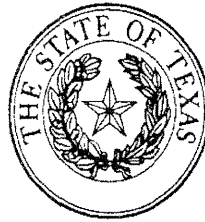


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by the City of Dripping Springs for a major amendment to TCEQ Permit No. WQ0014488001; TCEQ Docket No. 2022-0940-MWD.

On September 7, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for hearing concerning the application by by the City of Dripping Springs for a major amendment to TCEQ Permit No. WQ0014488001 in Hays 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 timely responses to the requests for hearing filed by the Executive Director and the Office of Public Interest Counsel, the timely filed replies, all timely public comment; and the Executive Director’s Response to Comment.

After evaluation of all relevant and timely filings, the Commission determined that Save Our Springs Alliance, Hays Trinity Groundwater Conservation District; and Jennifer Schaeffer established that they qualified as affected persons and granted their requests for hearing. The Commission determined to deny all other hearing requests and requests for reconsideration. The Commission next determined whether the affected persons’ requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by these affected persons 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 a contested case hearing:

- 1) Whether the draft permit is protective of the requesters' health;
- 2) Whether the draft permit is protective of water quality by preventing wastewater effluent from discharging into surface waters or adversely affecting groundwater;
- 3) Whether the draft permit contains adequate sufficient monitoring and operating requirements to avoid unauthorized discharges into surface water or groundwater to maintain proper operations and protect recharge features;
- 4) Whether the draft permit complies with applicable siting, buffer zone, and effluent storage to protect against over-application and runoff of treated effluent from irrigation areas, as set forth in 30 TAC Chapters 309 and 222;
- 5) Whether the draft permit contains adequate effluent limitations and testing requirements to prevent irrigation area nutrient accumulation and leaching past the rooting zone;
- 6) Whether the Applicant substantially complied with the applicable notice requirements for the Application; and
- 7) Whether the Applicant submitted adequate information relating to location of wetlands, floodplains, depth of groundwater, size and location of irrigation sites, and the size of buffers to support the issuance of the draft permit.

The Commission also determined to refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process. 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 Save Our Springs Alliance, Hays Trinity Groundwater Conservation District; and Jennifer Schaeffer are GRANTED;

2) The following issues are REFERRED to SOAH for a contested case hearing on the application:

Issue 1: Whether the draft permit is protective of the requesters' health;

Issue 2: Whether the draft permit is protective of water quality by preventing wastewater effluent from discharging into surface waters or adversely affecting groundwater;

Issue 3: Whether the draft permit contains adequate sufficient monitoring and operating requirements to avoid unauthorized discharges into surface water or groundwater to maintain proper operations and protect recharge features;

Issue 4: Whether the draft permit complies with applicable siting, buffer zone, and effluent storage to protect against over-application and runoff of treated effluent from irrigation areas, as set forth in 30 TAC Chapters 309 and 222;

Issue 5: Whether the draft permit contains adequate effluent limitations and testing requirements to prevent irrigation area nutrient accumulation and leaching past the rooting zone;

Issue 6: Whether the Applicant substantially complied with the applicable notice requirements for the Application; and

Issue 7: Whether the Applicant submitted adequate information relating to location of wetlands, floodplains, depth of groundwater, size and location of irrigation sites, and the size of buffers to support the issuance of the draft permit;

3) All other hearing requests and requests for reconsideration are DENIED;

4) The matter is REFERRED to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process;

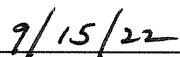
5) The maximum duration of the hearing is SET at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and

- 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



Date Signed