

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Douglas T. Harrison for new Texas Pollutant Discharge Elimination System Permit No. WQ0016211001; TCEQ Docket No. 2024-1723-MWD.

On January 16, 2025, the Texas Commission on Environmental Quality (Commission) considered requests for hearing and reconsideration concerning the application by Douglas T. Harrison (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016211001. The Applicant seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 0.10 million gallons per day (MGD) in the Interim I phase; 0.30 MGD in the Interim II phase; and 0.60 MGD in the Final phase. The proposed wastewater treatment facility will be located approximately 0.4 of a mile south of the intersection of Harrison Road and State Highway 46 in Comal 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; the replies filed by Windell Cannon, Chris Hopmann, and Kira Olson; all timely public comment; and the Executive Director's Response to Comments. After an evaluation of all relevant filings, the Commission determined that the Dry Comal Creek Neighbors, Erin Bell-Altman, Austin Faught, Kyra Faught, Prentis Otis Hibler, Deborah Williams-Bell, Dawn Moore Fradkin, and Karis Olson qualify as affected persons, as

provided by applicable law, and denied the remaining hearing requests and requests 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 Draft Permit is protective of water quality, including the protection of existing uses of the receiving waters, livestock, and wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards;
- B) Whether the Draft Permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13(e);
- C) Whether the Draft Permit complies with siting requirements in accordance with 30 TAC § 309.12;
- D) Whether the Application is complete and accurate;
- E) Whether the Applicant or operator's compliance history raises any issues regarding the Applicant or operator's ability to comply with the material terms of the permit that warrant denying or altering the terms of the Draft Permit; and
- F) Whether the proposed facility, if it is located within a floodplain, would be adequately protected from inundation, as required by 30 TAC § 309.13(a).

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 Dry Comal Creek Neighbors, Erin Bell-Altman, Austin Faught, Kyra Faught, Prentis Otis Hibler, Deborah Williams-Bell, Dawn Moore Fradkin, and Karis Olson are hereby GRANTED;
2. All remaining hearing requests and requests for reconsideration are hereby DENIED;
3. 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 existing uses of the receiving waters, livestock, and wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards;
 - B) Whether the Draft Permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13(e);
 - C) Whether the Draft Permit complies with siting requirements in accordance with 30 TAC § 309.12;
 - D) Whether the Application is complete and accurate;
 - E) Whether the Applicant or operator's compliance history raises any issues regarding the Applicant or operator's ability to comply with the material terms of the permit that warrant denying or altering the terms of the Draft Permit; and
 - F) Whether the proposed facility, if it is located within a floodplain, would be adequately protected from inundation, as required by 30 TAC § 309.13(a).
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 first day of the preliminary hearing to 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

Brooke J. Paup
For the Commission

1/23/25
Date Signed