

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by BL 12 Holdings LLC for new TPDES Permit No. WQ0016297001; TCEQ Docket No. 2024-0414-MWD.

On April 12, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting a request for hearing filed by the San Marcos River Foundation concerning the application by BL 12 Holdings LLC (Applicant) for new TPDES Permit No. WQ0016297001. The application seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 850,000 gallons per day (gpd). The proposed wastewater treatment facility will be located approximately 3,450 feet northeast of the intersection of Political Road and San Marcos Highway, in Caldwell 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, and the Applicant; 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 the San Marcos River Foundation is an affected person and granted their 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 which 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, including the protection of human health, in accordance with applicable TCEQ regulations, including the Texas Surface Water Quality Standards in 30 Texas Administrative Code Chapter 307; 2) Whether the draft permit complies with applicable requirements to abate and control nuisance odors as set forth in 30 Texas Administrative Code § 309.13(e); 3) Whether the antidegradation review complies with applicable TCEQ regulations; and 4) Whether the Application substantially complied with applicable notice requirements. 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 the San Marcos River Foundation 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, including the protection of human health, in accordance with applicable TCEQ regulations, including the Texas Surface Water Quality Standards in 30 Texas Administrative Code Chapter 307;
 - B) Whether the draft permit complies with applicable requirements to abate and control nuisance odors as set forth in 30 Texas Administrative Code § 309.13(e);
 - C) Whether the antidegradation review complies with applicable TCEQ regulations; and
 - D) Whether the Application substantially complied with applicable notice requirements;
- 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



For the Commission

4/23/24

Date Signed