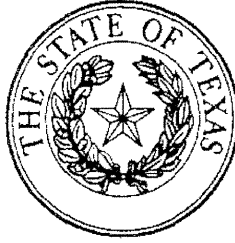


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by the City of Bryan for new Texas Pollutant Discharge Elimination System No. WQ0015930001; TCEQ Docket No. 2022-0610-MWD.

On June 29, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several requests for hearing and reconsideration concerning the application by the City of Bryan (Applicant) for a new Texas Pollutant Discharge Elimination System Permit No. WQ0015930001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 12,000,000 gallons per day in the final phase at a site located approximately 1,400 feet northeast of the intersection of Australia Lane and Cole Lane, in Brazos County, Texas. 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 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 Glynda Bricker, Anne Cecile Daleon, Jenny Gallagher, Neil Ryan Gallagher, David and Margaret Gail Hyden, Bobbie Meyer, and Mary Louise Sims are affected persons under applicable law and granted their hearing requests. 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 complies with the Texas Surface Water Quality Standards and is protective of surface water quality; B) Whether the draft permit is protective of groundwater and nearby water wells in the area; C) Whether the antidegradation review complies with applicable regulations and the draft permit includes adequate nutrient limits; D) Whether the draft permit is protective of the health of the requesters, their families, and other individuals who reside in the immediate vicinity of the proposed Facility and discharge route; E) Whether the draft permit is protective of livestock, wildlife, and aquatic life; F) Whether the draft permit complies with applicable siting requirements in 30 TAC Chapter 309, including adequate prevention of nuisance odors and vectors and compliance with floodplain and wetland siting requirements; and G) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282.

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:

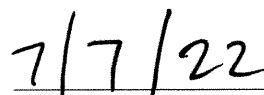
- (1) The hearing requests filed by Glynda Bricker, Anne Cecile Daleon, Jenny Gallagher, Neil Ryan Gallagher, David and Margaret Gail Hyden, Bobbie Meyer, and Mary Louise Sims are hereby GRANTED;
- (2) The remaining hearing requests and all requests for reconsideration are hereby DENIED;

- (3) The following issues are REFERRED to SOAH for a contested case hearing on the application:
- A) Whether the draft permit complies with the Texas Surface Water Quality Standards and is protective of surface water quality;
 - B) Whether the draft permit is protective of groundwater and nearby water wells in the area;
 - C) Whether the antidegradation review complies with applicable regulations and the draft permit includes adequate nutrient limits;
 - D) Whether the draft permit is protective of the health of the requesters, their families, and other individuals who reside in the immediate vicinity of the proposed Facility and discharge route;
 - E) Whether the draft permit is protective of livestock, wildlife, and aquatic life;
 - F) Whether the draft permit complies with applicable siting requirements in 30 TAC Chapter 309, including adequate prevention of nuisance odors and vectors and compliance with floodplain and wetland siting requirements; and
 - G) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282.
- (4) 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
- (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



For the Commission



Date Signed