

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by Continental Homes of Texas, L.P., for new TPDES Permit No. WQ0015948001; TCEQ Docket No. 2022-0272-MWD.

On April 13, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting a request for hearing filed by Florence Dews concerning the application by Continental Homes of Texas, L.P., for new TPDES Permit No. WQ0015948001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day (gpd). The Trails at Mustang Ridge Wastewater Treatment Facility will be located approximately 0.81 miles northeast of the intersection of Laws Road and U.S. Highway 183, in Travis County, Texas.

The request for hearing was 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 request for hearing filed by the Executive Director and the Office of Public Interest Counsel; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Florence Dews is an affected person and granted her request for hearing.

The Commission next determined whether the granted request 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 contains sufficient provisions to ensure protection of water quality, including necessary operational requirements; and
- B) Whether the draft permit is protective of water quality and the existing uses of the receiving waters in accordance with applicable Texas Surface Water Quality Standards, including protection of the requester's and requester's family's health, domestic animals, and wildlife.

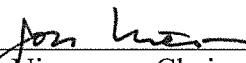
The Commission also determined to refer the matter to TCEQ's Alternative Dispute Resolution Program, to run concurrently with SOAH preliminary hearing scheduling efforts. Finally, the Commission set the maximum duration of the contested case hearing at 180 days from the date of the preliminary hearing 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 request of Florence Dews is hereby GRANTED;
- 2) The application is referred to SOAH for a contested case hearing on the following issues, with a concurrent referral to the TCEQ's Alternative Dispute Resolution Program:
  - A) Whether the draft permit contains sufficient provisions to ensure protection of water quality, including necessary operational requirements; and
  - B) Whether the draft permit is protective of water quality and the existing uses of the receiving waters in accordance with applicable Texas Surface Water Quality Standards, including protection of the requester's and requester's family's health, domestic animals, and wildlife;
- 3) All issues not identified as being referred to SOAH in Ordering Provision No. 2 are hereby DENIED;

- 4) 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
- 5) 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

4/18/22  
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Date Signed