

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Greenwood Ventures Group LLC for new TPDES Permit No. WQ0016148001; TCEQ Docket No. 2023-1563-MWD.

On February 21, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several hearing requests concerning the application by Greenwood Ventures Group LLC for new TPDES Permit No. WQ0016148001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 975,000 gallons per day in the final phase. The facility will be located approximately 1.87 miles southwest of the intersection of County Road 214 and U.S. Highway 183, in Caldwell 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, Office of Public Interest Counsel, and Applicant; the timely reply by San Marcos River Foundation; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Guadalupe Blanco River Authority, Colby and Erin Stephens, and San Marcos River Foundation are affected persons and granted their requests for hearing.

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 the affected person during the

comment period, and that 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 with a concurrent referral to the TCEQ's Alternative Dispute Resolution Program:

- A) Whether the draft permit is protective of water quality in the receiving waters in accordance with applicable regulations, including the Texas Surface Water Quality Standards in 30 TAC Chapter 307;
- B) Whether the antidegradation review complies with applicable regulations, including whether the draft permit includes adequate nutrient limits; and
- C) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13;

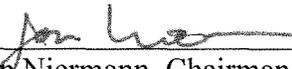
Finally, the Commission set the maximum duration of the contested case hearing at 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

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

1. The hearing requests of Guadalupe Blanco River Authority, Colby and Erin Stephens, and San Marcos River Foundation are hereby GRANTED;
2. All remaining hearing requests are hereby DENIED;
3. The application is referred to SOAH for a contested case hearing on the following issues, with a concurrent referral to TCEQ's Alternative Dispute Resolution Program:
 - A. Whether the draft permit is protective of water quality in the receiving waters in accordance with applicable regulations, including the Texas Surface Water Quality Standards in 30 TAC Chapter 307;
 - B. Whether the antidegradation review complies with applicable regulations, including whether the draft permit includes adequate nutrient limits; and
 - C. Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13;

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



Jon Niermann, Chairman

2/27/24

Date Signed