

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY  
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DOCUMENT, WHICH IS FILED IN THE PERMANENT RECORDS

NOV 09 2021

OF THE COMMISSION, GIVEN UNDER MY HAND AND THE  
SEAL OF OFFICE ON

*Laurie Harris*  
LAURIE HARRIS, CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**AN INTERIM ORDER** concerning the application by City of Fort Worth for new Texas Pollutant Discharge Elimination System Permit No. WQ0015668001; TCEQ Docket No. 2021-1211-MWD.

On November 3, 2021, the Texas Commission on Environmental Quality (Commission) considered during its open meeting several requests for hearing and reconsideration concerning the application by City of Fort Worth (Applicant) for new Texas Pollutant Discharge Elimination System Permit No. WQ0015668001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 15,000,000 gallons per day in the final phase at a site located at 11091 Chapin Road, Fort Worth, Tarrant County, Texas 76108. The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code (TAC) Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; replies; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that Martha Leonard is an affected person under applicable law and granted her hearing request. The Commission also determined to refer the hearing request filed by Tarrant Regional Water District to the State Office of Administrative Hearings (SOAH) for a preliminary determination on whether Tarrant Regional Water District qualifies as an affected person. All remaining hearing requests and requests for reconsideration were 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 the affected person(s) during the comment period, and that are relevant and material to its decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to SOAH: A) Whether the draft permit is protective of water quality, including nutrient limits, and the existing uses of the receiving waters in accordance with the Texas Surface Water Quality Standards; and B) Whether the draft permit includes adequate provisions to protect the health of nearby residents and their families and aquatic and terrestrial wildlife. The Commission then determined that if SOAH finds that Tarrant Regional Water District qualifies as an affected person in this matter, then refer to SOAH the following additional issues for adjudication: C) Whether the draft permit complies with applicable antidegradation requirements; and D) Whether the Applicant substantially complied with all applicable public notice requirements.

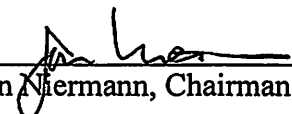
Finally, pursuant to 30 TAC § 50.115(d)(2), the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.

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

- (1) The hearing request filed by Martha Leonard is hereby GRANTED;
- (2) The following issues are REFERRED to SOAH for a contested case hearing on the application:
  - A) Whether the draft permit is protective of water quality, including nutrient limits, and the existing uses of the receiving waters in accordance with the Texas Surface Water Quality Standards; and
  - B) Whether the draft permit includes adequate provisions to protect the health of nearby residents and their families and aquatic and terrestrial wildlife;

- (3) The hearing request filed by Tarrant Regional Water District is REFERRED to SOAH for a determination on whether Tarrant Regional Water District qualifies as an affected person;
- (4) If SOAH finds that Tarrant Regional Water District qualifies as an affected person in this matter, then refer to SOAH the following additional issues for adjudication:
  - C) Whether the draft permit complies with applicable antidegradation requirements; and
  - D) Whether the Applicant substantially complied with all applicable public notice requirements;
- (5) The remaining hearing requests and all requests for reconsideration are hereby DENIED;
- (6) This matter is referred to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process;
- (7) 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
- (8) 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

11-9-21  
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Date Signed