

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
Highland Lakes Midlothian I, LLC
SOAH Docket No. 582-23-23818
TCEQ Docket No. 2023-0844-MWD
Permit No. WQ0015999001

APPLICATION.

Highland Lakes Midlothian I, LLC, 1909 Woodall Rodgers Freeway, Suite 300, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015999001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 2,760,000 gallons per day. TCEQ received this application on May 25, 2021.

The facility will be located approximately 2.7 miles southwest of the intersection of East Farm-to-Market Road 875 and Farm-to-Market Road 663, in Ellis County, Texas 76065. The treated effluent will be discharged to an unnamed tributary, thence to South Prong Creek, thence to Soil Conservation Service Site (SCSS) 17 Reservoir, thence to South Prong Creek, thence to Lake Waxahachie in Segment No. 0816 of the Trinity River Basin. The unclassified receiving water use is minimal aquatic life use for the unnamed tributary, limited aquatic life use for South Prong Lake, and high aquatic life use for SCSS 17 Reservoir. The designated uses for Segment No. 0816 are primary contact recreation, public water supply, and high aquatic life use.

In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards (June 2010)*, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the SCSS 17 Reservoir, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-96.9688%2C32.3879&level=12>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions

under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Midlothian City Hall, 104 West Avenue E, Midlothian, Texas.

DIRECT REFERRAL.

The Combined Notice of Receipt and Intent to Obtain a Water Quality Permit/Notice of Application and Preliminary Decision was published in English on October 5, 2022, and in Spanish on October 6, 2022. On April 26, 2023, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – October 2, 2023

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 677 0516

Password: CEQ388

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 677 0516

Password: 640540

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 305; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

Further information may also be obtained from Highland Lakes Midlothian I, LLC at the address stated above or by calling Mr. Chris Vela, P.E., Kimley-Horn and Associates, at (817) 339-2299.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: August 21, 2023

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality