

APPROXIMATE TIMELINE FOR WASTEWATER PERMIT APPLICATIONS FILED ON/AFTER SEPT. 1, 2015

*****This is only a guide, NOT legal advice. Please contact an attorney if you would like advice on a specific case.*****

Time Between Deadline/Events	Deadline or Event	Notes
Submittal of application commences the process	Within 10 days, TCEQ Staff must complete administrative review to determine whether all info has been included in application. Staff will send notice of deficiency (NOD) letter, allowing applicant 30 days (may extend to 60 days) to respond. Once all information is included staff will declare the application is "administratively complete."	The comment period is now opened, and the public can request to be put on the mailing list, submit comments, submit requests for CCH, and request a public meeting.
Immediately after the application is declared administratively complete	Staff will publish the Notice of Receipt of Application and Intent to Obtain Permit Public (NORI). Technical review of the application will begin and can take several months or longer. TCEQ Staff will issue NODs as necessary.	
Immediately after technical review is complete	Staff will issue the Notice of Application and Preliminary Decision (NAPD) and Draft Permit. The applicant must publish notice according to rules. This opens the formal comment period on the draft permit, which usually ends 30 days after NAPD is published, unless a public meeting is held or the deadline is otherwise extended.*	
	*A Public Meeting will be granted only upon if a legislator requests one or if enough community interest exists in the application. The public comment deadline is extended to date of public meeting.	Public meetings typically consist of two parts: first, the informal question and answer, and second, when public comments are received on the record.
30 days (or more) after Draft Permit issued/NAPD published	Public comment period closes. Comments should include all issues anticipated to be raised in a contested case hearing. It's better to include too many, than too few. Any person or any organization who may want to contest the draft permit should submit comments on their own behalf; no one may incorporate comments made by someone else.	**At any time, the applicant may request a Direct Referral. (More below.)
60 days after comment period has ended (could be longer)	Staff prepares a Response to Comments (RTC) and sends it to commenters with instructions on how to request a hearing. Staff may take more than 60 days to issue the RTC, if the TCEQ received voluminous comments.	
30 days after TCEQ mails Response to Comments	Deadline for submitting requests for contested case hearings. Hearing requests must be submitted within 30 days and include all issues that are anticipated to be raised during the hearing as well as all the items required by law.	** If the Applicant requests a Direct Referral, ALL issues are up for debate at hearing. And SOAH can take jurisdiction immediately.
About two weeks after hearing request period has ended (or longer)	Notice of upcoming TCEQ Commissioners' public meeting on the hearing request is usually 35-45 days before the Commissioners' meeting to consider the hearing requests. During this time, the Applicant and TCEQ Staff have the opportunity to file responses to hearing requests. Requestors may file replies to the Applicant/Staff's responses.	If the Applicant requests a Direct Referral, the application will go directly to SOAH for a hearing on ALL possible issues. Skip these two steps in the shaded rows.
At least 9 days after replies.	Meeting of the TCEQ Commissioners to consider hearing requests. If the Commissioners grant a hearing, they will issue a written order (usually about one week after the meeting) that sets out the time limits for the hearing and the list of disputed issues to be considered.	

30 to 60 days after Commissioners send application to SOAH or Applicant asks for a Direct Referral	Public notice of a preliminary hearing will be mailed and published. Notice will include the time and place of preliminary hearing. It will not take place at TCEQ, but will either be at the State Office of Administrative Hearings (“SOAH”) (in Austin) or at local public space near affected community (such as a school).	
30 days after notice of preliminary hearing	Preliminary hearing is held. An Administrative Law Judge (“ALJ”) from SOAH will convene a preliminary hearing where he or she will name parties and set a procedural schedule, based on input from parties.	The procedural schedule will include dates by which all parties must designate experts, complete discovery, and pre-file testimony.
~ 4 months after preliminary hearing (maybe longer)	Hearing on the Merits. May last one day or one week. They are much like trials, with live witness testimony, documentary evidence, objections, and legal arguments.	
5-10 days after the hearing on merits	Preparation of the transcript of the hearing by court reporters.	
15 to 20 days after transcript	Filing of written final, closing argument. This is a legal brief that parties submit to advocate their positions to the ALJ.	
7 to 15 days after closing arguments	Responses to final written arguments of others are filed.	
30 to 60 days after filings	Recommendation by ALJ called Proposal for Decision (“PFD”), which recommends either denial of permit, granting of permit, or granting of permit with special conditions. The PFD also includes a proposed order with findings of fact and conclusions of law.	
20 days after PFD	Deadline for parties to file written exceptions to PFD, explaining to the Commissioners why ALJ was wrong. Within another 10 days, parties may file responses.	
30 days (or more)	Meeting of the Commissioners to consider the PFD. The Commission will issue a written order expressing their final decision which will be mailed to all parties. The Commission may approve, deny, or modify PFD.	The Commissioners usually make a final decision the same day.
25 days later	Deadline to file motion for rehearing to ask the Commissioners to reconsider their decision. The Commission may grant or deny the motion for rehearing. Often the motion for rehearing is overruled “by operation of law” if the Commission does nothing in 55 days.	This is a prerequisite to any appeal of the decision to district court.
30 days after motion for rehearing is denied	Deadline to file appeal in district court.	An appeal is not a full blown trial, because it is on the administrative record that has already been built.

***** At any stage of the process, the parties may agree to settle the case. *****

The TCEQ and SOAH have mediators, or parties may hire independent mediators to help reach a settlement.