

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 15, 2018

TO: Persons on the attached mailing list.

RE: City of Dripping Springs  
TCEQ Docket No. 2017-1749-MWD; TPDES Permit No. WQ0014488003

Enclosed is a copy of an interim order issued by the Commission regarding the above-referenced matter.

Should you have any questions, please contact Melissa Schmidt of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3317.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac  
Chief Clerk

BCB/ms

Enclosure

MAILING LIST  
for  
City of Dripping Springs  
TCEQ Docket No. 2017-1749-MWD  
TPDES Permit No. WQ0014488003

FOR THE APPLICANT:

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Ginger Faught, City Administrator  
City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620

Robert P. Callegari, P.E.  
CMA Engineering, Inc.  
235 Ledgestone Drive  
Austin, Texas 78737

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

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Texas Commission on Environmental  
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FOR THE CHIEF CLERK  
via electronic mail:

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## AN INTERIM ORDER

concerning the application by the City of Dripping Springs for new TPDES Permit No. WQ0014488003; TCEQ Docket No. 2017-1749-MWD.

On March 7, 2018, the Texas Commission on Environmental Quality (Commission) considered during its open meeting numerous requests for hearing concerning the application by the City of Dripping Springs (Applicant) for new TPDES Permit No. WQ0014488003, which seeks authorization to discharge treated domestic wastewater at a daily average flow not to exceed 995,000 gallons per day in the Final phase from the facility located at 23127 Ranch-to-Market Road 150, in Dripping Springs, Hays County, Texas. The requests for hearing 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 filed by the Applicant, Executive Director, and the Office of Public Interest Counsel; replies; all timely public comment; and the Executive Director's Response to Comment.

After evaluation of all relevant filings, the Commission determined that AlfredAlbert, LLC, Richard & Sarah Beggs, Holton Burns, Reed Burns, Michelle Oyler, Jeff Root, RPC Investments, Umari Partners LP, Protect Our Water, Save Barton Creek Association, and Save Our Springs Alliance are affected persons under applicable law and that their hearing requests



should be granted. The Commission also determined to refer the hearing request filed by the City of Austin to the State Office of Administrative Hearings (SOAH) for a preliminary determination on whether the City of Austin qualifies as an affected person. All remaining hearing requests 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 persons during the comment period, and which 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 contains sufficient provisions to prevent nuisance odors, protect the health of the requesters and wildlife in the area, and be protective of the requesters' use and enjoyment of their property; B) Whether the discharged effluent will violate the aesthetic parameters in 30 TAC § 307.4(b); C) Whether the draft permit will be protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards; D) Whether the proposed discharge will comply with the applicable antidegradation requirements; E) Whether the draft permit is protective of groundwater in the area; F) Whether the draft permit should include a requirement for biomonitoring or Whole Effluent Toxicity testing; G) Whether the proposed treatment process can satisfy the effluent limits in the draft permit; H) Whether the modeling analysis of the proposed effluent discharge is sufficient; I) Whether the draft permit will protect against the creation of algal blooms; J) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under Texas Water Code (TWC) § 26.0282, and the general policy to promote regional or area-wide systems under TWC § 26.081; K) Whether the Applicant's compliance history raises 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; and L) Whether the Applicant substantially complied with all applicable notice requirements.

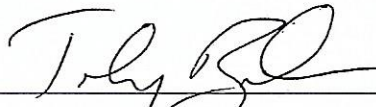
Finally, pursuant to 30 TAC § 50.115(d)(2), the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH.

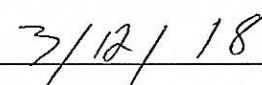
NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- (1) The hearing requests filed by AlfredAlbert, LLC; Richard & Sarah Beggs; Holton Burns; Reed Burns; Michelle Oyler; Jeff Root; RPC Investments; Umari Partners LP; Protect Our Water; Save Barton Creek Association; and Save Our Springs Alliance are hereby GRANTED;
- (2) REFER the City of Austin's hearing request to SOAH for a determination on whether it qualifies as an affected person;
- (3) The remaining hearing requests and all requests for reconsideration are hereby DENIED;
- (4) The following issues are referred to SOAH for a contested case hearing on the application:
  - A) Whether the draft permit contains sufficient provisions to prevent nuisance odors, protect the health of the requesters and wildlife in the area, and be protective of the requesters' use and enjoyment of their property;
  - B) Whether the discharged effluent will violate the aesthetic parameters in 30 TAC § 307.4(b);
  - C) Whether the draft permit will be protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards;
  - D) Whether the proposed discharge will comply with the applicable antidegradation requirements;
  - E) Whether the draft permit is protective of groundwater in the area;

- F) Whether the draft permit should include a requirement for biomonitoring or Whole Effluent Toxicity testing;
  - G) Whether the proposed treatment process can satisfy the effluent limits in the draft permit;
  - H) Whether the modeling analysis of the proposed effluent discharge is sufficient;
  - I) Whether the draft permit will protect against the creation of algal blooms;
  - J) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under TWC § 26.0282, and the general policy to promote regional or area-wide systems under TWC § 26.081;
  - K) Whether the Applicant's compliance history raises 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; and
  - L) Whether the Applicant substantially complied with all applicable notice requirements;
- (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 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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Toby Baker, Commissioner

  
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Date Signed