

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Moore Farm Water Control and Improvement District No. 1 for new Texas Pollutant Discharge Elimination System Permit No. WQ0016274001; TCEQ Docket No. 2024-1581-MWD.

On November 6, 2024, the Texas Commission on Environmental Quality (Commission) considered requests for hearing and reconsideration concerning the application by Moore Farm Water Control and Improvement District No. 1 (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016274001. The Applicant seeks authorization to discharge treated domestic wastewater at an annual average flow not to exceed 0.20 million gallons per day (MGD) in the Interim I Phase; 0.50 MGD in the Interim II Phase; and 1.60 MGD in the Final Phase. The proposed wastewater treatment facility will be located approximately 0.35 of a mile southwest of the intersection of County Road 243 and County Road 245, Kaufman County, Texas, 75160.

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 and Office of Public Interest Counsel; all timely public comment; and the Executive Director's Response to Comments. After an evaluation of all relevant filings, the Commission determined that the City of Terrell qualifies as an affected person, as provided by applicable law, and denied the request for reconsideration.

The Commission next determined whether the requests 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 are relevant and material to its 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 a contested case hearing:

- A) Whether the Commission should deny or alter the terms and conditions of the Draft Permit based on consideration of need under Texas Water Code § 26.0282 and the general policy to promote regional or area-wide systems under Texas Water Code § 26.081;
- B) Whether the Draft Permit complies with applicable antidegradation requirements;
- C) Whether the Draft Permit is protective of water quality and the existing uses in the receiving waters under the applicable surface water quality standards in 30 Texas Administrative Code Chapter 307;
- D) Whether the Application is accurate and contains all required information;
- E) Whether the Draft Permit adequately protects against nuisance odors and complies with applicable buffer zones requirements in accordance with 30 Texas Administrative Code § 309.13;
- F) Whether the Applicant substantially complied with TCEQ's public notice requirements in 30 Texas Administrative Code § 39.405; and
- G) Whether Applicant adequately identified the operator in the Application.

The Commission next referred this matter to the Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts. Finally, the Commission specified a maximum duration for the contested case hearing of

180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.

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

1. The requests for a contested case hearing filed by the City of Terrell are hereby GRANTED;
2. The request for reconsideration is hereby DENIED;
3. This matter is hereby REFERRED to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling process;
4. The following issues are referred to SOAH for a contested case hearing on the application:
 - A) Whether the Commission should deny or alter the terms and conditions of the Draft Permit based on consideration of need under Texas Water Code § 26.0282 and the general policy to promote regional or area-wide systems under Texas Water Code § 26.081;
 - B) Whether the Draft Permit complies with applicable antidegradation requirements;
 - C) Whether the Draft Permit is protective of water quality and the existing uses in the receiving waters under the applicable surface water quality standards in 30 Texas Administrative Code Chapter 307;
 - D) Whether the Application is accurate and contains all required information;
 - E) Whether the Draft Permit adequately protects against nuisance odors and complies with applicable buffer zones requirements in accordance with 30 Texas Administrative Code § 309.13;
 - F) Whether the Applicant substantially complied with TCEQ's public notice requirements in 30 Texas Administrative Code § 39.405; and

G) Whether Applicant adequately identified the operator in the Application.

5. All issues not identified as being referred to SOAH in Ordering Provision No. 4 are hereby DENIED;
6. The maximum duration of the hearing is SET at 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by the SOAH; and
7. 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

11/12/24

Date Signed