

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application by Silesia Properties, LP for new TCEQ Water Quality Permit No. WQ0015835001; TCEQ Docket No. 2020-1246-MWD.

On November 4, 2020, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by several individuals/entities concerning the application by Silesia Properties, LP (Applicant) for new TCEQ Water Quality Permit No. WQ0015835001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 0.365 million gallons per day in the Final phase via a public access subsurface area drip dispersal system in Comal County, Texas. 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 for hearing filed by the Executive Director, Office of Public Interest Counsel, and Applicant; the requesters' replies; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Bulverde Neighborhoods for Clean Water, Greater Edwards Aquifer Alliance, Texas Cave Management Association, Inc., Dennis and Joanne Dawson, and Joyce Moore and the Honey Creek Spring Ranch, LP, are affected persons under applicable law and that their hearing requests should be

granted. In addition, all remaining hearing requests and all requests for reconsideration were denied.

The Commission also determined whether the affected persons' requests for hearing raised disputed issues of fact that were raised during the comment period that are relevant and material to its decision on the application. The Commission determined that the following issues met these requirements, and directed that they be referred to the State Office of Administrative Hearings (SOAH): A) Whether the draft permit will be protective of nearby groundwater and surface water quality; B) Whether the draft permit will be protective of the health of requesters and their families, livestock, and wildlife; C) Whether the operator requirements of the draft permit are sufficient to ensure adequate management and oversight of the facility; D) Whether the Applicant provided an adequate effluent volume estimate in the application; E) Whether the design of the facility will satisfy the requirements of the subsurface area drip disposal rules; F) Whether operations under the draft permit will negatively impact affected persons' use of their property under applicable regulations; G) Whether the effluent land application rates under the draft permit are adequately protective; and H) Whether the Applicant properly demonstrated a need for the permit as required by Texas Water Code § 26.0282.

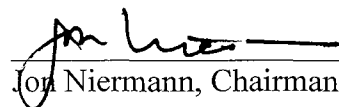
Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.

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

- (1) The hearing requests filed by Bulverde Neighborhoods for Clean Water; Greater Edwards Aquifer Alliance; Texas Cave Management Association, Inc.; Dennis and Joanne Dawson; and Joyce Moore and the Honey Creek Spring Ranch, LP are hereby GRANTED;

- (2) The remaining hearing requests and all requests for reconsideration are hereby DENIED;
- (3) The Chief Clerk shall refer to SOAH the following issues for a contested case hearing on the application:
 - A) Whether the draft permit will be protective of nearby groundwater and surface water quality;
 - B) Whether the draft permit will be protective of the health of requesters and their families, livestock, and wildlife;
 - C) Whether the operator requirements of the draft permit are sufficient to ensure adequate management and oversight of the facility;
 - D) Whether the Applicant provided an adequate effluent volume estimate in the application;
 - E) Whether the design of the facility will satisfy the requirements of the subsurface area drip disposal rules;
 - F) Whether operations under the draft permit will negatively impact affected persons' use of their property under applicable regulations;
 - G) Whether the effluent land application rates under the draft permit are adequately protective; and
 - H) Whether the Applicant properly demonstrated a need for the permit as required by Texas Water Code § 26.0282;
- 4) The maximum duration of the hearing is set at 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH; and
- 5) 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.

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ENVIRONMENTAL QUALITY


Jon Niermann, Chairman

11/10/2020
Date Signed