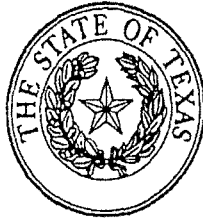


# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by Epitome Development LLP for TPDES Permit No. WQ0016226001; TCEQ Docket No. 2023-0571-MWD.

On August 2, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by several entities and an individual concerning the application by Epitome Development LLP (Applicant) for TPDES Permit No. WQ0016226001. The permit application seeks authorization to treat and discharge wastes at a daily average flow not to exceed 300,000 gallons per day from the Taylor Tract Wastewater Treatment Facility, which is proposed to be located 0.72 mile southeast of the intersection of Farm-to-Market Road 973 and Rio Grande Street in Williamson County, Texas. The hearing requests 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, Office of Public Interest Counsel, and Applicant; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Patricia Daffin and Prairie Crossing Wastewater, LLC are affected persons under applicable law and that their hearing requests should be granted. The Commission also determined that the hearing requests of Prairie Crossing Municipal Utility District Nos. 1 and 2 and 05 Ranch Investments should be 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 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 is adequately protective of water quality, including the existing uses of surface water, aquatic life, and livestock, in accordance with applicable regulations, including the Texas Surface Water Quality Standards;

B) Whether the draft permit complies with floodplain requirements in accordance with 30 Texas Administrative Code § 309.13(a);

C) Whether the draft permit complies with TCEQ's regionalization policy, and whether the Applicant has demonstrated a need for the facility in accordance with Texas Water Code §§ 26.081 and 26.0282;

D) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13(e);

E) Whether the application is complete and accurate;

F) Whether the draft permit complies with TCEQ's antidegradation policy in accordance with 30 Texas Administrative Code § 307.5;

G) Whether the draft permit complies with the applicable buffer zone requirements in 30 TAC § 309.13; and

H) Whether the Applicant substantially complied with all applicable notice requirements.

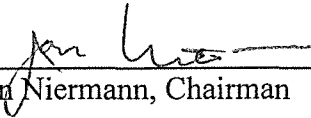
The Commission also determined to initially refer the matter to the TCEQ's Alternative Dispute Resolution (ADR) Program, concurrent with the SOAH preliminary hearing scheduling process. Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the 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 Patricia Daffin and Prairie Crossing Wastewater, LLC are hereby GRANTED;
- 2) The hearing requests of Prairie Crossing Municipal Utility District Nos. 1 and 2 and 05 Ranch Investments are hereby DENIED;
- 3) The matter is hereby REFERRED to the TCEQ's ADR Program concurrent with the SOAH preliminary hearing scheduling process;
- 4) The Chief Clerk shall REFER this matter to SOAH for a contested case hearing on the following issues:
  - A) Whether the draft permit is adequately protective of water quality, including the existing uses of surface water, aquatic life, and livestock, in accordance with applicable regulations, including the Texas Surface Water Quality Standards;
  - B) Whether the draft permit complies with floodplain requirements in accordance with 30 Texas Administrative Code § 309.13(a);
  - C) Whether the draft permit complies with TCEQ's regionalization policy, and whether the Applicant has demonstrated a need for the facility in accordance with Texas Water Code §§ 26.081 and 26.0282;
  - D) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13(e);
  - E) Whether the application is complete and accurate;
  - F) Whether the draft permit complies with TCEQ's antidegradation policy in accordance with 30 Texas Administrative Code § 307.5;
  - G) Whether the draft permit complies with the applicable buffer zone requirements in 30 TAC § 309.13; and
  - H) Whether the Applicant substantially complied with all applicable notice requirements;

- 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

  
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Jon Niermann, Chairman

8/7/23  
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Date Signed