

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **NOTICE OF HEARING**

**NEW BRAUNFELS UTILITIES  
SOAH Docket No. 582-16-6164  
TCEQ Docket No. 2016-0162-WR  
Application No. 12469**

### **APPLICATION.**

New Braunfels Utilities, Applicant, P.O. Box 310289, New Braunfels, Texas 78131-0289, seeks a water use permit pursuant to Texas Water Code §§ 11.121, 11.042, 11.085 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) § 295.1, *et seq.*

New Braunfels Utilities has applied for a water use permit to authorize the diversion and use of its historic and future surface water based and groundwater based return flows and to authorize the use of the bed and banks of two unnamed tributaries of the Guadalupe River, Lake Dunlap, and the Guadalupe River to convey the return flows for subsequent municipal, industrial, and agricultural purposes within the Guadalupe River Basin in Comal, DeWitt, Gonzales, Guadalupe, and Victoria Counties and in that portion of Guadalupe County within the San Antonio River Basin.

The Applicant seeks to authorize the diversion and use of its historic and future surface water based and groundwater based return flows, originating from its three wastewater treatment plants located on two unnamed tributaries of the Guadalupe River and the Guadalupe River, Guadalupe River Basin for subsequent municipal, industrial, and agricultural purposes in Comal, DeWitt, Gonzales, Guadalupe and Victoria Counties.

The Applicant also seeks to authorize the use of the bed and banks of the two unnamed tributaries of the Guadalupe River, Lake Dunlap, and the Guadalupe River to convey the return flows for subsequent diversion from Lake Dunlap on the Guadalupe River.

The Guadalupe-Blanco River Authority owns Certificate of Adjudication No. 18-5488 authorizing Lake Dunlap and has provided consent to this application.

The Applicant further seeks to authorize an exempt interbasin transfer for the authorized water to that portion of Guadalupe County within the San Antonio River Basin for municipal, industrial, and agricultural purposes.

The Applicant estimates the discharged return flows are currently 65% surface water and 35% groundwater, although such percentages may change in the future.

The Applicant indicates there are no channel losses between the discharge and diversion points.

The return flows, totaling up to 9,408 acre-feet of water per year, are discharged at a combined rate of 41.55 cfs (18,646 mgd) at the following three points in Comal County:

1. South Kuehler Wastewater Treatment Plant discharge point located on an unnamed tributary of the Guadalupe River, Guadalupe River Basin, approximately 1.5 miles southeast of the City of New Braunfels, bearing N 53°W, 2,558 feet from the southeast corner of the Thompson J. Original Survey No. 091, Abstract No. 608, also being Latitude 29.687222°N, Longitude 98.097500°W in Comal County at a maximum discharge rate of 19.5 cfs (8,750 gpm).
2. Gruene Wastewater Treatment Plant discharge point located on the Guadalupe River, Guadalupe River Basin, approximately 2.3 miles north of the City of New Braunfels, bearing S 23°E, 3,077 feet from the northeast corner of the Veramendi J. Original Survey No. 091, Abstract No. 2, also being Latitude 29.737777°N, Longitude 98.105833°W in Comal County at a maximum discharge rate of 4.25 cfs (1,910 gpm).
3. North Kuehler Wastewater Treatment Plant discharge point located on an unnamed tributary of the Guadalupe River, Guadalupe River Basin, approximately 1.5 miles southeast of the City of New Braunfels, bearing N 58°W, 2,847 feet from the southeast corner of the Thompson J. Original Survey No. 091, Abstract No. 608, also being Latitude 29.687222°N, Longitude 98.098611°W in Comal County at a maximum discharge rate of 17.8 cfs (7,986 gpm).

The proposed diversion point will be located at any point along the perimeter of Lake Dunlap, approximately nine miles northwest of Seguin and 4.5 miles southeast of New Braunfels, bearing S 36°E, 13,141 feet from the northwest corner of the A.M. Esnaurizar Original Survey No. 187, Abstract No. 20, also being Latitude 29.653833°N and Longitude 98.066333°W in Guadalupe County within ZIP code 78130.

The Executive Director has prepared a draft permit, which, if approved, would establish the conditions under which the applicant may divert this water. The draft permit, if granted, would only authorize the use of the groundwater based return flows and would contain special conditions including, but not limited to, streamflow restrictions and maintenance of an accounting plan. 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, Texas 78753.

The application and partial fees were received on June 9, 2009. Additional information and fees were received on October 16, October 27, and October 29, and December 16, 2009. The application was declared administratively complete and filed with the Office of the Chief Clerk on November 20, 2009.

**CONTESTED CASE HEARING.**

SOAH will conduct a preliminary hearing on this application at:

**10:00 a.m. – October 24, 2016  
William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 Texas Administrative Code Chapter 80 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she 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 any person may 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 <http://www.tceq.texas.gov/>.

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: September 6, 2016



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