

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by Harris County Municipal Utility District No. 531 for new Texas Pollutant Discharge Elimination System Permit No. WQ0016334001; TCEQ Docket No. 2025-0116-MWD.

On April 3, 2025, the Texas Commission on Environmental Quality (Commission) considered several requests for hearing and reconsideration concerning the application by Harris County Municipal Utility District No. 531 (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016334001. The Applicant seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 0.05 million gallons per day (MGD) in the Interim phase and 0.10 MGD in the Final phase. The proposed wastewater treatment facility will be located approximately 0.5 miles southwest of the intersection of Mueschke Road and Schiel Road, in Harris County, Texas 77433.

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 for hearing and reconsideration 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 Darrin Whatley qualifies as an affected person and granted his request for hearing. The Commission denied all remaining hearing requests and requests for reconsideration.

The Commission next determined whether the granted request for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by the affected person during the comment period, and that are relevant and material to the 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 with a concurrent referral to the TCEQ's Alternative Dispute Resolution Program:

- A) Whether the Draft Permit is protective of wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards; and
- B) Whether the Draft Permit adequately addresses nuisance odor, in accordance with 30 TAC § 309.13(e).

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.

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

1. The request for a contested case hearing filed by Darrin Whatley is hereby GRANTED;
2. All remaining hearing requests and requests for reconsideration are hereby DENIED;
3. The application is referred to SOAH for a contested case hearing on the following issues:
  - a. Whether the Draft Permit is protective of wildlife, in accordance with applicable regulations including the Texas Surface Water Quality Standards; and
  - b. Whether the Draft Permit adequately addresses nuisance odor, in accordance with 30 TAC § 309.13(e).

4. All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;
5. The matter is referred to the TCEQ's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process;
6. The maximum hearing duration is SET at 180 days from the date of the preliminary hearing until the proposal for decision is issued; and
7. 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