

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



SECOND AMENDED NOTICE OF HEARING
FPLE FORNEY, LLC
SOAH Docket No. 582-15-4410
TCEQ Docket No. 2015-0406-IWD
Permit No. WQ0004359000

APPLICATION.

FPLE Forney, LLC, 13770 West U.S. Highway 80, Forney, Texas 75126, which operates the Forney Energy Center, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to TPDES Permit No. WQ0004359000 to remove or increase ammonia limits at Outfall 001 and to add new Outfall 002 to allow discharge of stormwater from the South Stormwater Pond during wet weather. The existing permit authorizes the discharge of cooling tower blowdown and previously monitored effluent (low volume waste) at a daily average flow not to exceed 4,000,000 gallons per day via Outfall 001. The facility is located at 13770 West U.S. Highway 80, on the south side of U.S. Highway 80, 1.3 miles northwest of the intersection of Farm-to-Market Road 740 and U.S. Highway 80, northwest of the City of Forney, Kaufman County, Texas 75126. The effluent is discharged via Outfall 001 directly to the East Fork Trinity River in Segment No. 0819 of the Trinity River Basin and via Outfall 002 to Buffalo Creek; thence to East Fork Trinity River in Segment No. 0819 of the Trinity River Basin. The unclassified receiving water, Buffalo Creek, has limited aquatic life use. The designated uses for Segment No. 0819 are primary contact recreation and intermediate aquatic life use. This notice is being amended to reflect the date of the contested case hearing, which has been changed from the previous date, August 26, 2015 to the current date of September 17, 2015.

In accordance with 30 Texas Administrative Code (TAC) §307.5 and the TCEQ implementation procedures (June 2010) for the Texas Surface Water Quality Standards, 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 the East Fork Trinity River, which has been identified as having intermediate 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.

The TCEQ Executive Director has prepared a draft permit which, 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 the Ellen Brooks

West Memorial Library, 800 Farm-to-Market Road 741 South, Forney, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location refer to the application.

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.757222&lng=-96.490277&zoom=13&type=r>

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing at:

**10:00 a.m. – September 17, 2015
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The contested case hearing will be a legal proceeding 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 June 4, 2015. 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.

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Further information may also be obtained from FPLE Forney, LLC at the address stated above or by calling Mr. Jonathan Bain, Plant General Manager, at 972-551-5015.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: August 6, 2015



Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality