

**SOAH DOCKET NO. 582-22-1017
TCEQ DOCKET NO. 2021-1211-MWD**

**APPLICATION BY THE CITY OF § BEFORE THE STATE OFFICE
FORT WORTH FOR NEW TPDES §
PERMIT NO. WQ0015668001. § OF
§ ADMINISTRATIVE HEARINGS**

**ORDER NO. 3
ADOPTING REVISED AGREED PROCEDURAL SCHEDULE;
RESETTING HEARING ON THE MERITS**

On March 23, 2022, the City of Fort Worth moved to adopt an agreed revised procedural schedule with a hearing on the merits later than that agreed to at the preliminary hearing. To accommodate this later hearing,¹ the City has agreed to extend the deadline for a proposal for decision pursuant to under Tex. Gov't Code § 2003.047(e-3)(1). The extension is APPROVED and the agreed procedural schedule is ADOPTED.

II. PROCEDURAL SCHEDULE

Pursuant to the proposed procedural schedule, the following schedule is adopted and shall control absent further order.

Deadline	Action
February 28, 2022	Preliminary Hearing; administrative record admitted
April 5, 2022	Discovery begins. By agreement, Parties' objections and responses are due 21 days from date written discovery requests are served. Notices of deposition must be served on all parties at least 10 days prior to date of deposition.
April 15, 2022	Deadline for all parties to make Initial Disclosures under TRCP 194.2(a) and 194.2(b)

¹ The City's motion refers to a hearing July 28-30, however, the procedural schedule places the hearing June 28-30. The ALJ assumes the July reference was in error.

April 19, 2022	Deadline for Protestants and OPIC to designate expert witnesses and provide materials under TRCP 195.5(a)
May 2, 2022	Last day to serve written discovery on Protestants and OPIC
May 3, 2022	Deadline for Applicant and ED to designate expert witnesses and provide materials under TRCP 195.5(a)
May 23, 2022	Last day to serve written discovery on Applicant and ED
May 23, 2022	Discovery ends for Protestants and OPIC
May 27, 2022	Deadline for Protestants and OPIC to file direct cases, including testimony, proposed order of witnesses, and exhibits
June 13, 2022	Discovery ends for Applicant and ED
June 17, 2022	Deadline for Applicant and ED to file additional evidence, if any, including testimony, proposed order of witnesses, and exhibits
June 20, 2022	Deadline for Pretrial Disclosures subject to TRCP 194.4(a)
June 30, 2022	Deadline to file dispositive motions and any objections to and motions to strike pre-filed evidence
July 5, 2022	Deadline for all parties to file responses to objections to and motions to strike pre-filed testimony and exhibits
July 8, 2022	Pre-hearing conference to rule on objections, pending motions, and other prehearing matters
July 18-20, 2022 (Monday-Wednesday)	Hearing on the Merits
July 25, 2022	Expedited Transcript
August 5, 2022	Deadline for closing arguments
August 19, 2022	Deadline for replies to closing arguments
October 18, 2022	Proposal for Decision due (232 days from preliminary hearing by agreement of parties under Tex. Gov't Code § 2003.047(e-3))

Except for hearing dates, which may only be modified by order upon proper motion, any of the foregoing deadlines may be modified without further order by filing a written agreement of all parties.

Marking Exhibits. Exhibits should be numbered sequentially, preceded by the party name or abbreviation. For example, the executive director's exhibits should be labeled Executive Director Exhibit 1, 2, etc., or ED Ex. 1, 2, etc.; the applicant's exhibits should be labeled Fort Worth exhibits 1, 2, etc., or FW Ex. 1, 2, etc.; and so on for each party. Exhibits should not be marked by witness name. Multipage documents shall be paginated or Bates-stamped. As a general rule, attachments to testimony should be marked as such, and not as a separate exhibit. For example, the executive director files the testimony of John Doe, which includes attachments A-F. This should be labeled ED Ex. 1 (John Doe). Attachments A-F should not be separately marked or offered.

II. PREHEARING CONFERENCE

A prehearing conference will convene **at 10 a.m., on July 8, 2022** via video conference. Access the hearing by going to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, selecting "Join a Meeting," and entering the following Meeting ID and passcode:

Meeting ID: 161 988 0518
Passcode: FW-0624

You may also join by telephone by calling **(669) 254-5252** and entering the following Meeting ID and passcode.

Meeting ID: 161 988 0518
Passcode: 9927421

You may access information for participating in a zoom meeting at www.zoom.us under the "support" tab.

III. HEARING ON THE MERITS

A hearing on the merits will convene in this matter via the video conference platform beginning **July 18, 2022**. The hearing is expected to last three days.

Access the hearing by going to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, selecting “Join a Meeting,” and entering the following Meeting ID and passcode:

Meeting ID: 161 025 5709

Passcode: FW-0628

You may also join by telephone by calling **(669) 254-5252** and entering the following Meeting ID and passcode.

Meeting ID: 161 025 5709

Passcode: 2262139

Routine procedural and logistical questions may be directed to the ALJ’s Legal Secretary, Nadia Martinez at nadia.martinez@soah.texas.gov.

SIGNED March 25, 2022.



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS