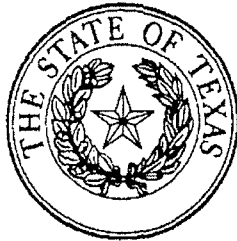


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by North Texas Municipal Water District for new TCEQ Permit No. WQ0005323000; TCEQ Docket No. 2023-0529-SLG.

On May 31, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing and reconsideration filed by several individuals concerning the application by North Texas Municipal Water District (Applicant) for new TCEQ Permit No. WQ0005323000, which authorizes the processing, storage, and disposal of water treatment plant residuals at a site located approximately 0.25 of a mile north of the intersection of County Road 644 and Farm-to-Market Road 547, in Collin County, Texas 75442. 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 Scott and Jennifer Dafft, Peter Koelsch, Wilson Lee, Michael Lorra, Michael Stubbe, Jim Wall, and Robert

Williams are affected persons under applicable law and their hearing requests should be granted. The Commission denied the remaining hearing requests 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 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 the State Office of Administrative Hearings (SOAH): A) Whether the Draft Permit adequately protects against runoff of the applied residuals beyond the land application unit or surface disposal site; B) Whether the Draft Permit adequately protects against contamination of surface water and underground drinking water sources in accordance with applicable TCEQ rules; C) Whether the Draft Permit contains sufficient provisions to prevent nuisance conditions, including the minimization of dust and odors, in accordance with applicable TCEQ rules; D) Whether the Draft Permit is adequately protective of human health, animal life, and the environment; and E) Whether the Application is substantially complete and accurate.

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 Scott and Jennifer Dafft, Peter Koelsch, Wilson Lee, Michael Lorra, Michael Stubbe, Jim Wall, and Robert Williams 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 adequately protects against runoff of the applied residuals beyond the land application unit or surface disposal site;
 - B) Whether the Draft Permit adequately protects against contamination of surface water and underground drinking water sources in accordance with applicable TCEQ rules;
 - C) Whether the Draft Permit contains sufficient provisions to prevent nuisance conditions, including the minimization of dust and odors, in accordance with applicable TCEQ rules;
 - D) Whether the Draft Permit is adequately protective of human health, animal life, and the environment; and
 - E) Whether the Application is substantially complete and accurate;
- 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



Jon Niermann, Chairman

6/6/23

Date Signed