

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AMENDED NOTICE OF HEARING**  
***(To correct hearing date.)***  
**CITY OF ABILENE**  
**SOAH Docket No. 582-18-2834**  
**TCEQ Docket No. 2017-1751-IWD**  
**Permit No. WQ0005213000**

**APPLICATION.**

City of Abilene, P.O. Box 60, Abilene, Texas 79604, which owns and proposes to operate the Possum Kingdom Raw Water Roughing Facility, a reverse osmosis water treatment facility, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005213000, to authorize the discharge of water treatment waste at an annual average flow not to exceed 1,090,000 gallons per day during Phase I and 1,510,000 gallons per day during Phase II, via Outfall 001. The TCEQ received this application on September 29, 2016.

The facility is located at 105 East Elliot Street, on the southeast corner of the intersection of U.S. Highway 183 and East Elliott Street, in the City of Breckenridge, Stephens County, Texas 76424. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:

<<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.7512&lng=-98.9017&zoom=13&type=r>>. For the exact location, refer to the application.

The effluent is proposed to be discharged from the plant site via a pipe directly to Possum Kingdom Lake in Segment No. 1207 of the Brazos River Basin. The designated uses for Segment No. 1207 are primary contact recreation, public water supply, and high aquatic life use.

In accordance with Title 30 Texas Administrative Code (TAC) Section 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 Possum Kingdom Lake, which has been identified as having high aquatic life uses. 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 Breckenridge Public Library, 209 North Breckenridge Avenue, Breckenridge, Texas.

#### **DIRECT REFERRAL.**

The Notice of Application and Preliminary Decision was published in English on June 21, 2017 and in Spanish on June 30, 2017. On March 1, 2018, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements.

#### **CONTESTED CASE HEARING.**

SOAH will conduct a formal contested case hearing on this application at:

**10:00 a.m. – May 7, 2018**  
**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 be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26 of the Texas Water Code; TCEQ rules, including 30 TAC Chapter 305; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. At the hearing on May 7, 2018, jurisdiction must be established and written and oral public comment on the draft permit and application may be accepted.

To participate in the hearing as a party, you must attend the hearing and show you would be 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 <http://www.tceq.texas.gov/>.

Further information may also be obtained from the City of Abilene at the address stated above or by calling Mr. Tommy O'Brien, Executive Director of Water Utilities, at 325-676-6416.

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: March 27, 2018

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

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