

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Phhou - Benton Road 200, LLC for new Texas Pollutant Discharge Elimination System Permit No. WQ0016570001; TCEQ Docket No. 2025-1554-MWD.

On January 14, 2026, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by Lili Wang concerning the application by Phhou - Benton Road 200, LLC (Applicant) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016570001. The Applicant seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 0.10 million gallons per day (MGD) in the Interim phase and 0.20 MGD in the Final phase. The proposed facility will be located approximately 0.55 miles northwest of the intersection of A. Myers Road and Laurabee Drive, near the city of Rosenberg, in Fort Bend County, Texas 77469.

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, Office of Public Interest Counsel, and Applicant; the timely reply by Lili Wang; all timely public comment; and the Executive Director's Response to Comments. After an evaluation of all relevant filings, the Commission determined that Lili Wang qualifies as an affected person, as provided by applicable law.

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 issue meets those requirements and directed that it be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing:

Whether the draft permit adequately protects against nuisance odors in accordance with 30 TAC § 309.13;

Finally, the Commission set a maximum duration for the contested case hearing of 150 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 timely requests for a contested case hearing filed by Lili Wang are hereby GRANTED;
2. All other hearing requests are hereby DENIED;
3. The following issue is referred to SOAH for a contested case hearing on the application:
Whether the draft permit adequately protects against nuisance odors in accordance with 30 TAC § 309.13;
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 150 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.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Brooke J. Paup
For the Commission

1/21/20
Date Signed