

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Megatel Homes, L.L.C. for new TPDES Permit No. WQ0016162001; TCEQ Docket No. 2023-0850-MWD.

On October 25, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for hearing by the City of Mansfield concerning the by Megatel Homes, L.L.C. for new TPDES Permit No. WQ0016162001 in Johnson County, Texas. The requests for hearing 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, the Office of Public Interest Counsel and the Applicant, the reply by the City of Mansfield, all timely public comment, and the Executive Director's Response to Comment.

After evaluation of all relevant and timely filings, the Commission determined that the City of Mansfield established that it qualified as an affected person and granted its requests for hearing. The Commission next determined whether the City of Mansfield's requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by it 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 a contested case hearing: 1) whether the

Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282 and the general policy to promote regional or area-wide systems under TWC § 26.081; and 2) whether the draft permit is protective of water quality and the existing uses in the receiving waters under the applicable surface water quality standards in 30 TAC Chapter 307. 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 request of the City of Mansfield is GRANTED;
- 2) The following issues are REFERRED to SOAH for a contested case hearing on the application:

Issue 1: Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282 and the general policy to promote regional or area-wide systems under TWC § 26.081; and

Issue 2: Whether the draft permit is protective of water quality and the existing uses in the receiving waters under the applicable surface water quality standards in 30 TAC Chapter 307;

- 3) 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
- 4) 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

11/6/23

Date Signed