Marisa Weber

From:	PUBCOMMENT-OCC
Sent:	Monday, October 12, 2015 4:27 PM
To:	PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject:	FW: Public comment on Permit Number WRPERM 13071
Attachments:	NWF hearing request re. City of Pearland WR No. 13071.pdf

H

WR/91270

From: kellougha@nwf.org [mailto:kellougha@nwf.org]
Sent: Monday, October 12, 2015 4:23 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 13071

REGULATED ENTY NAME WRPERM 13071

RN NUMBER: RN107142614

PERMIT NUMBER: WRPERM 13071

DOCKET NUMBER:

COUNTY: BRAZORIA

PRINCIPAL NAME: CITY OF PEARLAND

CN NUMBER: CN600595052

FROM

NAME: Annie Kellough (Myron Hess)

E-MAIL: kellougha@nwf.org

COMPANY: National Wildlife Federation

ADDRESS: 44 EAST AVE Suite 200
AUSTIN TX 78701-4384

PHONE: 5126107751

FAX: 5124769810

COMMENTS: See attached hearing request.

MW

NATIONAL WILDLIFE FEDERATION

SOUTH CENTRAL REGIONAL CENTER
44 East Avenue, Suite 200
Austin, Texas 78701

www.nwf.org/southcentral
scrc@nwf.org
512-476-9805

October 12, 2015

VIA E-FILING
Ms. Bridget Bohac
Office of the Chief Clerk
MC 105, TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Re: Request for Contested Case Hearing in the Matter of the Application by City of Pearland for Water Use Permit No. 13071

Dear Ms. Bohac:

The National Wildlife Federation ("NWF") hereby requests a contested case hearing on the above-referenced application. This request for a contested case hearing is submitted on behalf of the National Wildlife Federation through its South Central Regional Center. The contact information for NWF in this matter is as follows:

Annie Kellough
National Wildlife Federation
44 East Ave., Suite 200
Austin, Texas 78701
Phone: 512-610-7751
Email: kellougha@nwf.org
Facsimile: 512-476-9810

This is a **REQUEST FOR A CONTESTED CASE HEARING** on the application by the City of Pearland for Water Use Permit 13071. The application has been declared administratively complete by TCEQ and a draft permit has been issued.

The National Wildlife Federation would be affected if this application is granted in a way that is not common to the general public because NWF is a national, non-profit organization dedicated to protecting the ecosystems that are most critical to wildlife in America. NWF members support our organization because they support the protection of fish and wildlife resources. In particular, NWF diligently works through its South Central Regional Center to ensure adequate instream flows in rivers and streams and freshwater inflows into bays and estuaries to support fish and wildlife resources in Texas. NWF has thousands of members in Texas who rely upon Texas rivers and bays for both recreation as well as economic benefit.

NWF is concerned with the draft permit as it is written because, among other reasons, it would allow unduly reduced flows in Clear Creek and freshwater inflow into Clear Lake, an important secondary bay of the larger Galveston Bay system. In particular, the instream flow criteria proposed in the draft permit, in our view, are inadequate to prevent harm to the aquatic ecosystem of Clear Creek or to protect the marshlands and other important biologic communities of Clear Lake and Galveston Bay. Galveston Bay is the most productive bay in Texas for oysters and is an essential habitat for many marine and avian species. The health of estuarine ecosystems are highly dependent on adequate freshwater inflows from rivers and streams, yet inflows into Galveston Bay are already on the decline. Return flows have historically played an important role in protecting inflows into Galveston Bay and will be even more important as an inflow source in the future. Although we support the reuse of wastewater return flows as an important water supply source for consumptive use, we believe it is essential to strike an appropriate balance.

Additionally, the draft permit's water conservation language fails to impose any meaningful requirement. NWF, and its members, have interests adversely affected by, but not limited to, these issues and the shortcomings of the language in the draft permit.

NWF has many members with property downstream of the City of Pearland's requested diversion point along Clear Creek, Clear Lake and Galveston Bay, who are concerned about those fish and wildlife resources specifically.

The protection of flow in tributaries to, and overall inflows into, Galveston Bay is a large focus of work for NWF and NWF is an interested party in ensuring that flows to the bay are not diminished to the level that they can no longer support a healthy ecosystem or the economic activities that rely upon the natural productivity of the bay. The draft permit would adversely affect NWF's interest in protecting Galveston Bay and its fish and wildlife resources and would adversely affect NWF's members' interests in protecting the resources for their own use and enjoyment as well.

NWF is eager to work with the City and the Executive Director of TCEQ to address our concerns in an attempt to avoid the need for a contested case hearing. We will be reaching out to representatives of the City to explore options for doing so. However, please consider this a formal request by NWF for a contested case hearing on the City of Pearland's application.

Please contact Annie Kellough with any questions or requests for additional information.

Sincerely,

Myron Hess
Manager, Texas Water Programs/Counsel

LAW OFFICES OF

JACKSON, SJOBERG, McCARTHY & TOWNSEND, L.L.P.

711 WEST 7TH STREET
AUSTIN, TEXAS 78701-2785
(512) 472-7600
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ROBERT C. WILSON
MARC O. KNISELY**

EDMOND R. MCCARTHY, III

†Licensed in Texas and Tennessee

www.jacksonsjoberg.com

WR/91270

September 30, 2015

The Honorable Bridget Bohac
Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Via Facsimile & Certified Mail, Return Receipt Requested

REVIEWED
OCT 02 2015
By

2015 OCT -1 PM 2:29
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Application No. 13071- City of Pearland

Dear Ms. Bohac:

I am writing on behalf of the City of Houston ("Houston") in response to the notice of the above-referenced Application No. 13071 (the "Application") filed by the City of Pearland (the "City") to transport return flows of treated effluent produced pursuant to the City's TPDES Permit No. WQ0010134008. The City proposes to capture and transport an unspecified volume of treated effluent using the bed and banks of an unnamed tributary of Clear Creek, a tributary of the San Antonio-Brazos Coastal Basin to its point of diversion for irrigation of up to 280 acres of land (the "Permit"). The source of the City's effluent is a combination of surface water and groundwater a large portion of which is provided by the City of Houston from its water resource inventory pursuant to a long-term municipal water supply contract. A copy of the notice reviewed by the City dated August 20, 2015, is attached for reference (Appendix "A").

Please consider this letter as the City of Houston's request for the Commission to conduct a contested case hearing on the Application.

The City of Houston relies upon the San Jacinto-Brazos Coastal Basin, as well as other water resources, for its municipal water supplies to provide water to more than 3 million customers in Houston and its environs, including Harris and Fort Bend Counties, Texas. The City of Houston is the owner of, and/or has contracts for, multiple water rights in the San Jacinto and Brazos River Basins, including Certificates of Adjudication Nos. 10-4965, 10-4963, 10-5807, 10-5808, 10-5826, 10-5827 and Permit No. 2925. Additionally, the affected Coastal Basin provides the fresh water inflows to the Galveston Bay and its estuaries, all of which contribute to the economic well-being and quality of life of the City of Houston and its citizens. Finally, as noted above, the source of much of the City of Pearland's water originates from the City of Houston pursuant to a long-term water supply contract. The sources of water relied upon by the City of Houston to supply Pearland, once beneficially used by Pearland's customers for the contracted purposes, are needed to be used for other beneficial purposes by the City of Houston,

including maintaining freshwater inflows into Galveston Bay and its estuary systems for ecological as well as economic reasons.

Accordingly, the City of Houston has direct health and safety interests, as well as water rights and pecuniary interests, associated with the condition and well-being of the Coastal Basin and the potential impacts that the above-referenced Application might have on the river system and Galveston Bay, if granted.

For these reasons, in order to protect the City's rights and afford adequate opportunity to review the Application, and any proposed Permit that may be published by the Executive Director for consideration by the Commission, the City of Houston requests that the Commission conduct a contested case hearing on the Application.

On behalf of the City of Houston, I request that the Commission and the Executive Director's staff provide the City with copies of all proposed Permit drafts, technical memoranda, and any other evaluations, and/or any notices proposed, promulgated, or published by the Commission or the Executive Director's staff related to this Application. Please have these documents sent to my attention using the following contact information:

Edmond R. McCarthy, Jr.
Jackson, Sjoberg, McCarthy & Townsend, LLP
711 W. 7th Street
Austin, Texas 78701
Ph. (512) 225-5606
Fax (512) 225-5565
Cell (512) 426-7138
E-mail: emccarthy@jacksonsjoberg.com

Please note that this request is conditional. After further review and evaluation of the Application and its potential impacts, Houston hopes to reach an agreement with the Commission and the City of Pearland on the Application that will address Houston's interest in providing for the health and well-being of the affected Coastal Basin, Galveston Bay and its estuary system, as well as protecting Houston's water rights and other affected economic and downstream interests. Assuming that effort is successful, the City would be able to withdraw its contested case hearing request.

Thank you for your assistance.

Sincerely,

JACKSON SJOBERG MCCARTHY & TOWNSEND, LLP

Edmond R. McCarthy, Jr.
Attorneys for the City of Houston

Encl.

cc: City of Houston
Attn: Mr. Jun Chang, Deputy Director, Public Works & Engineering Dept.
Ms. Carol Haddock, Engineer, Public Works & Engineering Dept.
Mr. Auggie Campbell, Assistant City Attorney, City Attorney's Office

Appendix "A"

Notice reviewed by the City dated August 20, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF AN APPLICATION
FOR A WATER USE PERMIT

APPLICATION NO. 13071

City of Pearland has applied for a Water Use Permit to use the bed and banks of an unnamed tributary of Clear Creek and Clear Creek, San Jacinto-Brazos Coastal Basin, Brazoria County to convey return flows from the City's Far Northwest Wastewater Treatment Facility for off-channel recreation storage and subsequent diversion. More information on the application and how to participate in the permitting process is given below.

APPLICATION. City of Pearland, 3519 Liberty Drive, Pearland, Texas 77581, Applicant, seeks a Water Use Permit pursuant to Texas Water Code §§11.121, 11.042 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, *et seq.* Notice is being mailed and published pursuant to title 30 TAC §295.151 to the water right holders of record in the San Jacinto–Brazos Coastal Basin.

The Applicant has applied for a Water Use Permit to divert and use not to exceed 280 acre-feet per year of those historically discharged surface water and groundwater-based return flows from the Far Northwest Wastewater Treatment Facility permitted under TPDES Permit No. WQ0010134008.

The Applicant also seeks to use the bed and banks of an unnamed tributary of Clear Creek and Clear Creek, San Jacinto-Brazos Coastal Basin to convey return flows.

The return flows will be diverted from a point on Clear Creek at a maximum diversion rate of 1.546 cfs (694 gpm) for storage in off-channel recreation reservoirs and subsequent diversion for agricultural purposes to irrigate 280 acres of land in Brazoria County, Texas.

The Applicant estimates that a maximum of 60% of the return flows originate from surface water.

The Applicant and Country Place Master Community Association (CPMCA) have entered into a *Transferred Water Agreement by and between Country Place Master Community Association and City Of Pearland, Texas,* as CPMCA owns the land

inundated by the off-channel reservoirs and the land to be irrigated. The reservoirs are located approximately 29 miles north, northeast of the City of Angleton in Brazoria County, and described as follows:

1. Amenity Lake No. 1, is located at 29.584942°N Latitude, 95.375078°W Longitude also bearing N 80°W, 1,442.31 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

2. Amenity Lake No. 2, is located at 29.583788°N Latitude, 95.383122°W Longitude also bearing N 80°W, 1,442.31 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

3. Amenity Lake No. 3, is located at 29.582515°N Latitude, 95.364149°W Longitude also bearing S 74°E, 2,153.98 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

4. Lake No. 1, is located at 29.579256°N Latitude, 95.375280°W Longitude also bearing S 42°W, 2,378.17 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

5. Lake No. 10/11, is located at 29.582545°N Latitude, 95.368908°W Longitude also bearing S 42°E, 847.47 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

The proposed discharge point is located on an unnamed tributary of Clear Creek at 29.579967°N Latitude, 95.409467°W Longitude also bearing S 74 °E, 969 feet from the northwest corner of the T.C.R.R Co Original Survey, Abstract No. 678, approximately 28.5 miles north of the City of Angleton in Brazoria County, Texas.

The proposed diversion point is located on Clear Creek at 29.585118°N Latitude, 95.366299°W Longitude also bearing N 79°E, 1,395.60 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503, approximately 28.8 miles north of the City of Angleton in Brazoria County, Texas.

The application was received on August 1, 2013, and additional information and fees were received on December 13, 2013, February 25, 2014, and June 3, 2015. The application was declared administratively complete and filed with the Office of the Chief Clerk on March 7, 2014.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions, including but not limited to, streamflow restrictions and recorded daily measurement of return flows. The application and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, TX 78753.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of

newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[*I/we*] request a contested case hearing"; (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

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INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at http://www.tceq.texas.gov/about/comments.html by entering WRPERM 13071 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al http://www.tceq.texas.gov

Issued: August 20, 2015

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JACKSON, SJOB

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERKS OFFICE

The Honorable Bridget Bohac
Chief Clerk (MC 105)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED
OCT 01 2015
TCEQ MAIL CENTER
CJ

LAW OFFICES OF

JACKSON, SJOBERG, McCARTHY & TOWNSEND, L.L.P.

711 WEST 7TH STREET
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TEXAS BOARD OF LEGAL SPECIALIZATION

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OF COUNSEL
ROBERT C. WILSON
MARC O. KNISELY**

EDMOND R. McCARTHY, III

†Licensed in Texas and Tennessee

WR 91270

September 30, 2015

The Honorable Bridget Bohac
Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Via Facsimile & Certified Mail,
Return Receipt Requested

REVIEWED
SEP 30 2015
By

CHIEF CLERKS OFFICE
2015 SEP 30 AM 10 20
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Application No. 13071- City of Pearland

Dear Ms. Bohac:

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Austin, Texas 78701
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Fax (512) 225-5565
Cell (512) 426-7138
E-mail: emccarthy@jacksonsjoberg.com

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JACKSON SJOBERG MCCARTHY & TOWNSEND, LLP

Edmond R. McCarthy, Jr.
Attorneys for the City of Houston

Encl.

cc: City of Houston
Attn: Mr. Jun Chang, Deputy Director, Public Works & Engineering Dept.
Ms. Carol Haddock, Engineer, Public Works & Engineering Dept.
Mr. Auggie Campbell, Assistant City Attorney, City Attorney's Office

Appendix "A"

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Issued: August 20, 2015

Law Offices Of
JACKSON, SJOBERG, McCARTHY & TOWNSEND, L.L.P.
711 WEST 7TH STREET
AUSTIN, TEXAS 78701-2785
(512) 472-7600
FAX (512) 225-5565
SENDER'S DID (512) 225-5606

FACSIMILE TRANSMISSION

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain confidential information which is legally privileged and intended only for the use of the recipient named below. We request immediate notification by telephone of misrouted facsimile transmissions so that we may arrange for return of those documents to us. If you receive this facsimile transmission in error, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of the information contained in this facsimile transmission, is strictly prohibited.

DATE: September 30, 2015 **NO. PAGES (including cover):** 8

TO: Bridget C. Bohac, Chief Clerk **FAX NO.:** 512-239-3311 **CONTACT NO.:** 512-239-3300

FROM: Edmond R. McCarthy, Jr. **C/M NO.:**

RE: Application No. 13071 - City of Pearland

ATTACHMENT: Hearing Request Letter

MESSAGE:

ORIGINALS TO FOLLOW: YES ☒ NO ☐

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2015 SEP 30 AM 10:19
CHIEF CLERKS OFFICE

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September 30, 2015

WR 91270

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2015 SEP 30 AM 10:13
CHIEF CLERKS OFFICE

The Honorable Bridget Bohac
Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Via Facsimile & Certified Mail, Return Receipt Requested

REVIEWED
SEP 30 2015
By

H

Re: Application No. 13071- City of Pearland

Dear Ms. Bohac:

I am writing on behalf of the City of Houston ("Houston") in response to the notice of the above-referenced Application No. 13071 (the "Application") filed by the City of Pearland (the "City") to transport return flows of treated effluent produced pursuant to the City's TPDES Permit No. WQ0010134008. The City proposes to capture and transport an unspecified volume of treated effluent using the bed and banks of an unnamed tributary of Clear Creek, a tributary of the San Antonio-Brazos Coastal Basin to its point of diversion for irrigation of up to 280 acres of land (the "Permit"). The source of the City's effluent is a combination of surface water and groundwater a large portion of which is provided by the City of Houston from its water resource inventory pursuant to a long-term municipal water supply contract. A copy of the notice reviewed by the City dated August 20, 2015, is attached for reference (Appendix "A").

Please consider this letter as the City of Houston's request for the Commission to conduct a contested case hearing on the Application.

The City of Houston relies upon the San Jacinto-Brazos Coastal Basin, as well as other water resources, for its municipal water supplies to provide water to more than 3 million customers in Houston and its environs, including Harris and Fort Bend Counties, Texas. The City of Houston is the owner of, and/or has contracts for, multiple water rights in the San Jacinto and Brazos River Basins, including Certificates of Adjudication Nos. 10-4965, 10-4963, 10-5807, 10-5808, 10-5826, 10-5827 and Permit No. 2925. Additionally, the affected Coastal Basin provides the fresh water inflows to the Galveston Bay and its estuaries, all of which contribute to the economic well-being and quality of life of the City of Houston and its citizens. Finally, as noted above, the source of much of the City of Pearland's water originates from the City of Houston pursuant to a long-term water supply contract. The sources of water relied upon by the City of Houston to supply Pearland, once beneficially used by Pearland's customers for the contracted purposes, are needed to be used for other beneficial purposes by the City of Houston,

including maintaining freshwater inflows into Galveston Bay and its estuary systems for ecological as well as economic reasons.

Accordingly, the City of Houston has direct health and safety interests, as well as water rights and pecuniary interests, associated with the condition and well-being of the Coastal Basin and the potential impacts that the above-referenced Application might have on the river system and Galveston Bay, if granted.

For these reasons, in order to protect the City's rights and afford adequate opportunity to review the Application, and any proposed Permit that may be published by the Executive Director for consideration by the Commission, the City of Houston requests that the Commission conduct a contested case hearing on the Application.

On behalf of the City of Houston, I request that the Commission and the Executive Director's staff provide the City with copies of all proposed Permit drafts, technical memoranda, and any other evaluations, and/or any notices proposed, promulgated, or published by the Commission or the Executive Director's staff related to this Application. Please have these documents sent to my attention using the following contact information:

Edmond R. McCarthy, Jr.
Jackson, Sjoberg, McCarthy & Townsend, LLP
711 W. 7th Street
Austin, Texas 78701
Ph. (512) 225-5606
Fax (512) 225-5565
Cell (512) 426-7138
E-mail: emccarthy@jacksonsjoberg.com

Please note that this request is conditional. After further review and evaluation of the Application and its potential impacts, Houston hopes to reach an agreement with the Commission and the City of Pearland on the Application that will address Houston's interest in providing for the health and well-being of the affected Coastal Basin, Galveston Bay and its estuary system, as well as protecting Houston's water rights and other affected economic and downstream interests. Assuming that effort is successful, the City would be able to withdraw its contested case hearing request.

Thank you for your assistance.

Sincerely,

JACKSON SJOBERG MCCARTHY & TOWNSEND, LLP

Edmond R. McCarthy, Jr.
Attorneys for the City of Houston

Encl.

cc: City of Houston
Attn: Mr. Jun Chang, Deputy Director, Public Works & Engineering Dept.
Ms. Carol Haddock, Engineer, Public Works & Engineering Dept.
Mr. Auggie Campbell, Assistant City Attorney, City Attorney's Office

Appendix "A"

Notice reviewed by the City dated August 20, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF AN APPLICATION
FOR A WATER USE PERMIT

APPLICATION NO. 13071

City of Pearland has applied for a Water Use Permit to use the bed and banks of an unnamed tributary of Clear Creek and Clear Creek, San Jacinto-Brazos Coastal Basin, Brazoria County to convey return flows from the City's Far Northwest Wastewater Treatment Facility for off-channel recreation storage and subsequent diversion. More information on the application and how to participate in the permitting process is given below.

APPLICATION. City of Pearland, 3519 Liberty Drive, Pearland, Texas 77581, Applicant, seeks a Water Use Permit pursuant to Texas Water Code §§11.121, 11.042 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, *et seq.* Notice is being mailed and published pursuant to title 30 TAC §295.151 to the water right holders of record in the San Jacinto–Brazos Coastal Basin.

The Applicant has applied for a Water Use Permit to divert and use not to exceed 280 acre-feet per year of those historically discharged surface water and groundwater-based return flows from the Far Northwest Wastewater Treatment Facility permitted under TPDES Permit No. WQ0010134008.

The Applicant also seeks to use the bed and banks of an unnamed tributary of Clear Creek and Clear Creek, San Jacinto-Brazos Coastal Basin to convey return flows.

The return flows will be diverted from a point on Clear Creek at a maximum diversion rate of 1.546 cfs (694 gpm) for storage in off-channel recreation reservoirs and subsequent diversion for agricultural purposes to irrigate 280 acres of land in Brazoria County, Texas.

The Applicant estimates that a maximum of 60% of the return flows originate from surface water.

The Applicant and Country Place Master Community Association (CPMCA) have entered into a *Transferred Water Agreement by and between Country Place Master Community Association and City Of Pearland, Texas*, as CPMCA owns the land

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inundated by the off-channel reservoirs and the land to be irrigated. The reservoirs are located approximately 29 miles north, northeast of the City of Angleton in Brazoria County, and described as follows:

1. Amenity Lake No. 1, is located at 29.584942°N Latitude, 95.375078°W Longitude also bearing N 80°W, 1,442.31 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

2. Amenity Lake No. 2, is located at 29.583788°N Latitude, 95.383122°W Longitude also bearing N 80°W, 1,442.31 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

3. Amenity Lake No. 3, is located at 29.582515°N Latitude, 95.364149°W Longitude also bearing S 74°E, 2,153.98 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

4. Lake No. 1, is located at 29.579256°N Latitude, 95.375280°W Longitude also bearing S 42°W, 2,378.17 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

5. Lake No. 10/11, is located at 29.582545°N Latitude, 95.368908°W Longitude also bearing S 42°E, 847.47 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503.

The proposed discharge point is located on an unnamed tributary of Clear Creek at 29.579967°N Latitude, 95.409467°W Longitude also bearing S 74 °E, 969 feet from the northwest corner of the T.C.R.R Co Original Survey, Abstract No. 678, approximately 28.5 miles north of the City of Angleton in Brazoria County, Texas.

The proposed diversion point is located on Clear Creek at 29.585118°N Latitude, 95.366299°W Longitude also bearing N 79°E, 1,395.60 feet from the southeast corner of the F. Drake Original Survey, Abstract No. 503, approximately 28.8 miles north of the City of Angleton in Brazoria County, Texas.

The application was received on August 1, 2013, and additional information and fees were received on December 13, 2013, February 25, 2014, and June 3, 2015. The application was declared administratively complete and filed with the Office of the Chief Clerk on March 7, 2014.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain special conditions, including but not limited to, streamflow restrictions and recorded daily measurement of return flows. The application and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, TX 78753.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of

newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[*I/we*] request a contested case hearing"; (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at http://www.tceq.texas.gov/about/comments.html by entering WRPERM 13071 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al http://www.tceq.texas.gov

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