

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application by Macedonia Asset LLC for new TPDES Permit No. WQ0016182001; TCEQ Docket No. 2023-1565-MWD.

On February 7, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several hearing requests concerning the application by Macedonia Asset LLC for new TPDES Permit No. WQ0016182001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 80,000 gallons per day. The facility will be located at 24895 Macedonia Road, Hockley, in Waller 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 and Office of Public Interest Counsel; the timely reply filed by Guy McDonald; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Steve Cramer, Carolle Gallien, and Barbara Hamala 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, including the protection of human health, wildlife, and wildlife habitat, in accordance with applicable regulations including the Texas Surface Water Quality Standards in 30 TAC Chapter 307; and
- B) 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 Steve Cramer, Carolle Gallien, and Barbara Hamala 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, including the protection of human health, wildlife, and wildlife habitat, in accordance with applicable regulations including the Texas Surface Water Quality Standards in 30 TAC Chapter 307; and
 - B. 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

2/13/24
Date Signed