

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Cedar Creek MH, LLC for new Texas Pollutant Discharge Elimination System Permit No. WQ0016303001; TCEQ Docket No. 2024-1724-MWD.

On April 3, 2025, the Texas Commission on Environmental Quality (Commission) considered requests for hearing from Texas Department of Transportation and Carr Family Partnership, Ltd. concerning the application by Cedar Creek MH, LLC (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016303001. The Applicant seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day. The proposed wastewater treatment facility will serve the Cedar Creek Subdivision and be located at 2883 State Highway 71, in Bastrop, Texas.

The requests for hearing 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, the Office of Public Interest Counsel, and the Applicant; a reply to responses filed by the Carr Family Partnership, Ltd.; all timely public comment; and the Executive Director's Response to Comments. After an evaluation of all relevant filings, the Commission determined that Carr Family Partnership, Ltd. qualifies as an affected person, as provided by applicable law, and denied the hearing request of Texas Department of Transportation.

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 adequately addresses nuisance odors in accordance with applicable requirements including 30 TAC § 309.13;
- B) Whether the draft permit is adequately protective of water quality, human health, aquatic life, livestock, and wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards;
- C) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282;
- D) Whether the proposed discharge route is properly characterized in the application and will function properly as an operational feature of the facility; and
- E) Whether the application is substantially complete and accurate.

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 request for a contested case hearing filed by Carr Family Partnership, Ltd. is hereby GRANTED;
2. The request for a contested case hearing filed by Texas Department of Transportation is hereby DENIED;
3. The following issues are referred to SOAH for a contested case hearing on the application:

- A) Whether the draft permit adequately addresses nuisance odors in accordance with applicable requirements including 30 TAC § 309.13;
 - B) Whether the draft permit is adequately protective of water quality, human health, aquatic life, livestock, and wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards;
 - C) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282;
 - D) Whether the proposed discharge route is properly characterized in the application and will function properly as an operational feature of the facility; and
 - E) Whether the application is substantially complete and accurate.
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

4/8/25
Date Signed