

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by River Oaks Land Partners II, LLC for a major amendment to Texas Land Application Permit No. WQ0015559001; TCEQ Docket No. 2024-0668-MWD.

On June 26, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting a hearing request filed by Brian Kieley and requests for reconsideration filed by Brian Kieley and Jami Strable concerning the application by River Oaks Land Partners II, LLC for a major amendment to Texas Land Application Permit (TLAP) No. WQ0015559001 to authorize changes to the existing permit, including, to increase the flow in the Interim II phase from 0.180 MGD to 0.36 MGD; to change the acreage of the storage ponds from 15 acres to 8.34 acres; to change the total capacity of the storage ponds from 306 acre-ft to 131 acre-ft; and to change the irrigation area from 70 acres to 20 acres in the Interim I phase, and 70 acres to 108 acres in the Interim II phase. The facility and disposal site will be located approximately one mile northwest of the intersection of County Road 214 and San Gabriel Ranch Road, in Williamson County, Texas.

The requests for hearing and reconsideration were 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 requests filed by the Executive Director, Office of Public Interest Counsel, and Applicant; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Brian Kieley is an affected person and granted his request for hearing. The Commission denied all the requests for reconsideration.

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 the 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 meet those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for contested case hearing with a concurrent referral to the TCEQ's Alternative Dispute Resolution Program:

- A) Whether Applicant substantially complied with applicable notice requirements; and
- B) Whether the draft permit includes provisions to adequately protect against runoff of treated effluent onto nearby property and is protective of surface water and groundwater quality.

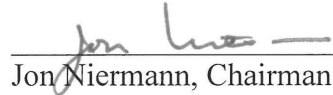
Finally, the Commission set the maximum duration of the contested case hearing at 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

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

- 1. The hearing request of Brian Kieley is hereby GRANTED;
- 2. All requests for reconsideration are hereby DENIED;
- 3. The application is referred to SOAH for a contested case hearing on the following issues, with a concurrent referral to TCEQ's Alternative Dispute Resolution Program:
 - A. Whether Applicant substantially complied with applicable notice requirements; and
 - B. Whether the draft permit includes provisions to adequately protect against runoff of treated effluent onto nearby property and is protective of surface water and groundwater quality.

4. All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;
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


Date Signed