

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application by City of Granbury for new Texas Pollutant Discharge Elimination System Permit No. WQ0015821001; TCEQ Docket No. 2021-1001-MWD.

On September 22, 2021, the Texas Commission on Environmental Quality (Commission) considered during its open meeting the requests for a contested case hearing and request for reconsideration concerning the application by the City of Granbury (Applicant) for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015821001. The application seeks authorization to discharge treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day in the interim phase and 2,000,000 gallons per day in the final phase. The proposed wastewater treatment facility will be located at 3121 Old Granbury Road, Granbury, in Hood County, Texas 76049.

The Commission received timely hearing requests that were not withdrawn from Bennett's Camping Center and RV Ranch and several individuals. All of the requests 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 Applicant, the Executive Director, and the Office of Public Interest Counsel; the replies filed by Judith Gagliardo, Ronnie and Dianne Hasty, Woody Frossard, Jason Nolte, John and Susan Meche, Walter Shaw and Victoria Calder, Stacy and Jim Rist, and Bennett's Camping Center and RV Ranch; all timely public comment; and the Executive Director's Response to Comments.

After an evaluation of all relevant filings, the Commission determined that Bennett's Camping Center and RV Ranch, Walter Shaw and Victoria Calder, Debra and Peter Cook, Doris and John Faber, Woody Frossard, Judith Gagliardo, Cynthia and Norman Gookins, George and

Cynthia Griffin, Ronnie and Dianne Hasty, Kay and Bud Lowack, John and Susan Meche, David and Kathy Montgomery, Keith and Colleen Nielsen, Jason Nolte, Stacy and Jim Rist, and Paul Williams qualify as affected persons, as provided by applicable law. The Commission determined that the remaining hearing requests and requests for reconsideration be denied.

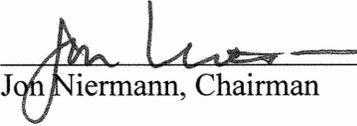
The Commission next determined whether the requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment period and are relevant and material to its decision on the application. The Commission determined that the following issues meet those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing: a) whether the draft permit complies with applicable requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13(e); b) whether the draft permit is protective of water quality; c) whether the draft permit is protective of groundwater and wells; d) whether the draft permit is protective of the health of the requesters and their families, livestock, and wildlife, including endangered species; e) whether the proposed discharge will adversely impact recreational activities; f) whether the application is accurate and complete; g) whether the modeling complies with applicable regulations to ensure the draft permit is protective of water quality; h) whether the ED's antidegradation review was accurate; i) whether the nutrient limits in the draft permit comply with applicable Texas Surface Water Quality Standards; j) whether the Commission should deny or alter the terms and conditions of the draft permit based on the consideration of need under Texas Water Code § 26.0282; k) whether the Applicant's compliance history or technical capabilities raise any issues regarding the Applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit; l) whether the proposed location for the facility complies with the 100-year flood plain and wetland location standards found in 30 TAC § 309.13(a) and (b); and m) whether Applicant substantially complied with applicable public notice requirements. The Commission specified a maximum duration for the contested case hearing of 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 requests for a contested case hearing filed by Bennett's Camping Center and RV Ranch, Walter Shaw and Victoria Calder, Debra and Peter Cook, Doris and John Faber, Woody Frossard, Judith Gagliardo, Cynthia and Norman Gookins, George and Cynthia Griffin, Ronnie and Dianne Hasty, Kay and Bud Lowack, John and Susan Meche, David and Kathy Montgomery, Keith and Colleen Nielsen, Jason Nolte, Stacy and Jim Rist, and Paul Williams are hereby GRANTED;
2. All other hearing requests and the requests for reconsideration are hereby DENIED;
3. The following issues are referred to SOAH for a contested case hearing on the application:
  - A) Whether the draft permit complies with applicable requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13(e);
  - B) Whether the draft permit is protective of water quality;
  - C) Whether the draft permit is protective of groundwater and wells;
  - D) Whether the draft permit is protective of the health of the requesters and their families, livestock, and wildlife, including endangered species;
  - E) Whether the proposed discharge will adversely impact recreational activities;
  - F) Whether the application is accurate and complete;
  - G) Whether the modeling complies with applicable regulations to ensure the draft permit is protective of water quality;
  - H) Whether the ED's antidegradation review was accurate;
  - I) Whether the nutrient limits in the draft permit comply with applicable Texas Surface Water Quality Standards;
  - J) Whether the Commission should deny or alter the terms and conditions of the draft permit based on the consideration of need under Texas Water Code § 26.0282;
  - K) Whether the Applicant's compliance history or technical capabilities raise any issues regarding the Applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit;
  - L) Whether the proposed location for the Facility complies with the 100-year flood plain and wetland location standards found in 30 TAC § 309.13(a) and (b); and
  - M) Whether Applicant substantially complied with applicable public notice requirements;
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 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by the SOAH; 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

  
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Jon Niermann, Chairman

9/29/21  
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Date Signed