

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **AN INTERIM ORDER**

concerning the application by College Mound Special Utility District and Post Oak MHC, LLC for new TPDES Permit No. WQ0016312001; TCEQ Docket No. 2024-1225-MWD.

On September 11, 2024, the Texas Commission on Environmental Quality (Commission) considered during its open meeting hearing requests and requests for reconsideration from the City of Terrell concerning the application by College Mound Special Utility District and Post Oak MHC, LLC (Applicants) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016312001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day in the final phase. The facility will be located approximately 1.73 miles southeast of the intersection of Abner Road and Wilson Road, in Kaufman 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 for hearing and reconsideration filed by the Executive Director, Office of Public Interest Counsel, and Applicants; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that the City of Terrell is an affected person and granted its requests for hearing and denied the requests for reconsideration.

The Commission next determined whether the granted 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 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 the draft permit complies with the Commission's regionalization policy, in accordance with TWC §§ 26.081 and 26.0282;
- B) Whether the draft permit complies with applicable antidegradation requirements;
- C) Whether the application is administratively and technically complete;
- D) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13; and
- E) Whether Applicants substantially complied with applicable notice requirements.

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 requests of the City of Terrell are hereby GRANTED;
- 2. The City of Terrell's 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 the draft permit complies with the Commission's regionalization policy, in accordance with TWC §§ 26.081 and 26.0282;

- B) Whether the draft permit complies with applicable antidegradation requirements;
  - C) Whether the application is administratively and technically complete;
  - D) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13; and
  - E) Whether Applicants substantially complied with applicable notice requirements.
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

  
For the Commission

9/18/24  
Date Signed