

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by the City of Lubbock for Water Use Permit No. 5921; TCEQ Docket No. 2023-0617-WR.

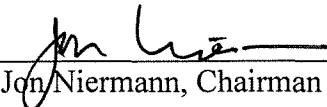
On September 27, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several requests for hearing concerning the application by the City of Lubbock (Applicant) for Water Use Permit No. 5921. The requests for hearing were evaluated under the requirements 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 filed by the Executive Director, the Office of Public Interest Counsel, and Applicant; Brazos River Authority's reply; and all timely public comment.

After evaluation of all relevant filings, the Commission determined that Brazos River Authority, Justin Damron, Michael Damron, R.E. Janes Gravel, John O. Long, John and Marianne Loveless, and Clark Wood, Jr. are affected persons under applicable law and their hearing requests should be granted. The remaining hearing requests were denied. The Commission next determined to refer the application to the State Office of Administrative Hearings (SOAH) for a contested case hearing on the application. Finally, the Commission referred this matter to the Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- (1) The hearing requests filed by Brazos River Authority, Justin Damron, Michael Damron, R.E. Janes Gravel, John O. Long, John and Marianne Loveless, and Clark Wood, Jr. are hereby GRANTED;
- (2) The remaining hearing requests are hereby DENIED;
- (3) The Commission's Chief Clerk shall REFER this matter to SOAH for a contested case hearing on the application;
- (4) This matter is referred to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH scheduling process; 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

10/2/23

Date Signed