

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by the Corix Utilities (Texas) Inc., for a major amendment to TPDES Permit No. WQ0013977001; TCEQ Docket No. 2023-1591-MWD

On February 7, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by Environmental Stewardship and Chapman Edward Ambrose, Sr., concerning the application by Corix Utilities (Texas) Inc. (Applicant) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013977001, in Bastrop County, Texas. The requests for hearing were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code (TAC) 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 Applicant; the replies filed by Environmental Stewardship and Chapman Edward Ambrose, Sr.; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission granted Environmental Stewardship's hearing request and determined that the hearing request of Chapman Edward Ambrose, Sr., should be referred to SOAH for an affectedness determination. The Commission also determined to deny the requests for reconsideration.

The Commission next determined whether the request for hearing filed by Environmental Stewardship raised disputed issues of fact raised by Environmental Stewardship during the comment period which 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:

1) Whether the draft permit is protective of water quality, including the protection of the health of the requesters and the requesters' families, the existing uses of the receiving waters, and groundwater in the area in accordance with applicable regulations including the Texas Surface Water Quality Standards in 30 TAC Chapter 307; 2) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under Texas Water Code (TWC) § 26.0282 and the general policy to promote regional or area-wide systems under TWC § 26.081; 3) Whether the draft permit complies with the applicable requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13(e); 4) Whether Applicant substantially complied with applicable public notice requirements; 5) Whether the application is accurate and complete; and 6) Whether the Applicant's compliance history or technical capabilities raise any issues regarding the Applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit.

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 hearing request of Environmental Stewardship is hereby GRANTED;

- 2) The Application is referred to SOAH for a contested case hearing on the following issues:
  - A. Whether the draft permit is protective of water quality, including the protection of the health of the requesters and the requesters' families, the existing uses of the receiving waters, and groundwater in the area in accordance with applicable regulations including the Texas Surface Water Quality Standards in 30 TAC Chapter 307;
  - 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;
  - C. Whether the draft permit complies with the applicable requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13(e);
  - D. Whether Applicant substantially complied with applicable public notice requirements;
  - E. Whether the application is accurate and complete; and
  - F. Whether the Applicant's compliance history or technical capabilities raise any issues regarding the Applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit;
- 3) All issues not identified as being referred to SOAH in Ordering Provision No. 2 are hereby DENIED;
- 4) The hearing request of Chapman Edward Ambrose, Sr., is hereby REFERRED to SOAH for an affectedness determination;
- 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;

- 6) The requests for reconsideration are hereby DENIED; and
- 7) 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