

**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. 1
MEMORIALIZING PRELIMINARY HEARING; ORDER TO CONFER ON
PROCEDURAL SCHEDULE; SETTING HEARING ON THE MERITS**

On February 28, 2022 a preliminary hearing was held in this case. The executive director of the Texas Commission on Environmental Quality, the Office of Public Interest Counsel, the City of Fort Worth, and Tarrant Regional Water District appeared through counsel. Martha Leonard appeared on her own behalf.

I. JURISDICTION AND ADMINISTRATIVE RECORD

At the preliminary hearing, the Applicant offered the notice of hearing and the Administrative Records as Applicant’s Exhibits A and B, which were admitted for the limited purpose of establishing jurisdiction. The administrative law judge (ALJ) determined that jurisdiction was established.

II. PARTIES

After the admission of 13 exhibits¹ and hearing the testimony of two witnesses, the ALJ found the Tarrant Regional Water District an affected person and granted its request for party status. No other party sought party status. Accordingly, the following are parties to this proceeding:

¹ The exhibits (TRWD Exhibits A-M) and testimony was considered solely for the purpose of establishing affected person status.

1. The City of Fort Worth;
2. The Executive Director
3. The Office of Public Interest Counsel;
4. Martha Leonard; and
5. Tarrant Regional Water District.

II. PROCEDURAL SCHEDULE

The parties agreed to submit a joint propose procedural schedule by March 4, 2022. By that date, no procedural schedule was submitted.

The parties are ORDERED to confer and submitted a joint proposed procedural schedule by **March 11, 2022**. If the parties are unable to agree, they may file competing schedules with supporting argument.

III. HEARING ON THE MERITS

A hearing on the merits will convene in this matter via the Zoom video conference platform beginning **June 1, 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: 161 643 7012
Passcode: FW-0601

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

Meeting ID: 161 643 7012
Passcode: 4791215

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

Unless otherwise ordered, the following prehearing instructions shall be followed:

- **Exhibits and Witness Identification.** By May 27, 2022, the parties shall file²
 - all exhibits they intend to offer at the hearing on the merits, and provide the exhibits to the other party. Exhibits that are not prefiled may not be admitted into the record absent good cause.
 - a list of witnesses they intend to call to testify during the hearing, including contact information. Witnesses not named on the witness list, other than rebuttal witnesses, may be excluded from testifying.
- **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.

² Except as otherwise permitted by the SOAH Rules of Procedure, attorneys, state agencies, and other governmental entities are required to file all documents (including documentary exhibits) electronically through eFileTexas.gov and an electronic filing service provider certified by the Texas Office of Court Administration. *See* 1 Tex. Admin. Code § 155.101. **If you are not represented by an attorney and you do not wish to file documents electronically, you may continue to file documents by fax or by mail addressed to SOAH, P.O. Box 13025, Austin, Texas 78711-3025; by hand-delivery to the appropriate SOAH office.** All filings should identify the SOAH Docket Number and the parties to the contested case. With respect to documents filed by mail, fax, or hand-delivery, the time and date of the submission shall be determined by the file stamp affixed by SOAH. Any questions related to filing procedures can be directed to SOAH’s Docketing Division at (512) 475-4993.

- **Witness Preparation.** Prior to the hearing, the parties must provide to witnesses all documents necessary for their effective participation in the hearing. Parties should also speak to the witnesses they intend to call to testify and provide them the necessary videoconferencing information.

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

III. OTHER PROCEDURAL MATTERS

- Discovery may begin immediately pursuant to the Texas Rules of Civil Procedure and TCEQ rules.
- The parties agreed amongst themselves to accept electronic service of documents.

SIGNED March 8, 2022.



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS