicer and Donnisha Spicer are affected persons and granted their requests for hearing.

The Commission next determined whether the granted requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by the affected person during the comment period, and which are relevant and material to the decision on the application. The Commission

determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for contested case hearing:

- A) Whether the draft permit is protective of the health of the requesters and their families;
- B) Whether the draft permit is protective of livestock and wildlife;
- C) Whether the draft permit is protective of water quality, including the protection of existing uses of the receiving waters and prevention of algal blooms, in accordance with applicable regulations including the Texas Surface Water Quality Standards;
- D) Whether the draft permit is protective of groundwater, including nearby private wells;
- E) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13; and
- F) Whether the draft permit complies with TCEQ's antidegradation policy and procedures.

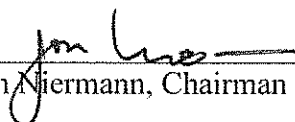
The Commission also referred the matter to the TCEQ's Alternative Dispute Resolution Program, to run concurrently with SOAH preliminary hearing scheduling efforts. Finally, the Commission determined that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until 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 of Christopher Spicer and Donnisha Spicer are hereby GRANTED;
- 2) The remaining requests for hearing are hereby DENIED;
- 3) The following issues are referred to SOAH for a contested case hearing on the application:
 - A) Whether the draft permit is protective of the health of the requesters and their families;
 - B) Whether the draft permit is protective of livestock and wildlife;
 - C) Whether the draft permit is protective of water quality, including the protection of existing uses of the receiving waters and prevention of algal blooms, in accordance with applicable regulations including the Texas Surface Water Quality Standards;

- D) Whether the draft permit is protective of groundwater, including nearby private wells;
 - E) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13; and
 - F) Whether the draft permit complies with TCEQ's antidegradation policy and procedures.
- 4) All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;
 - 5) This matter is REFERRED to the TCEQ's Alternative Dispute Resolution Program concurrent with the SOAH preliminary hearing scheduling process;
 - 6) The maximum duration of the hearing is set at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and
 - 7) 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 Niermann, Chairman

3/11/22

Date Signed