

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Gram Vikas Partners, Inc. for new Texas Pollutant Discharge Elimination System Permit No. WQ0015990001; TCEQ Docket No. 2022-1155-MWD.

On November 16, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several requests for hearing and reconsideration concerning the application by Gram Vikas Partners, Inc. (Applicant) for new Texas Pollutant Discharge Elimination System Permit No. WQ0015990001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day in the Final phase at a site located approximately 0.3 mile south-southeast of the intersection of Farm-to-Market Road 1101 and Watson Lane, in Comal 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 the 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 the Greater Edwards Aquifer Alliance and the Texas River Protection Association are affected persons under applicable law and their hearing requests should be granted. 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 is protective of water quality, including nutrient limits and excessive growth of algae, groundwater, and uses of the receiving waters in accordance with the Texas Surface Water Quality Standards; B) Whether the Draft Permit contains sufficient provisions to protect the health of the requesters and aquatic and terrestrial life; C) Whether the Draft Permit adequately addresses nuisance odors in accordance with 30 TAC § 309.13(e); D) Whether the information in the application is accurate; E) Whether the Draft Permit complies with applicable antidegradation requirements; F) Whether the Draft Permit includes adequate provisions to protect the requesters' use and enjoyment of their property; G) Whether the Draft Permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 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 the Greater Edwards Aquifer Alliance and the Texas River Protection Association 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 is protective of water quality, including nutrient limits and excessive growth of algae, groundwater, and uses of the receiving waters in accordance with applicable Texas Surface Water Quality Standards;
 - B) Whether the Draft Permit contains sufficient provisions to protect the health of the requesters and aquatic and terrestrial life;
 - C) Whether the Draft Permit adequately addresses nuisance odors in accordance with 30 TAC § 309.13(e);
 - D) Whether the information in the application is accurate;
 - E) Whether the Draft Permit complies with applicable antidegradation requirements;
 - F) Whether the Draft Permit includes adequate provisions to protect the requesters' use and enjoyment of their property;
 - G) Whether the Draft Permit should be denied or altered in consideration of the need for the facility in accordance with Texas Water Code § 26.0282;
- (4) This matter is REFERRED to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling process;
- (5) 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
- (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