

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **AN INTERIM ORDER**

concerning the application by LVTP Holdings LLC for new Texas Pollutant Discharge Elimination System Permit No. WQ0015964001; TCEQ Docket No. 2023-1558-MWD.

On December 13, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by Clay and Sheila Allison, Ellis County, and the City of Waxahachie concerning the application by LVTP Holdings LLC (Applicant) for new Texas Pollutant Discharge Elimination System Permit No. WQ0015964001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 1.2 million gallons per day in the Final phase, to be located approximately two miles northeast of the intersection of Rex Odom Drive and West U.S Highway 287, in Ellis 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, replies to responses, all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Ellis County and the City of Waxahachie are affected persons and granted their requests for hearing. The hearing request of Clay and Sheila Allison was denied.

The Commission next determined whether the granted 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 meet 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 protective of water quality and the existing uses in the receiving waters under the applicable rules, including the Texas Surface Water Quality Standards in 30 Texas Administrative Code Chapter 307; and
- B) 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 also determined to refer the matter to TCEQ's Alternative Dispute Resolution Program, to run concurrently with SOAH preliminary hearing scheduling efforts. Finally, the Commission set the maximum duration of the contested case hearing at 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

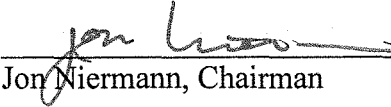
NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1) The hearing requests of Ellis County and the City of Waxahachie are hereby GRANTED;
- 2) The hearing request filed by Clay and Sheila Allison is hereby DENIED;
- 3) The application is referred to SOAH for a contested case hearing on the following issues, with a concurrent referral to the TCEQ's Alternative Dispute Resolution Program:
  - A. Whether the draft permit is protective of water quality and the existing uses in the receiving waters under the applicable rules, including the Texas Surface Water Quality Standards in 30 Texas Administrative Code Chapter 307; and

B. 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) All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;
- 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

12/21/23  
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Date Signed