

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by New Horizons Utility LLC and OptiN Holdings 1 LLC for new Texas Pollutant Discharge Elimination System Permit No. WQ0016257001; TCEQ Docket No. 2025-0115-MWD.

On April 3, 2025, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by the City of Georgetown (City) and Beverly Wilkins and a request for reconsideration filed by the City concerning the application by New Horizons Utility LLC and OptiN Holdings 1 LLC (Applicant) for new Texas Pollutant Discharge Elimination System Permit No. WQ0016257001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 1.34 million gallons per day in the final phase. The proposed wastewater treatment plant will be located approximately a half-mile northeast of the intersection of County Road 107 and County Road 110, in Williamson County, Texas 78626. The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code (TAC) Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that the City is an affected person under applicable law and granted its hearing request. All remaining hearing requests and requests for reconsideration were denied.

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 the affected person(s) during the comment period, and that are relevant and material to its 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 a contested case hearing:

A) Whether the Commission should deny or alter the terms and conditions of the Draft Permit based on consideration of regionalization under Texas Water Code §§ 26.0282 and 26.081; B) Whether the application is substantially complete and accurate; C) Whether the proposed discharge route is properly characterized in the application and will function properly as an operational feature of the facility; D) Whether the Draft Permit is adequately protective of water quality and the existing uses of the receiving waters in accordance with the Texas Surface Water Quality Standards, including applicable antidegradation requirements; E) Whether the Draft Permit is adequately protective of human health and wildlife; F) Whether the Draft Permit adequately protects against nuisance odors and complies with applicable buffer zone requirements in accordance with 30 Texas Administrative Code § 309.13(e); G) Whether the Applicant substantially complied with applicable notice requirements; and H) Whether the Draft Permit should be denied or altered based on Applicant's compliance history.

Pursuant to 30 TAC § 50.115(d)(2), the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH. Finally, the Commission referred this matter to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH preliminary hearing scheduling efforts.

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

- 1) The hearing request filed by the City of Georgetown is 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 Commission should deny or alter the terms and conditions of the Draft Permit based on consideration of regionalization under Texas Water Code §§ 26.0282 and 26.081;
 - B) Whether the application is substantially complete and accurate;
 - C) Whether the proposed discharge route is properly characterized in the application and will function properly as an operational feature of the facility;
 - D) Whether the Draft Permit is adequately protective of water quality and the existing uses of the receiving waters in accordance with the Texas Surface Water Quality Standards, including applicable antidegradation requirements;

- E) Whether the Draft Permit is adequately protective of human health and wildlife;
 - F) Whether the Draft Permit adequately protects against nuisance odors and complies with applicable buffer zone requirements in accordance with 30 Texas Administrative Code § 309.13(e);
 - G) Whether the Applicant substantially complied with applicable notice requirements; and
 - H) Whether the Draft Permit should be denied or altered based on Applicant's compliance history;
- 4) This matter is REFERRED to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process;
 - 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.

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Brooke J. Paup
For the Commission

4/8/25
Date Signed