

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Laurie Gharis, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for the Complaint by McAllen Public Utility for Denial of Water by Hidalgo County Water Improvement District No. 3, SOAH Docket No. 582-24-16336, TCEQ Docket No. 2024-0243-WRD, was mailed on May 28, 2024. The notice of the public hearing was issued on May 28, 2024.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 28<sup>th</sup> day of May 2024.

*Laurie Gharis*

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Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

SEAL

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF HEARING

**Complaint by McAllen Public Utility for Denial of Water  
by Hidalgo County Water Improvement District No. 3  
Under Texas Water Code §§ 11.041 and 51.305(d)  
SOAH Docket No. 582-24-16336  
TCEQ Docket No. 2024-0243-WR**

### **PETITION.**

McAllen Public Utility (MPU or McCallen) filed a petition under Tex. Water Code §§ 11.041 and 51.305(d), alleging that Hidalgo County Water Improvement District No. 3 (HCWID 3) has refused to sell water to MPU at a reasonable price and that MPU is entitled to the water. TCEQ received the petition on February 8, 2024.

In its petition, MPU alleged that Certificate of Adjudication No. 23-848, as amended through Certificate No. 23-848D, (COA 848) expressly authorizes HCWID 3 to divert up to 8,980 acre-feet of water per year for McAllen's exclusive municipal use. COA 848 further authorizes HCWID 3 to divert an additional 5,000 acre-feet of water per year for municipal purposes in HCWID 3's service area. MPU claims it is entitled to the 13,980 acre-feet of state water that McAllen cannot legally access without paying HCWID 3 to divert and supply it. MPU ordered water from HCWID 3 for many years up until 2022, and MPU desires to continue ordering water from HCWID 3 at a reasonable rate.

The Executive Director finds that MPU's petition meets the requirements of 30 Tex. Admin. Code § 291.129. The Petition is referred to the State Office of Administrative Hearings (SOAH) for a hearing on the issues addressed by Tex. Water Code § 11.041.

### **CONTESTED CASE HEARING.**

Considering directives to protect public health, the SOAH will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**10:00 a.m. – June 27, 2024**

**To join the Zoom meeting via computer:**

**<https://soah-texas.zoomgov.com/>**

Meeting ID: 160 589 5378

Password: TCQ336

or

**To join the Zoom meeting via telephone:**

**(669) 254-5252 or (646) 828-7666**

Meeting ID: 160 589 5378

Password: 168264

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>  
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the issues addressed by Tex. Water Code § 11.041.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 Texas Administrative Code (TAC) Chapter 80 and 1 TAC Chapter 155.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

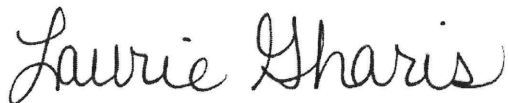
**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.”**

#### **INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: May 28, 2024



Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality

MAILING LIST  
for  
Hidalgo County Water Improvement District No. 3  
TCEQ Docket No. 2024-0243-WR

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[http://www.tceq.texas.gov/goto/  
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