

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING**  
**PHAU - Lockhart 450, LLC**  
**SOAH Docket No. 582-23-15497**  
**TCEQ Docket No. 2022-1700-MWD**  
**TPDES Permit No. WQ0016107001**

## **APPLICATION.**

PHAU-Lockhart 450 LLC, 9000 Gulf Freeway, Houston, Texas 77017, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016107001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 499,000 gallons per day. TCEQ received this application on February 2, 2022.

The facility will be located approximately 0.75 miles southeast of the intersection of Clark Loop and State Highway 142, in Caldwell County, Texas 78644. The treated effluent will be discharged to Clear Fork Plum Creek, thence to Plum Creek in Segment No. 1810 of the Guadalupe River Basin. The unclassified receiving water use is high aquatic life use for Clear Fork Plum Creek. The designated uses for Segment No. 1810 are primary contact recreation, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code Section 307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Clear Fork Plum Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-97.735277%2C29.874722&level=12>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are



available for viewing and copying at Dr. Eugene Clark Library, 217 South Main Street, Lockhart, Texas.

**CONTESTED CASE HEARING.**

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**10:00 a.m. – May 31, 2023**

**To join the Zoom meeting via computer:**

**<https://soah-texas.zoomgov.com/>**

Meeting ID: 161 729 9371

Password: TCEQ5497

or

**To join the Zoom meeting via telephone:**

**(669) 254-5252 or (646) 828-7666**

Meeting ID: 161 729 9371

Password: 27293918

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>  
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on February 13, 2023. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov/), or in printed format upon request to SOAH.”**

**INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at our web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Further information may also be obtained from Phau-Lockhart 450 LLC at the address stated above or by calling Mr. Nick McIntyre at 713-948-7841.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: April 19, 2023

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality