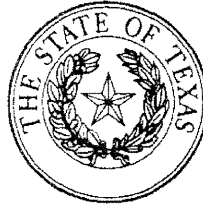


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by FM 2920 Land Company, Ltd. for new TPDES Permit No. WQ0015977001; TCEQ Docket No. 2022-0939-MWD.

On September 7, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting numerous requests for hearing or reconsideration filed concerning the application by FM 2920 Land Company, Ltd. (Applicant) for new TPDES Permit No. WQ0015977001. The application seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 120,000 gallons per day (gpd). The proposed wastewater treatment facility will be located on Farm-to-Market Road (FM) 2920 approximately 550 feet east of the intersection of FM 2920 and Three Pines Drive, 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, the Office of Public Interest Counsel, and the Applicant; 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 Colin and Judy Allison, Kevin and Cindy Crane, Scott and Karen Hill, Danielle Comeau and Michael Redden, Kenny and Betsy Gardner, and James Paul Long and Renee Sanchez are affected persons and granted their requests for hearing.

The Commission determined that the remaining hearing requests be denied. 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 an 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 adequately addresses nuisance odor in accordance with 30 TAC § 309.13(e);
- B) Whether the draft permit is protective of water quality and the existing uses of the receiving waters in accordance with the Texas Surface Water Quality Standards;
- C) Whether the draft permit contains adequate provisions to protect the health of the requesters, and aquatic and terrestrial wildlife; and
- D) Whether the draft permit contains sufficient monitoring and reporting requirements.

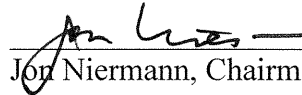
Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

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

- 1) The hearing requests of Colin and Judy Allison, Kevin and Cindy Crane, Scott and Karen Hill, Danielle Comeau and Michael Redden, Kenny and Betsy Gardner, and James Paul Long and Renee Sanchez 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 adequately addresses nuisance odor in accordance with 30 Texas Administrative Code § 309.13(e);
 - B) Whether the draft permit is protective of water quality and the existing uses of the receiving waters in accordance with the Texas Surface Water Quality Standards;
 - C) Whether the draft permit contains adequate provisions to protect the health of the requesters and aquatic and terrestrial wildlife; and
 - D) Whether the draft permit contains sufficient monitoring and reporting requirements;
- 4) All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;

- 5) 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
- 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



Jon Niermann, Chairman

9/15/22

Date Signed