

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by Crystal Springs Water Co., Inc. for new Texas Pollutant Discharge Elimination System Permit No. WQ0016005001; TCEQ Docket No. 2022-0324-MWD.

On June 1, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for a contested case hearing and request for reconsideration concerning the application by Crystal Springs Water Co., Inc. (Applicant) for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016005001. The application seeks authorization to discharge treated domestic wastewater at an annual average flow not to exceed 0.25 million gallons per day (MGD) in the Interim I Phase, 0.50 MGD in the Interim II Phase, and 0.75 MGD in the Final Phase. The proposed wastewater treatment facility will be located approximately 0.25 mile north of the intersection of Crockett Martin Road and Farm-to-Market Road 2090 in Montgomery County, Texas.

The Commission received timely hearing requests that were not withdrawn from Luke Budd and Brent Liedtke. All of the requests 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 filed by the Executive Director and the Office of Public Interest Counsel; the replies filed by Luke Budd and Brent Liedtke; all timely public comment; and the Executive Director's Response to Comments. After an evaluation of all

relevant filings, the Commission determined that Luke Budd and Brent Liedtke qualify as affected persons, as provided by applicable law. The Commission determined that the request for reconsideration be 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 an affected person during the comment period and are relevant and material to its decision on the application. The Commission determined that the following issues meet those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing: a) whether the proposed location for the facility complies with the 100-year flood plain location standards found in 30 Texas Administrative Code § 309.13(a) and b) whether the draft permit is adequately protective of water quality.

The Commission next referred this matter to the Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts. Finally, the Commission specified a maximum duration for the contested case hearing of 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 requests for a contested case hearing filed by Luke Budd and Brent Liedtke are hereby GRANTED;
2. The request for reconsideration is hereby DENIED;
3. This matter is hereby REFERRED to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling process;

4. The following issues are referred to SOAH for a contested case hearing on the application:
  - A) Whether the proposed location for the facility complies with the 100-year flood plain location standards found in 30 Texas Administrative Code § 309.13(a) and
  - B) Whether the draft permit is adequately protective of water quality.
5. All issues not identified as being referred to SOAH in Ordering Provision No. 4 are hereby DENIED;
6. 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 the 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

  
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Jon Niermann, Chairman

6/6/22  
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Date Signed