

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application of SJWTX, Inc. and Mary Jane Cielencki for new TPDES Permit No. WQ0016052001; TCEQ Docket No. 2023-0120-MWD.

On February 22, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing and reconsideration filed by a group and numerous individuals concerning the application of SJWTX, Inc. and Mary Jane Cielencki (Applicants) for new TPDES Permit No. WQ0016052001. The application seeks to authorize the permitted discharge of treated domestic wastewater at a daily average flow not to exceed 260,000 gallons per day in the final phase. The proposed plant site would be located approximately 0.25-mile northwest of the intersection of Rebecca Creek Road and U.S. Highway 281 North, 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 Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director, Office of Public Interest Counsel and Applicants; 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 Robert Butler individually, Juanita Marga Proffitt, and Alejandro Ruiz are affected persons and granted their

requests for hearing. The Commission denied the remaining requests for hearing and all requests for reconsideration.

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 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 SOAH for contested case hearing:

- A) Whether the draft permit is protective of the requesters' and their families' health, animal life, and the environment, in accordance with applicable regulations, including the Texas Surface Water Quality Standards; and
- B) Whether the draft permit contains sufficient provisions to ensure protection of surface and groundwater quality, including necessary operational 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 Robert Butler individually, Juanita Marga Proffitt, and Alejandro Ruiz are hereby GRANTED;
- 2) The remaining hearing requests and all request 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 the requesters' and their families' health, animal life, and the environment, in accordance with applicable regulations, including the Texas Surface Water Quality Standards; and

- B) Whether the draft permit contains sufficient provisions to ensure protection of surface and groundwater quality, including necessary operational 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.

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ENVIRONMENTAL QUALITY


Jon Niermann, Chairman


Date Signed