

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application by Vale Building Group, LLC
for new TPDES Permit No. WQ0016212001; TCEQ
Docket No. 2024-0132-MWD.

On May 22, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting a request for hearing filed by Jonah Water Special Utility District concerning the application by Vale Building Group, LLC (Applicant) for new TPDES Permit No. WQ0016212001. The application seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 322,000 gallons per day (gpd). The proposed wastewater treatment facility will be located approximately 1,615 feet northwest of the intersection of County Road 194 and Farm-to-Market Road 1105, in Williamson 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 and the Office of Public Interest Counsel; the hearing requester's timely reply; all timely public comment; and the Executive Director's Response to Public Comment. After evaluation of all relevant filings, the Commission determined that Jonah Water Special Utility District is an affected person and granted its 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

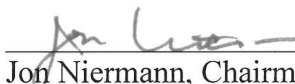
determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for contested case hearing: 1) Whether the draft permit is adequately protective of water quality, including the prevention of excessive algal growth, in accordance with applicable regulations, including the Texas Surface Water Quality Standards; 2) Whether the draft permit complies with 30 Texas Administrative Code § 309.13, including compliance with distance requirements of wastewater treatment units in relation to water wells; and 3) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of wastewater regionalization under Texas Water Code §§ 26.0282 and 26.081. 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. Finally, the Commission referred this matter to the Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts.

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

- 1) The hearing request of Jonah Water Special Utility District 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 adequately protective of water quality, including the prevention of excessive algal growth, in accordance with applicable regulations including the Texas Surface Water Quality Standards;
 - B) Whether the draft permit complies with 30 Texas Administrative Code § 309.13, including compliance with distance requirements of wastewater treatment units in relation to water wells; and
 - C) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of wastewater regionalization under Texas Water Code §§ 26.0282 and 26.081.
- 3) All issues not identified as being referred to SOAH in Ordering Provision No. 2 are hereby DENIED;
- 4) This matter is referred to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH scheduling process;

- 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

5/28/24

Date Signed