

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **AN INTERIM ORDER**

concerning the Application by The Village of Grape Creek, LLC for new TPDES Permit No. WQ0016363001; TCEQ Docket No. 2024-1985-MWD

On February 27, 2025, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for hearing and requests for reconsideration filed concerning the Application by The Village of Grape Creek, LLC (Applicant) for new TPDES Permit No. WQ0016363001 in Gillespie County, Texas. The requests for hearing and requests for 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 filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; the timely filed reply; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Hill Country Underground Water Conservation District, Pedernales River Alliance, Greater Edwards Aquifer Alliance, Kris Weidenfeller, Donny Clark, and Paul and Litsa Folse qualified as affected persons and granted their requests for hearing. The Commission determined to deny all remaining hearing requests and all requests for reconsideration. The Commission next determined whether the affected persons' requests for hearing raised disputed issues of fact or mixed questions of fact and

law that were raised by the requesters during the comment period, and which are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for contested case hearing:

Issue 1: 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 Tex. Admin. Code Chapter 307;

Issue 2: Whether the Draft Permit is protective of groundwater in the area;

Issue 3: Whether the Draft Permit is protective of aquatic life and terrestrial wildlife and the health of residents in the immediate vicinity of the proposed Facility and discharge route;

Issue 4: Whether the Draft Permit complies with applicable site characteristic requirements and the requirements to abate and control nuisance odors, as set forth in 30 Tex. Admin. Code § 309.13; and

Issue 5: Whether the Application contains sufficient and accurate information to develop the Draft Permit's daily average flow amount limitation and discharge route.

The Commission specified that the maximum duration of the contested case hearing shall be 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 Hill Country Underground Water Conservation District, Pedernales River Alliance, Greater Edwards Aquifer Alliance, Kris Weidenfeller, Donny Clark, and Paul and Litsa Folse are GRANTED;

- 2) The following issues are REFERRED to SOAH for a contested case hearing on the application:

Issue 1: 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 Tex. Admin. Code Chapter 307;

Issue 2: Whether the Draft Permit is protective of groundwater in the area;

Issue 3: Whether the Draft Permit is protective of aquatic life and terrestrial wildlife and the health of residents in the immediate vicinity of the proposed Facility and discharge route;

Issue 4: Whether the Draft Permit complies with applicable site characteristic requirements and the requirements to abate and control nuisance odors, as set forth in 30 Tex. Admin. Code § 309.13; and

Issue 5: Whether the Application contains sufficient and accurate information to develop the Draft Permit's daily average flow amount limitation and discharge route;

- 3) All remaining hearing requests and all requests for reconsideration are DENIED;
- 4) 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
- 5) 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**

  
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Brooke T. Paup, Chairwoman

  
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Date Signed