

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by the City of Marble Falls for new TCEQ Permit No. WQ0016234001; TCEQ Docket No. 2023-1593-MWD.

On February 7, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting a request for hearing filed by Will Fowler, III, concerning the application by the City of Marble Falls (Applicant) for new TCEQ Permit No. WQ0016234001 to authorize the disposal of treated domestic wastewater via surface irrigation. The proposed facility and disposal site will be located one mile northwest of FM 1431 and U.S. Highway 281, in Burnet County, Texas.

The request for hearing was 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 request for hearing filed by the Executive Director, the Office of Public Interest Counsel; all timely public comment; and the Executive Director's Response to Public Comment. After evaluation of all relevant filings, the Commission determined that Will Fowler, III, is an affected person and granted his request for hearing.

The Commission next determined whether the granted request 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 that are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for contested case hearing: 1) Whether the draft permit

is protective of water quality by preventing wastewater effluent from discharging into surface waters; and 2) Whether the draft permit complies with applicable siting, buffer zone, and effluent storage to protect against over-application and runoff of treated effluent from irrigation areas, as set forth in 30 Texas Administrative Code, Chapter 309. Finally, the Commission specified that the maximum duration of the contested case hearing shall be 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 request of Will Fowler, III, is hereby GRANTED;
- 2) The following issues are referred to SOAH for a contested case hearing on the application:
 - A) Whether the draft permit is protective of water quality by preventing wastewater effluent from discharging into surface waters; and
 - B) Whether the draft permit complies with applicable siting, buffer zone, and effluent storage to protect against over-application and runoff of treated effluent from irrigation areas, as set forth in 30 Texas Administrative Code, Chapter 309.
- 3) All issues not identified as being referred to SOAH in Ordering Provision No. 2 are hereby DENIED;
- 4) 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
- 5) 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