

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by Preserve Hutto, LLC for new Texas Pollutant Discharge Elimination System Permit No. WQ0016145001; TCEQ Docket No. 2023-1566-MWD.

On February 21, 2024, the Texas Commission on Environmental Quality (Commission) considered several requests for hearing and reconsideration concerning the application by Preserve Hutto, LLC (Applicant) for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016145001. The Applicant seeks authorization to discharge treated domestic wastewater at an annual average flow not to exceed 0.048 million gallons per day (MGD). The proposed wastewater treatment facility will be located at 4428 Priem Lane, in the City of Pflugerville, Travis County, Texas.

The requests for hearing and 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 responses to the requests filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; the reply filed by Williamson County Water, Sewer, Irrigation, and Drainage District No. 3; all timely public comment; and the Executive Director's Response to Comments. After an evaluation of all relevant filings, the Commission determined that Karen Blakey, Mohammed Hallak, the City of Hutto, and Williamson County Water, Sewer, Irrigation, and Drainage District No. 3 qualify as affected persons, as provided by applicable law, and denied the remaining hearing requests and requests for reconsideration.

The Commission next determined whether the 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 are relevant and material to its 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 a contested case hearing:

- A) 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;
- B) Whether the Draft Permit complies with applicable requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13(e);
- C) Whether the Draft Permit is protective of water quality, including the protection of the health of the requesters and requesters' families and the existing uses of the receiving waters in accordance with applicable regulations including the Texas Surface Water Quality Standards in 30 TAC Chapter 307; and
- D) Whether the Applicant substantially complied with TCEQ's public notice requirements in 30 TAC § 39.405.


Finally, the Commission specified a maximum duration for the contested case hearing of 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.

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

1. The requests for a contested case hearing filed by Karen Blakey, Mohammed Hallak, the City of Hutto, and Williamson County Water, Sewer, Irrigation, and Drainage District No. 3 are hereby GRANTED;
2. All other hearing requests and the requests for reconsideration are hereby DENIED;
3. The following issues are referred to SOAH for a contested case hearing on the application:
  - A) 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;
  - B) Whether the Draft Permit complies with applicable requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13(e);
  - C) Whether the Draft Permit is protective of water quality, including the protection of the health of the requesters and requesters' families and the existing uses of the receiving waters in accordance with applicable regulations including the Texas Surface Water Quality Standards in 30 TAC Chapter 307; and
  - D) Whether the Applicant substantially complied with TCEQ's public notice requirements in 30 TAC § 39.405;
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 first day of the preliminary hearing to the date the proposal for decision is issued by the 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

  
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Date Signed