

SOAH Docket No. 582-24-00960

Suffix: TCEQ

TCEQ Docket No. 2023-0384-IWD

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**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

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**APPLICATION OF AQUA UTILITIES, INC.  
FOR TPDES PERMIT NO. WQ005206000**

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**ORDER GRANTING MOTION FOR CONTINUANCE  
AND SETTING PRELIMINARY HEARING**

This matter was set for preliminary hearing on November 28, 2023. On October 19, 2023, the parties filed an agreed motion for continuance, requesting that the preliminary hearing be continued for 120 days.

Having considered the agreed motion, it is **GRANTED**. Accordingly, the preliminary hearing is reset and will convene on **March 26, 2024, at 10:00 AM** via Zoom videoconference. **The 180-day deadline for the proposal for decision shall start with this preliminary hearing.**

Attend the hearing in one of these ways:

Join by computer or smart device

Go to the zoom website-  
<https://soah-texas.zoomgov.com>  
and enter the following:

**Meeting ID:** 160 853 1025  
**Passcode:** TCEQ496

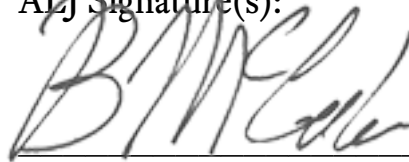
Join by telephone (audio only)

Call +1 669 254 5252, and then enter  
the Meeting ID and Password listed  
below:

**Meeting ID:** 160 853 1025  
**Passcode:** 4720709

**Signed October 24, 2023**

ALJ Signature(s):

A handwritten signature in black ink, appearing to read "Brent McCabe", written over a horizontal line.

Brent McCabe,

Presiding Administrative Law Judge

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING**  
**Aqua Utilities, Inc.**  
**SOAH Docket No. 582-24-00960**  
**TCEQ Docket No. 2023-0384-IWD**  
**TPDES Permit No. WQ0005206000**

**APPLICATION.**

Aqua Utilities, Inc., 1106 Clayton Lane, Suite 400W, Austin, Texas 78723, which operates Country View Estates Potable Water Treatment Plant (WTP), a reverse osmosis WTP, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005206000, to authorize the discharge of water treatment wastes at a daily average flow not to exceed 55,000 gallons per day via Outfall 001.

The facility is located on Country Scene Road, approximately 2 miles north of Park Road 37 and 2.5 miles north of State Highway 16, northeast of the City of Helotes, Medina County, Texas 78023. 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=db5bac44afbc468bbddd360f8168250f&marker=-98.847222%2C29.635555&level=12>

The effluent is discharged to an unnamed tributary of San Geronimo Creek, thence to San Geronimo Creek, thence to Medina River Below Medina Diversion Lake in Segment No. 1903 of the San Antonio River Basin. The unclassified receiving water uses are minimal aquatic life use for the unnamed tributary of Geronimo Creek (upstream of Indian Mound Springs) and limited aquatic life use for the unnamed tributary of Geronimo Creek (downstream of Indian Mound Springs). The designated uses for Segment No. 1903 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use.

In accordance with Title 30 Texas Administrative Code Section 307.5 and 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. This review has preliminarily determined that no water bodies with intermediate, high, or exceptional aquatic life use are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with intermediate, high, or exceptional aquatic life uses downstream, and existing uses will be maintained and

protected. The preliminary determination can be reexamined and may be modified if new information is received.

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 the Hondo Public Library, 1011 19th Street, Hondo, Texas.

### **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. – November 28, 2023**

#### **To join the Zoom meeting via computer:**

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

Meeting ID: 160 853 1025

Password: TCEQ496

or

#### **To join the Zoom meeting via telephone:**

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

Meeting ID: 160 853 1025

Password: 4720709

**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 address the disputed issues of fact identified in the TCEQ order concerning this application issued on May 2, 2023. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; 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 timely 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](http://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](http://www.tceq.texas.gov).

Further information may also be obtained from Aqua Utilities, Inc. at the address stated above or by calling Mr. David Allen, P.E. at (512) 347-8400.

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: October 13, 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