

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by Wilco MUD 45 WWTP LLC for new Texas Pollutant Discharge Elimination System Permit No. WQ0016146001; TCEQ Docket No. 2024-0131-MWD.

On April 24, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by Jonah Water Special Utility District, Prairie Crossing Municipal Utility District Nos. 1 and 2, Prairie Crossing Wastewater, LLC, and 05 Ranch Investments, LLC concerning the application by Wilco MUD 45 WWTP LLC (Applicant) for new Texas Pollutant Discharge Elimination System Permit No. WQ0016146001, which seeks to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed two million gallons per day in the Final phase. The proposed facility will be located approximately 1.56 miles southeast of the intersection of Farm-to-Market Road 3349 and County Road 404, in Williamson County, Texas 76574. 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, Office of Public Interest Counsel, and the Applicant; replies; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Prairie Crossing Wastewater, LLC is an affected person under applicable law and its hearing request should be granted. The Commission denied the remaining hearing requests.

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 the affected person during the comment period, and that are relevant and material to its 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): (A) Whether the Commission should deny or alter the terms and conditions of the Draft Permit based on consideration of regionalization under Tex. Water Code §§ 26.0282 and 26.081; (B) Whether the Draft Permit adequately protects against nuisance odors and complies with applicable buffer zone requirements in accordance with 30 Tex. Admin. Code § 309.13(e); (C) Whether the application is accurate and contains all required information; (D) Whether the Draft Permit is protective of water quality in the receiving waters in accordance with the applicable regulations, including the Texas Surface Water Quality Standards; and (E) Whether the Draft Permit complies with applicable antidegradation requirements. Additionally, the Commission referred this matter to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling efforts.

Finally, pursuant to 30 TAC § 50.115(d)(2), the Commission specified that the maximum duration of the contested case hearing shall be 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 filed by Prairie Crossing Wastewater, LLC is hereby GRANTED;
- (2) The remaining hearing requests 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 regionalization under Tex. Water Code §§ 26.0282 and 26.081;
  - (B) Whether the Draft Permit adequately protects against nuisance odors and complies with applicable buffer zone requirements in accordance with 30 Tex. Admin. Code § 309.13(e);
  - (C) Whether the Application is accurate and contains all required information;
  - (D) Whether the Draft Permit is protective of water quality in the receiving waters in accordance with the applicable regulations, including the Texas Surface Water Quality Standards; and
  - (E) Whether the Draft Permit complies with applicable antidegradation requirements;
- (4) This matter is REFERRED to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling efforts;
  - (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 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

5/3/2024  
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Date Signed