

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the Application by South Central Water Company for new TPDES Permit No. WQ0016060001; TCEQ Docket No. 2023-0955-MWD.

On November 8, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for hearing and requests for reconsideration concerning the Application by South Central Water Company for new TPDES Permit No. WQ0016060001 in Comal County, Texas. The requests for hearing and requests for 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 timely responses to the requests for hearing filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; the timely replies filed by Greater Edwards Aquifer Alliance, Bulverde Neighborhood Alliance, and the City of Bulverde; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Greater Edwards Aquifer Alliance, Bulverde Neighborhood Alliance, Eric Evans, Steve Hunsicker, and Anit Kaur were affected persons and granted their requests for hearing. The Commission determined to deny all remaining hearing requests. The Commission next determined whether the affected persons' requests for hearing raised disputed issues of fact or mixed questions of fact and law that were

raised by these requesters 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:

Issue 1: 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;

Issue 2: Whether the draft permit is protective of groundwater in the area, including the Edwards Aquifer contributing zone;

Issue 3: Whether the draft permit is protective of aquatic life and terrestrial wildlife, including in the immediate vicinity of the proposed Facility and discharge route;

Issue 4: Whether the draft permit is protective of the health of the residents in the immediate vicinity of the proposed Facility and discharge route;

Issue 5: Whether the draft permit complies with applicable unsuitable site characteristics and the requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13; and

Issue 6: 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.

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. Finally, the Commission determined to deny the City of Bulverde's requests for reconsideration.

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

- 1) The hearing requests of Greater Edwards Aquifer Alliance, Bulverde Neighborhood Alliance, Eric Evans, Steve Hunsicker, and Anit Kaur are GRANTED;
- 2) All remaining hearing requests are DENIED;

3) The following issues are REFERRED to SOAH for a contested case hearing on the application:

Issue 1: 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;

Issue 2: Whether the draft permit is protective of groundwater in the area, including the Edwards Aquifer contributing zone;

Issue 3: Whether the draft permit is protective of aquatic life and terrestrial wildlife, including in the immediate vicinity of the proposed Facility and discharge route;

Issue 4: Whether the draft permit is protective of the health of the residents in the immediate vicinity of the proposed Facility and discharge route;

Issue 5: Whether the draft permit complies with applicable unsuitable site characteristics and the requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13; and

Issue 6: 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;

4) 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;

5) The City of Bulverde's requests for reconsideration are DENIED; 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**



Jon Niermann, Chairman

11/14/23

Date Signed