

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Cielo Gardens LP for new Texas Pollutant Discharge Elimination System Permit No. WQ0016374001; TCEQ Docket No. 2024-1982-MWD.

On February 13, 2025, the Texas Commission on Environmental Quality (Commission) considered a request for hearing concerning the application by Cielo Gardens LP (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016374001. The Applicant seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 0.15 million gallons per day (MGD) in the Interim I phase; 0.30 MGD in the Interim II phase; 0.60 MGD in the Interim III phase; and 0.90 MGD in the Final phase. The proposed wastewater treatment facility will be located at 10620 Farm-to-Market Road 1105, in Williamson County, Texas 76537.

The request for hearing was 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 request filed by the Executive Director, Office of Public Interest Counsel, and Applicant; all timely public comment; and the Executive Director's Response to Comments. After an evaluation of all relevant filings, the Commission determined that Jane Bessent and Roy Bessent Jr. qualify as affected persons, as provided by applicable law.

The Commission next determined whether the request 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 issue meets those requirements and directed that it be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing with a concurrent referral to the TCEQ's Alternative Dispute Resolution Program:

Whether the Draft Permit is protective of water quality, livestock, vegetation, and wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards;

Finally, the Commission set a maximum duration for the contested case hearing of 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 request for a contested case hearing filed by Jane Bessent and Roy Bessent Jr. is hereby GRANTED;
2. The following issue is referred to SOAH for a contested case hearing on the application:
Whether the Draft Permit is protective of water quality, livestock, vegetation, and wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards;
3. All issues not identified as being referred to SOAH in Ordering Provision No. 2 are hereby DENIED;
4. The matter is referred to the TCEQ's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process;
5. The maximum duration of the hearing is SET at 180 days from the date of the preliminary hearing until the proposal for decision is issued; 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.

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ENVIRONMENTAL QUALITY

Brooke J. Paup
For the Commission

01/18/25
Date Signed