

TCEQ DOCKET NO. 2025-1451-IWD

APPLICATION BY	§	BEFORE THE TEXAS COMMISSION
	§	
THE CITY OF ABILENE FOR	§	
	§	ON
RENEWAL WITHOUT CHANGE OF	§	
	§	
TPDES PERMIT NO. WQ0005213000	§	ENVIRONMENTAL QUALITY

**APPLICANT’S RESPONSE TO
HEARING REQUESTS AND REQUESTS FOR RECONSIDERATION**

The City of Abilene (the “*City*”) has applied to the TCEQ for a renewal—without change—of TPDES Permit No. WQ0005213000 (the “*Renewal Application*”). Multiple persons filed requests for reconsideration and a contested case hearing. The City respectfully asks the Commissioners to deny each hearing and reconsideration request, approve the Renewal Application, and issue the draft renewal TPDES permit that the Executive Director has proposed. The City offers the following in support.

I. Background

On September 12, 2018, the agency issued TPDES Permit No. WQ0005213000, which was scheduled to expire September 12, 2023, in the absence of a renewal (the “*TPDES Permit*”). The City submitted the Renewal Application on March 3, 2023. The City requested no changes to the TPDES Permit. After agency staff conducted an administrative and technical review of the Renewal Application, the Executive Director issued a draft renewal TPDES Permit No. WQ0005213000 (the “*Draft Renewal*”). The Executive Director held a public meeting on the Renewal Application on June 18, 2024, and agency staff responded to all timely received and significant public comment on June 18, 2025. Members of the public filed multiple hearing and reconsideration requests ostensibly criticizing and relitigating the technical bases of the TPDES Permit.

II. Response to Contested Case Hearing Requests

The Commission's task at this juncture is not to revisit the Commissioners' decision to issue the TPDES Permit. That decision is final and non-appealable. The Commission instead must determine whether there is a right to a contested case hearing on the Renewal Application. Under Title 30, section 55.201(i)(5) of the Texas Administrative Code, the Renewal Application (to include the Draft Renewal) is not subject to a contested case hearing if the specific criteria of subsections (i)(5)(A)-(E) are satisfied.¹ Notwithstanding the myriad technical arguments made in the contested case hearing requests, the Commission must view them through the lens of section 55.201(i)(5).

The administrative record reflects that the City is not applying to increase the quantity of waste to be discharged, or change the pattern or place of discharge, authorized by the TPDES Permit.² Likewise, the City's raw water treatment process will not change—*i.e.*, it will maintain or improve—the quality of the water treatment waste authorized for discharge by the TPDES Permit.³ All required opportunities for a public meeting have been given.⁴ The Executive Director responded to all timely received and significant public comments.⁵ The City's compliance history for the previous five years raises no issues regarding the City's ability to properly manage or operate the raw water treatment plant, or to otherwise comply with the terms of the Draft Renewal.⁶

All referenced Exhibits are true and correct and are incorporated into this response for all purposes. Exhibits A-E, as well the balance of the Executive Director's administrative record,

¹ See 30 Tex. Admin. Code § 55.201(i)(5) (identifying applications “for which there is no right to a contested case hearing”, including an application under Texas Water Code, Chapter 26).

² See *id.* § (5)(A); Exhibit A.

³ See *id.* § (5)(B); Exhibit B.

⁴ See *id.* § (5)(C); Exhibit C.

⁵ See *id.* § (5)(D); Exhibit D.

⁶ See *id.* § (5)(E); Exhibit E.

demonstrates that each of the Section 55.201(i)(5) are satisfied. As a result, there is no right to a contested case hearing on the Renewal Application. The Commission should therefore deny each of the hearing requests.

III. Response to Requests for Reconsideration

The City directs the Commissioners' attention to, and incorporates by this reference, the documents and materials on file with the Executive Director that formed the basis for the Executive Director's Preliminary Decision on the Renewal Application and the Renewal Permit, including (1) the Renewal Application, (2) the Renewal Permit; (3) the Statement of Basis/Technical Summary, and (4) all other documents that the Executive Director determines are necessary to reflect the agency staff's administrative and technical review of the Renewal Application. These materials are evidence that support the Executive Director's preliminary decision on the Renewal Application.

The administrative record demonstrates that the Renewal Application was scrutinized by multiple technical experts whose job is to ensure that the requested discharges will meet all legal and technical requirements. These experts include several agency technical staff and staff attorneys, and multiple consultants and subject-matter experts—each well-credentialed and experienced in their fields—commissioned by the City to develop the Renewal Application. The Renewal Permit is a manifestation of the Executive Director's independent assessment of this entire body of work. There is no basis for the Commission to disregard the Executive Director's analysis and conclusions borne from its multi-year application review and consideration of public comments.

There are volumes of evidence in the administrative record that supports a decision to deny each of the requests for reconsideration of the Executive Director's preliminary decision on the Renewal Application. The administrative record supports Commission approval of the Renewal Application and the issuance of a final renewal TPDES Permit No. WQ0005213000 that models the

Renewal Permit. The City respectfully requests that the Commission deny each of the requests for reconsideration.

IV. Conclusion

Based on the arguments and support provided above, the City respectfully requests that the Commission (i) deny each request for reconsideration; (ii) recognize that there is no right to a contested case hearing on the Renewal Application and deny each request accordingly, (iii) approve the Renewal Application and issue renewal TPDES Permit No. WQ0005213000 as proposed in the Renewal Permit, and (iv) award the City all other relief to which it is lawfully entitled.

Respectfully Submitted,

J.T. Hill. PLLC.
3800 North Lamar Blvd., Suite 200
Austin, Texas 78756
(512) 806-1060 (phone)
(512) 957-1405 (fax)
jason@jthill.com

By: /s/ Jason T. Hill
Jason T. Hill
State Bar No. 24046075

**ATTORNEY FOR APPLICANT
CITY OF ABILENE**

LIST OF EXHIBITS

- Exhibit A Statement of Basis/Technical Summary and Executive Director's Preliminary Decision; City of Abilene; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005213000 (EPA I.D. No. TX0137383), Nov. 27, 2023, pp. 1, 4-5.
- Exhibit B Statement of Basis/Technical Summary and Executive Director's Preliminary Decision; City of Abilene; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005213000 (EPA I.D. No. TX0137383), Nov. 27, 2023, pp. 2-3.
- TPDES Permit No. WQ0005213000, pp. 1-2a.
- Renewal Permit, pp. 1-2a.
- Exhibit C Notice of June 18, 2024 Public Meeting for TPDES Permit for Industrial Wastewater, TPDES Permit No. WQ0005213000 Renewal.
- Exhibit D Executive Director's Response to Public Comment; Application by City of Abilene for TPDES Permit No. WQ0005213000, June 18, 2025; pp. 1, 21-22.
- Exhibit E City of Abilene Overall Compliance History, Sept. 1, 2024.
<https://www2.tceq.texas.gov/oce/ch/index.cfm?fuseaction=main.searchcust&sortorder=1> (last visited Oct. 21, 2025).

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document is served on the following on the same day this response is filed with the Chief Clerk of the Texas Commission on Environmental Quality:

FOR THE CHIEF CLERK:

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
<https://www.tceq.texas.gov/goto/efilings>

FOR THE EXECUTIVE DIRECTOR:

Maricela Zertuche, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Alexander Owens, Technical Staff
Texas Commission on Environmental Quality Water
Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental Quality
External Relations Division, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL:

Garrett T. Arthur, Public Interest Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

FOR ALTERNATIVE DISPUTE RESOLUTION

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

REQUESTORS

Each requestor at their addresses listed on the attached mailing list.

Requestor Mailing List

ALDRICH , LYNNE
1346 BALCONES LN
GRAFORD TX 76449-1969

ATWELL , BOBETTE & DONALD
4917 WYNNE LN
GRAHAM TX 76450-5845

BAKER , MARVIN
9451 PRIVATE ROAD 11485
GRAHAM TX 76450-5223

BANKS , CAYLER
130 FM 2270
MINERAL WELLS TX 76067-2626

BEESON , CHRIS
UNIT 145
1601 FORUM CIR
GRAFORD TX 76449-1917

BENDER , BRUCE
349 ROBINSON LN
GRAFORD TX 76449-3154

BENNETT , GELASIA
LUSH RESORT
3201 REDBIRD RD
GRAFORD TX 76449-6018

BERRYHILL , JAMIE
PO BOX 4
CADDO TX 76429-0004

BETTIS , MARSHA
101 N FM 2353
GRAFORD TX 76449-3103

BIRDWELL , SANDRA K
5127 FM 1148
GRAHAM TX 76450-5805

BLAY , JIM
PO BOX 783
BUFFALO GAP TX 79508-0783

BLAY , LUANN
PO BOX 783
BUFFALO GAP TX 79508-0783

BRADSHAW , ED
4075 BUNTING AVE
FORT WORTH TX 76107-2401

BULLOCK , JANEL
749 EN 12TH ST
ABILENE TX 79601-3801

BURKE , JENT & STACY
8725 COUNTY ROAD 300
GRAHAM TX 76450-5241

BURKE , MR STEVE
5100 FORESTLAKE CT
ARLINGTON TX 76017-3747

BURKETT , DEBORAH & JIM
PO BOX 200
GRAHAM TX 76450-0200

BUTLER , DR. BRAD
4351 BAILEY RD
GRAHAM TX 76450-5285

BUTLER , BRAD G
317 MILLER LN
ABILENE TX 79602-3425

BYRGE , DAVID & JEANINE
4609 FM 1148
GRAHAM TX 76450-5896

BYRGE , JEANINE
4609 FM 1148
GRAHAM TX 76450-5896

CAREY , KATIE & MARC
417 NELSON ST
BUCKLEY WA 98321-5501

CAREY , TERRY
PO BOX 1
CADDO TX 76429-0001

CARLSON , CHRIS
4104 BRIDLEWOOD CT
COLLEYVILLE TX 76034-3760

CATHEY , SUE
715 DOVE LN
GRAFORD TX 76449-3140

CHICKO , JEREMY JO
9101 PRIVATE ROAD 11482
GRAHAM TX 76450-5221

CHICKO , ROBERT
9101 PRIVATE ROAD 11482
GRAHAM TX 76450-5221

CHRISTIAN , WAYNE
1008 WOODLAWN ST
GRAHAM TX 76450-4334

COCKRELL , JUDY & ROGER
513 FROG BRANCH CT
GRAFORD TX 76449-1215

CONLEY , CATHY & RICKY
15 OYSTER BAY
GRAFORD TX 76449-5100

CONLIN , CRAIG & MONA
316 SW 79TH ST
LAWTON OK 73505-6400

COX , DENNIS & SHARON
273 W HELLS GATE DR
STRAWN TX 76475-2418

DAKE , JAMES
514 FISH HAVEN RD
GRAFORD TX 76449-3144

DAVIS , BLAKE & MICHELLE
8967 COUNTY ROAD 300
GRAHAM TX 76450-5292

DAVIS , MICHELLE
8967 COUNTY ROAD 300
GRAHAM TX 76450-5292

DAY , BILLIE & PHILLIP
90 N GLEN ABBEY CIR
GRAFORD TX 76449-5035

DESCOTEAUX , PAUL
17740 N STATE HIGHWAY 16
GRAFORD TX 76449-4714

DURHAM , DEANE
5101 FM 1148
GRAHAM TX 76450-5805

DURHAM , VICKI
5101 FM 1148
GRAHAM TX 76450-5805

ERLEMEIER , JAMES
889 SHIPROCK RD
FRISCO TX 75033-0262

FEIGHNER , COLLEEN & MARK
460 E JETER RD
BARTONVILLE TX 76226-9585

FEIGHNER , MARK
460 E JETER RD
BARTONVILLE TX 76226-9585

FERRER , ROSENDO J
1598 CANYON WREN LOOP
GRAFORD TX 76449-3211

FEWELL , MERT
1007 REDBUD PT
GRAFORD TX 76449-6006

FOX , DAVID
1001 AGARITA CIR
GRAFORD TX 76449-4503

FRENCH , KERRI
PO BOX 90
GRAFORD TX 76449-0090

FULLFORD , STACY
100 ROCK CREEK LOOP
GRAFORD TX 76449-3227

FUQUA , MIKL
3865 MOUNTAIN VIEW RD
CADD0 TX 76429-2720

GALVAN , ARTHUR & MELISSA
PO BOX 1003
DENVER CITY TX 79323-1003

GIBSON, JOHNNY & MILLER, JOLYNN
1558 HUMMINGBIRD LN
GRAFORD TX 76449-3179

GORMAN , PATRICK A
3504 MCNIEL AVE
WICHITA FALLS TX 76308-1505

GOTTSCHLING , PETER
1346 BALCONES LN
GRAFORD TX 76449-1969

GRAY , STEVE
664 GLENHOLLOW
GORDON TX 76453-1232

GREEN , CARY
9935 FM ROAD 4
GRAFORD TX 76449-5927

GREEN , CURTIS JOHN
1211 RIDGEWOOD CIR
SOUTHLAKE TX 76092-9236

GREGORY , EDDY
363 ROCK CREEK LOOP
GRAFORD TX 76449-3139

GREGORY , JILL
363 ROCK CREEK LOOP
GRAFORD TX 76449-3139

GRISHAM , SHAWN M
4024 NAZARENE DR
CARROLLTON TX 75010-6413

HALGRIAMON , KATHY
8925 COUNTY ROAD 299
GRAHAM TX 76450-5235

HALL , RONDA
1196 WILLOW RD
GRAFORD TX 76449-3193

HAMILTON , GREG
9087 COUNTY ROAD 300
GRAHAM TX 76450-5245

HAMILTON , BLAKE
BLAKE HAMILTON
4 SENDERO RD
BRECKENRIDGE TX 76424-1907

HAMLETT , CRAIG
28790 RILEY RD
WALLER TX 77484-6118

HAMMOND , MIKE & PAM
486 FROG BRANCH CT
GRAFORD TX 76449-1213

HANNA , ROBERT
PO BOX 60
ABILENE TX 79604-0060

HARDIN , ANGELIA & DANNY
PO BOX 458
GRAFORD TX 76449-0458

HART , BOB & PENNY
1667 ELLIS SOD RD
GRAFORD TX 76449-3188

HART , NEIL
4815 GREEN ACRES RD
GRAHAM TX 76450-5823

HAYWARD , LINDA & RIC
460 TURNBERRY LOOP
GRAFORD TX 76449-5276

HEARD , SAM
17925 PRIVATE ROAD 3003
GRAHAM TX 76450-5275

HEARD , SAM
19725 PRIVATE ROAD 3003
GRAHAM TX 76450

HEPFNER , KEVIN
705 BAY HILL DR
GRAFORD TX 76449-5005

HILL , JASON
J T HILL PLLC
STE 200
3800 N LAMAR BLVD
AUSTIN TX 78756-4011

HILL , MARY & REID
987 E HELLS GATE DR
GRAFORD TX 76449-4617

HOLLEY , DAVID
1005 LAREDO ST
GRAFORD TX 76449-1503

HOLMES , MICKY
1002 CEDAR DR
GRAFORD TX 76449-1500

JACKSON , JENA & JUSTIN
8301 COUNTY ROAD 300
GRAHAM TX 76450-5387

JACKSON , LES & MARYANN
138 TURTLE DOVE LN
GRAFORD TX 76449-1942

JASPER , WILLIAM M
4853 PIKE RD
GRAHAM TX 76450-5833

JENNINGS , MARK
708 WILDWOOD TRL
WEATHERFORD TX 76085-5720

JOHNSON , CAROL & TOMMY
505 FROG BRANCH CT
GRAFORD TX 76449-1215

JONES , LISA
1582 N LAKEVIEW DR
PALO PINTO TX 76484-3951

JORDAN , STEVE
9195 PRIVATE ROAD 2993
GRAHAM TX 76450-5257

JORDAN , CHAD
3034 S KELLER RD
MINERAL WELLS TX 76067-1558

JORDAN , CODY
3034 S KELLER RD
MINERAL WELLS TX 76067-1558

KALLESTAD , VICKI
4521 WHITE LN
GRAHAM TX 76450-5843

KANNON , JUDI
5439 FM 1148
GRAHAM TX 76450-5710

KANNON , MARK
5439 FM 1148
GRAHAM TX 76450-5710

KENNEDY , KIRK
1443 COUNTY ROAD 204
BURNET TX 78611-6190

KEYS , DARRIN
1417 EBELING DR
PLAINVIEW TX 79072-9235

KIDWELL , JAY
629 COUNTY ROAD 570A
EASTLAND TX 76448-6639

KIDWELL , TERESA
5145 WILSON RD
GRAHAM TX 76450-5807

KONVICKA , BENNI
1315 N DALE AVE
STEPHENVILLE TX 76401-1604

KORKMAS , KELLY
50 HARBOUR TOWN DR
GRAFORD TX 76449-5125

KORKMAS , ROSS
50 HARBOUR TOWN DR
GRAFORD TX 76449-5125

KRAMER , TERI
4913 PERSHING AVE
FORT WORTH TX 76107-4931

LAND , CAROLYN
155 RIVER RD
GRAFORD TX 76449-3157

LAND , MONTE
155 RIVER RD
GRAFORD TX 76449-3157

LATTIMORE , GLENN
1755 PARK ROAD 36
GRAFORD TX 76449-4574

LATTIMORE JR , JAMES P
1755 PARK ROAD 36
GRAFORD TX 76449-4574

LEA , KATHY
2018 BLUFF CREEK DR
STRAWN TX 76475-2351

LEA , LUKE
2018 BLUFF CREEK DR
STRAWN TX 76475-2351

LESTER , JEFF
10501 W SUNDOWN LN
AMARILLO TX 79119-5892

LEWIS , JULIE & SAM
321 BUTLER POINT RD
GRAFORD TX 76449-3155

LEWIS , MR JOHN MICHAEL
8845 COUNTY ROAD 300
GRAHAM TX 76450-5243

LEWIS , MR JOHN MICHAEL
158 CORAL MOUNTAIN RANCH RD
GRAHAM TX 76450-6851

LINK , PEGGY
1504 OLD ORCHARD DR
IRVING TX 75061-7865

LINK , STEVE
1504 OLD ORCHARD DR
IRVING TX 75061-7865

LUNSFORD , WILL
9087 COUNTY ROAD 300
GRAHAM TX 76450-5245

MACDONALD , BRUCE & LAURA
23 YORK DR
FORT WORTH TX 76134-2546

MACKINNON , SHANNON J
703 M ANTHONY LOOP
GRAFORD TX 76449-3136

MALZAHN , TIFFANY
BRAZOS RIVER AUTHORITY
4600 COBBS DR
WACO TX 76710-3008

MALZAHN , TIFFANY
BRAZOS RIVER AUTHORITY
PO BOX 7555
WACO TX 76714-7555

MASERANG , ROCK
4812 FM 1148
GRAHAM TX 76450-5819

MCCULLOCH , TOMMY
1605 TANGLEWOOD DR
WICHITA FALLS TX 76309-1422

MCKELVAIN , BURRELL & DANA
9943 FM 1853
MORAN TX 76464-4015

MCQUINN , BETTIE
PO BOX 766
GRAHAM TX 76450-0766

MCREYNOLDS , BARBARA & WALEY
17901 PRIVATE ROAD 3003
GRAHAM TX 76450-5275

MERRITT , KAY
5509 CASA GRANDE TRL
MIDLAND TX 79707-2122

MIKESKA , MICHAEL M
6317 ORCHID LN
DALLAS TX 75230-4033

MILLER , DAVID TRUETT
2314 UNDERWOOD RD
ALEDO TX 76008-2442

MILLER , RONNIE
TXN
404 COUNTY ROAD 4526
HONDO TX 78861-6085

MILLS , EILEEN & HENRY
4607 FM 1148
GRAHAM TX 76450-5896

MITCHAM , ANGELA & BARRY
PO BOX 1537
GRAHAM TX 76450-7537

MONTOYA , ENID
169 RIVER RD
GRAFORD TX 76449-3157

MOSS , WILLIAM D
1001 BRIAR CIR
GRAFORD TX 76449-1201

NAGLE , CINDY
4437 CHAPEL RD
GRAHAM TX 76450-5810

NAGLE , GREG
4437 CHAPEL RD
GRAHAM TX 76450-5810

NAISER , VALERIE
1217 PRESTWICK CT
GRANBURY TX 76048-4018

NAISER , MR RONALD J
1217 PRESTWICK CT
GRANBURY TX 76048-4018

NANCE , BRENT
5407 EDGEWATER
GRAHAM TX 76450-5714

NELSON , ERIC
3711 DUSTIN TRL
DWG TX 76016-3902

NELSON , ERIC
1223 MCGINNIS PT
GRAFORD TX 76449-3112

NELSON , GRANT
4739 OAK CLUB DR
ARLINGTON TX 76017-2544

NORMAN , GARY
231 COTTONGAME RD
WEATHERFORD TX 76088-7654

NUNLEY , RODNEY
2189 TRAIL RIDGE RD
GRAFORD TX 76449

OLIVER , JUTTA
123 MULBERRY DR
GRAFORD TX 76449-3128

PACE , KAREN
8019 PRIVATE ROAD 3001
GRAHAM TX 76450-5259

PACE , DANNY
8019 PRIVATE ROAD 3001
GRAHAM TX 76450-5259

PAGE , JOSHUA
1028 ROBIN LN
GRAFORD TX 76449-6004

PARKER , JAN
831 FM 1166
QUANAH TX 79252-7331

PARKER , RANDEL
831 FM 1166
QUANAH TX 79252-7331

PARKISON , TOMMY
UNIT C
99 BREDDING DR
GRAFORD TX 76449-3260

PATTERSON , MIKE
STE 100
2310 W INTERSTATE 20
ARLINGTON TX 76017-1677

PATTON , MIKE
9557 COUNTY ROAD 331
GRAHAM TX 76450-5270

PAYNE , RONALD
1 WILLOWICK ST
BRECKENRIDGE TX 76424-5009

PAYNE , SUZETTE
1026 ROBIN LN
GRAFORD TX 76449-6004

PERKINS , THOMAS R
302 WINDJAMMER WAY
WICHITA FALLS TX 76308-5842

PETERSON , CHRISTIA & MIKE
1252 SPARROW CT
GRAFORD TX 76449-1973

PETERSON , GREGORY L
100 SANDALWOOD CT
WEATHERFORD TX 76085-8235

PETERSON , JEFF
4459 CHAPEL RD
GRAHAM TX 76450-5810

PHILLIPS , BRADY & SHERYL
UNIT 26
4812 SUNSET LN
GRAHAM TX 76450-5846

PILAND , RUTH
1173 WILLOW RD
GRAFORD TX 76449-3113

PINKSTON , AMY
PO BOX 432
BRYSON TX 76427-0432

PINKSTON , WAYNE
PO BOX 432
BRYSON TX 76427-0432

PIRRAGLIA , ORVILLE & VIRGINIA
9134 PRIVATE ROAD 2993
GRAHAM TX 76450-5256

PITTS , JUDITH & MICHAEL
1104 SUNSET COVE RD
STRAWN TX 76475-2360

POPE , PEGGY
337 CINNAMON TEAL
GRAFORD TX 76449-1120

POSPISIL , REBECCA & RUDY
709 ELMWOOD
FLOWER MOUND TX 75022-4305

PRUETT , J TOM
4837 PIKE RD
GRAHAM TX 76450-5833

PRUITT , DEBORAH E
101 BREDING DR
GRAFORD TX 76449-3160

PULLIAM , MR CLARK
STE 800
2828 ROUTH ST
DALLAS TX 75201-1462

QUERALT , JOHN
3936 BENT ELM LN
FORT WORTH TX 76109-2009

RATTO , RANDY
2627 MURRELL DR
GRAFORD TX 76449-4343

REILLY , JOHN
621 HOMEWOOD DR
PLANO TX 75025-6108

ROBERSON , MR WADE
155 CROOKED CREEK LN
ALEDO TX 76008-4583

ROBERTS , MELISSA
8917 ESTRIBO CIR
FORT WORTH TX 76126-1855

ROGERS , GLEN
1832 GRASSY RIDGE RD
GRAFORD TX 76449-5903

ROGERS , THE HONORABLE GLENN STATE
REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 60
PO BOX 12910
AUSTIN TX 78711-2910

RULESTEAD , DEBBIE & EDWARD
1309 NW 15TH ST
ANDREWS TX 79714-2610

SAHS , MARY K
1802 COLLIER ST
AUSTIN TX 78704-2822

SANDERS , GRADY & JAME
8365 COUNTY ROAD 300
GRAHAM TX 76450-5387

SANDERS , GRADY & JAME
PO BOX 1070
WOLFFORTH TX 79382-1070

SANDERS , MRS JAME DAWN
PO BOX 1070
WOLFFORTH TX 79382-1070

SARAHAN , PAUL C
ENOCH KEVER PLLC
BLDG B, STE 200
7600 N CAPITAL OF TEXAS HWY
AUSTIN TX 78731-1184

SARAHAN , PAUL CHRISTOPHER
EARTH & WATER LAW LLC
6801 JESTER WILD DR
AUSTIN TX 78750-8173

SAVAGE , WILLIAM J
337 EASTWOOD AVE
FORT WORTH TX 76107-1071

SCHLEHUBER , CARRIE
1005 REDBUD PT
GRAFORD TX 76449-6006

SCHWARZ , RICK
9493 COUNTY ROAD 331
GRAHAM TX 76450-5217

SELF , CLAYTON D
437 FROG BRANCH CT
GRAFORD TX 76449-1114

SENER , CHUCK
6698 TIGER RD
ROPEVILLE TX 79358-5402

SHANAFELT , SHANE
4911 WYNNE LN
GRAHAM TX 76450-5845

SIGEL , CONNIE
9965 JOURDAN WAY
DALLAS TX 75230-5029

SIGEL , CONNIE
9925 JOURDAN WAY
DALLAS TX 75230-5029

SIMMONS , FOSTER
301 DOE LN
GRAHAM TX 76450-5812

SIMMONS , WILLIAM FOSTER
GORDEN SIMMONS SERVICE
301 DOE LN
GRAHAM TX 76450-5812

SMART , DEWAYNE
6003 SUNDERLAND DR
COLLEYVILLE TX 76034-5329

SMART , JOHN R
BOX 101-506
101 N FM 2353
GRAFORD TX 76449-3103

SOPPE , JANET MARIE
2615 MURRELL DR
GRAFORD TX 76449-4343

STARK , BRITT & DOUGLAS
6486 FORTUNE RD
FORT WORTH TX 76116-7318

STARK , DOUGLAS
6486 FORTUNE RD
FORT WORTH TX 76116-7318

STREEF , MIKE
PO BOX 2856
WEATHERFORD TX 76086-6856

STRICKLAND , SANDY & TERRY
PO BOX 21
CADDO TX 76429-0021

STRINGER-KATRYCZ , KATY
1213 E MITCHELL ST
ARLINGTON TX 76010-2921

SWITSER , JIM
PO BOX 295
GRAFORD TX 76449-0295

SWITZER , JIM
1019 ROBIN LN
GRAFORD TX 76449-6005

TALBOT , TRACY
8799 COUNTY ROAD 299
GRAHAM TX 76450-5290

TESSEN , PATTI
9319 COUNTY ROAD 331
GRAHAM TX 76450-5215

TORRES , MARIA
889 SHIPROCK RD
FRISCO TX 75033-0262

TORRES , SHARON
1127 AIRPORT RD
GRAFORD TX 76449-3114

TYLER , BRAD
2010 BISHOP ST
GRAND PRAIRIE TX 75050-2105

URBAN , MR STACY
1173 WILLOW RD
GRAFORD TX 76449-3113

VANDUSER , KAY
3133 JUNIPER LN
GRAFORD TX 76449-4555

WARCHESIK , DAWN
9087 COUNTY ROAD 300
GRAHAM TX 76450-5245

WARCHESIK , LEE
9087 COUNTY ROAD 300
GRAHAM TX 76450-5245

WARCHESIK , MR LEE L
3148 ENGLISH CREEK DR
AZLE TX 76020-5222

WARREN , MICHAEL & NANCY
101 HELLS GATE PT
STRAWN TX 76475-2337

WEEMS , CODY J
4710 CHAPEL RD
GRAHAM TX 76450-5863

WILLIAMS , STACI
362 N FM 2353
GRAFORD TX 76449-3106

WILLINGHAM , SHANNON
7504 WESTWIND CT
FORT WORTH TX 76179-2825

WILSON , JO
6428 BARKWOOD LN
DALLAS TX 75248-3909

WOLFE , SHANNON
3929 SUNNYVIEW LN
FLOWER MOUND TX 75022-6834

WOLFE , SHELLEY
3929 SUNNYVIEW LN
FLOWER MOUND TX 75022-6834

WOODALL , MR ANTHONY
1033 BLUFF CREEK PT
STRAWN TX 76475-2374

WOOLERY , SALLY
1167 WILLOW RD
GRAFORD TX 76449-3113

WRIGHT , THOMAS
N-TEX CONSTRUCTION
4630 CHAPEL RD
GRAHAM TX 76450-5844

YOUNG , JEFF
360 COLONIAL DR
GRAFORD TX 76449-5028

YOUNG , LEA
360 COLONIAL DR
GRAFORD TX 76449-5028

Exhibit A

STATEMENT OF BASIS/TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

DESCRIPTION OF APPLICATION

Applicant: City of Abilene; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005213000 (EPA I.D. No. TX0137383)

Regulated activity: Industrial wastewater permit

Type of application: Renewal

Request: Renewal without changes

Authority: Federal Clean Water Act (CWA) §402; Texas Water Code (TWC) §26.027; 30 Texas Administrative Code (TAC) Chapter 305, Subchapters C-F, and Chapters 307 and 319; commission policies; and Environmental Protection Agency (EPA) guidelines

EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit will expire at midnight, five years from the date of permit issuance according to the requirements of 30 TAC §305.127(1)(C)(i).

REASON FOR PROJECT PROPOSED

The applicant applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of its existing permit.

PROJECT DESCRIPTION AND LOCATION

The applicant owns and proposes to operate the Possum Kingdom Raw Water Roughing Facility (RWRWF), a reverse osmosis water treatment facility, which will treat Possum Kingdom Lake raw water with a microfiltration (MF) and reverse osmosis (RO) system.

Possum Kingdom Lake raw water will be treated with a MF and RO system and transferred for additional water treatment prior to distribution. A portion of the raw surface water will undergo MF and RO to reduce chloride and Total Dissolved Solids (TDS) levels. A membrane feed pump station will transfer raw water from the raw water storage tank to the MF system. The MF system will consist of a primary recovery system and a tertiary recovery system designed to maximize recovery of raw water through the MF system. The primary and tertiary recovery MF systems will provide a net recovery of raw water of approximately 99%. The MF system will send MF filtrate feed water to a 3-stage RO system designed for 85-90% recovery depending on the season and raw water temperature. The RO permeate and untreated raw surface water will be blended together in the Product Water Storage Tank before being pumped to the City of Abilene Grimes Water Treatment Plant (WTP), the Northeast WTP, or both for complete water treatment. The quality of the product water will generally match raw water quality in Hubbard Creek Reservoir, which the RWRWF water supply is intended to replace during the times of dry weather and drought. Reject water will be transferred offsite via approximately 24 miles of 12-inch PVC pipe to proposed Outfall 001 in the Cedar Creek Arm of Possum Kingdom Lake. The outfall will consist of a unidirectional multiport diffuser that is 12 meters long with 10 equally spaced ports.

The ports will be angled upwards at 60 degrees from the horizontal with the diffuser perpendicular to the bank so wastewater will be discharged generally parallel to the bank and toward the main pool of the lake. Each port will use a variable velocity orifice valve arranged in a fanned-out pattern. The port

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0005213000

However, TDS, chloride, and sulfate monitoring and reporting requirements have been continued in the draft permit based on requirements for other Reverse Osmosis facilities. In addition, this is an application for renewal and removal of such conditions requires a major amendment application to be submitted.

pH Screening

The existing permit includes pH limits of 6.0 – 9.0 SU at Outfall 001, which discharges directly into Possum Kingdom Lake, Segment No. 1207. Screening was performed to ensure that these existing pH limits would not cause a violation of the 6.0 – 9.0 SU pH criteria for Possum Kingdom Lake (see Appendix C). The existing effluent limits of 6.0 – 9.0 SU are adequate to ensure that the proposed discharge will not violate the pH criteria in Possum Kingdom Lake. These limits have been carried forward in the draft permit.

Whole Effluent Toxicity Testing (Biomonitoring)

Biomonitoring requirements are not included in the draft permit at Outfall 001. In accordance with TCEQ's implementation procedures (IP's), this proposed discharge does not meet the threshold to require biomonitoring.

SUMMARY OF CHANGES FROM APPLICATION

No changes were made from the application.

SUMMARY OF CHANGES FROM EXISTING PERMIT

The following additional changes have been made to the draft permit.

1. Pages 3-13 were updated (May 2021 version).
2. A new footnote was included on pages 2 and 2a of the draft permit referring to Other Requirement No. 3. The existing footnote on pages 2 and 2a has been renumbered.
3. Existing Other Requirement No. 6 has been removed in the draft permit because the requirement has been fulfilled.
4. Diffuser language has been included in the draft permit as new Other Requirement No. 5.
5. Mixing zone language is included in the draft permit as new Other Requirement No. 4.
6. The existing Other Requirements have been renumbered.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on March 7, 2023.
2. Existing permits: TPDES Permit No. WQ0005213000 issued on September 12, 2018.
3. TCEQ Rules.
4. *Texas Surface Water Quality Standards – 30 TAC §§307.1-307.10*, effective March 1, 2018, as approved by EPA Region 6.
5. *Texas Surface Water Quality Standards – 30 TAC §§307.1-307.10*, effective March 6, 2014, as approved by EPA Region 6, for portions of the 2018 standards not approved by EPA Region 6.
6. *Texas Surface Water Quality Standards – 30 TAC §§307.1-307.10*, effective July 22, 2010, as approved by EPA Region 6, for portions of the 2014 standards not approved by EPA Region 6.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
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7. *Texas Surface Water Quality Standards* – 30 TAC §§307.1-307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 standards not approved by EPA Region 6.
8. *Procedures to Implement the Texas Surface Water Quality Standards* (IPs), Texas Commission on Environmental Quality, June 2010, as approved by EPA Region 6.
9. *Procedures to Implement the Texas Surface Water Quality Standards*, Texas Commission on Environmental Quality, January 2003, for portions of the 2010 IPs not approved by EPA Region 6.
10. Memos from the Standards Implementation Team and Water Quality Assessment Team of the Water Quality Assessment Section of the TCEQ.
11. *Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits*, TCEQ Document No. 98-001.000-OWR-WQ, May 1998.
12. EPA Effluent Guidelines: N/A.
13. Consistency with the Coastal Management Plan: N/A
14. Letter dated May 28, 2014, from L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ, to Bill Honker, Director, Water Quality Protection Division, EPA (TCEQ proposed development strategy for pH evaluation procedures).
15. Letter dated June 2, 2014, from William K. Honker, P.E., Director, Water Quality Protection Division, EPA, to L'Oreal W. Stepney, P.E., Deputy Director, Office of Water, TCEQ (Approval of TCEQ proposed development strategy for pH evaluation procedures).

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the chief clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for reviewing and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent to the Chief Clerk, along with the Executive Director's preliminary decision contained in the technical summary or fact sheet. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case hearing.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0005213000

area will vary with effluent flow. Water treatment wastes will be discharged at an annual average flow of 1.09 MGD during Phase I and at an annual average flow of 1.51 MGD during Phase II via Outfall 001.

Other waste streams (tertiary MF backwash waste, MF and RO clean-in-place wastes, plant drains, and domestic wastewater) must be disposed of in an approved manner, such as routing to an authorized third party for treatment and disposal.

The facility is located at 105 East Elliot Street, in the City of Breckenridge, Stephens County, Texas 76424.

Discharge Route and Designated Uses

The effluent is discharged 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. The effluent limits in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and revisions.

Endangered Species Review

The discharge from this permit is not expected to have an effect on any federal endangered or threatened aquatic or aquatic-dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS's) biological opinion on the State of Texas authorization of the TPDES program (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and the EPA only considered aquatic or aquatic-dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS's biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Impaired Water Bodies

Segment No. 1207 is not currently listed on the state's inventory of impaired and threatened waters, the 2022 CWA §303(d) list.

Completed Total Maximum Daily Loads (TMDLs)

There are no completed TMDLs for Segment No. 1207.

Dissolved Oxygen

Due to the low concentrations of oxygen demanding constituents expected in the wastewater being proposed for discharge, no significant dissolved oxygen depletion is anticipated in the receiving waters as a result of this proposed discharge.

SUMMARY OF EFFLUENT DATA

Self-reporting data is not available because the facility has not discharged.

DRAFT PERMIT CONDITIONS

The draft permit authorizes the discharge of water treatment waste at an annual average flow not to exceed 1.09 million gallons per day (MGD) via Outfall 001 (Phase I); and water treatment waste at an annual average flow not to exceed 1.51 MGD via Outfall 001 (Phase II). Effluent limitations are established in the draft permit as follows:

STATEMENT OF BASIS / TECHNICAL SUMMARY AND
EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TPDES Permit No. WQ0005213000

Outfall	Pollutant	Daily Average mg/L	Daily Maximum mg/L
001 (Phase I)	Flow	1.09 MGD ¹	1.38 MGD
	Total Dissolved Solids	Report	Report
	Chloride	Report	Report
	Sulfate	Report	Report
	pH (standard units, SU)	6.0 SU (min.)	9.0 SU
001 (Phase II)	Flow	1.51 MGD ¹	1.81 MGD
	Total Dissolved Solids	Report	Report
	Chloride	Report	Report
	Sulfate	Report	Report
	pH (standard units, SU)	6.0 SU (min.)	9.0 SU

OUTFALL LOCATIONS

Outfall	Latitude	Longitude
001	32.886100 N	98.588000 W

Technology-Based Effluent Limitations

Regulations in Title 40 of the Code of Federal Regulations (40 CFR) require that technology-based limitations be placed in wastewater discharge permits based on effluent limitations guidelines, where applicable, or on best professional judgment (BPJ) in the absence of guidelines. The discharge of water treatment waste is not subject to any federal effluent limitations guidelines.

Water Quality-Based Effluent Limitations

Calculations of water quality-based effluent limitations for the protection of aquatic life and human health are presented in Appendix A. Aquatic life criteria established in Table 1 and human health criteria established in Table 2 of 30 TAC Chapter 307 are incorporated into the calculations, as are recommendations in the Water Quality Assessment Team's memorandum dated October 16, 2023. TCEQ practice for determining significant potential is to compare the reported analytical data from the facility against percentages of the calculated daily average water quality-based effluent limitation. Permit limitations are required when analytical data reported in the application exceeds 85 percent of the calculated daily average water quality-based effluent limitation. Monitoring and reporting is required when analytical data reported in the application exceeds 70 percent of the calculated daily average water quality-based effluent limitation.

No data was submitted with the application because the facility has not discharged; therefore, a retest requirement, stated in Other Requirement No. 7, has been continued in the draft permit. Based on submitted test results, the permit may be reopened to add additional limits or monitoring and reporting requirements.

Total Dissolved Solids (TDS), Chloride, and Sulfate Screening

Average concentrations of TDS, chloride, and sulfate are not available because the facility has not discharged. TDS, chloride, and sulfate modeling conducted by the facility project effluent concentrations greater than the segment criteria. Screening procedures and effluent limitations for TDS, chloride, and sulfate are calculated using the methodology in the *Procedures to Implement the Texas Surface Water Quality Standards*, June 2010, and criteria in the *Texas Surface Water Quality Standards* (30 TAC Chapter 307). Detailed calculations are presented in Appendix B. Based on the screening, monitoring and reporting requirements for TDS, chloride, and sulfate are not required.

¹ Annual average flow.



TPDES PERMIT NO. WQ0005213000
[For TCEQ office use only - EPA I.D.
No. TX0137383]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

City of Abilene

whose mailing address is

P.O. Box 60
Abilene, Texas 79604

is authorized to treat and discharge wastes from the Possum Kingdom Raw Water Roughing Facility,
a reverse osmosis water treatment facility (SIC 4941)

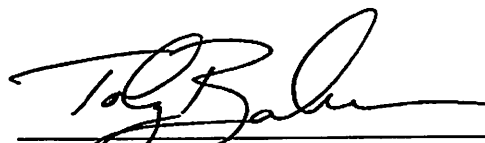
located at 105 East Elliot Street, on the southeast corner of the intersection of U.S. Highway 183
and East Elliott Street, in the City of Breckenridge, Stephens County, Texas 76424

via pipeline directly to Possum Kingdom Lake in Segment No. 1207 of the Brazos River Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from the date of permit issuance.

ISSUED DATE: September 12, 2018



For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS- PHASE IOutfall Number 001

1. During the period beginning upon the date of permit issuance and lasting through the initiation of the Final Phase (Phase II), the permittee is authorized to discharge water treatment waste subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 1.09 million gallons per day (MGD). The daily maximum flow shall not exceed 1.38 MGD.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	1.09 MGD (*1)	1.38 MGD	N/A	Continuous	Meter
Total Dissolved Solids (TDS)	N/A	Report	N/A	1/month	Grab
Chloride	N/A	Report	N/A	1/month	Grab
Sulfate	N/A	Report	N/A	1/month	Grab

(*1) Calculate and report as the annual average flow, as defined on page 3, 1.a. of this permit.

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: for Outfall 001, at the sample tap on the reverse osmosis concentrate pipeline before it leaves the Membrane Building.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS- PHASE IIOutfall Number 001

1. During the period beginning upon initiation of the Final Phase (Phase II) and lasting through the date of permit expiration, the permittee is authorized to discharge water treatment waste subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 1.51 million gallons per day (MGD). The daily maximum flow shall not exceed 1.81 MGD.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	1.51 MGD (*1)	1.81 MGD	N/A	Continuous	Meter
Total Dissolved Solids (TDS)	N/A	Report	N/A	1/month	Grab
Chloride	N/A	Report	N/A	1/month	Grab
Sulfate	N/A	Report	N/A	1/month	Grab

(*1) Calculate and report as the annual average flow as defined on page 3, 1.a. of this permit.

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: for Outfall 001, at the sample tap on the reverse osmosis concentrate pipeline before it leaves the Membrane Building.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

TPDES PERMIT NO.
WQ0005213000
*[For TCEQ office use only -
EPA I.D. No. TX0137383]*

This renewal replaces TPDES Permit
No. WQ0005213000, issued on
September 12, 2018.

City of Abilene

whose mailing address is

P.O. Box 60
Abilene, Texas 79604

is authorized to treat and discharge wastes from the Possum Kingdom Raw Water Roughing Facility,
a reverse osmosis water treatment facility (SIC 4941)

located at 105 East Elliot Street, in the City of Breckenridge, Stephens County, Texas 76424

via pipeline directly to Possum Kingdom Lake in Segment No. 1207 of the Brazos River Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from the date of permit issuance.

ISSUED DATE:

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS- PHASE IOutfall Number 001

1. During the period beginning upon the date of permit issuance and lasting through the initiation of the Final Phase (Phase II), the permittee is authorized to discharge water treatment waste ¹ subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 1.09 million gallons per day (MGD). The daily maximum flow shall not exceed 1.38 MGD.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	1.09 MGD [*]	1.38 MGD	N/A	Continuous	Meter
Total Dissolved Solids	N/A	Report	N/A	1/month	Grab
Chloride	N/A	Report	N/A	1/month	Grab
Sulfate	N/A	Report	N/A	1/month	Grab

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: for Outfall 001, at the sample tap on the reverse osmosis concentrate pipeline before it leaves the Membrane Building.

¹ Refer to Other Requirement No. 3.

^{*} Calculate and report as the annual average flow, as defined on page 3, Item 1.a. of this permit.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS- PHASE IIOutfall Number 001

1. During the period beginning upon initiation of the Final Phase (Phase II) and lasting through the date of permit expiration, the permittee is authorized to discharge water treatment waste ¹ subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 1.51 million gallons per day (MGD). The daily maximum flow shall not exceed 1.81 MGD.

Effluent Characteristics	Discharge Limitations			Minimum Self-Monitoring Requirements	
	Daily Average mg/L	Daily Maximum mg/L	Single Grab mg/L	Report Daily Average and Daily Maximum Measurement Frequency	Sample Type
Flow	1.51 MGD ²	1.81 MGD	N/A	Continuous	Meter
Total Dissolved Solids	N/A	Report	N/A	1/month	Grab
Chloride	N/A	Report	N/A	1/month	Grab
Sulfate	N/A	Report	N/A	1/month	Grab

2. The pH must not be less than 6.0 standard units nor greater than 9.0 standard units and must be monitored 1/day by grab sample.
3. There must be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
4. Effluent monitoring samples must be taken at the following location: for Outfall 001, at the sample tap on the reverse osmosis concentrate pipeline before it leaves the Membrane Building.

¹ Refer to Other Requirement No. 3.² Calculate and report as the annual average flow as defined on page 3, Item 1.a. of this permit.

Exhibit C

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF PUBLIC MEETING FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER

RENEWAL

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 renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005213000, which authorizes the discharge of water treatment waste at an annual average flow not to exceed 1,510,000 gallons per day via Outfall 001. The TCEQ received this application on March 7, 2023.

The facility is located at 105 East Elliot Street, in the City of Breckenridge, Stephens County, Texas 76424. 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://gisweb.tceq.texas.gov/LocationMapper/?marker=-98.9017,32.7512&level=18>

The effluent is proposed to be discharged 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.

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.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit.

application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

**Tuesday, June 18, 2024 at 7:00 PM
Possum Kingdom Lake Chamber of Commerce
362 North FM 2353
Grafard, Texas 76449**

INFORMATION. Members of the public are encouraged to submit written comments anytime during the meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040. *Si desea información en Español, puede llamar 1-800-687-4040.* General information about the TCEQ can be found at our web site at <https://www.tceq.texas.gov>.

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. Further information may also be obtained from the City of Abilene at the address stated above or by calling Mr. Rodney Taylor, Director of Water Utilities, at 325-676-6452.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Issued: May 02, 2024

Exhibit D

TPDES Permit No. WQ0005213000

APPLICATION BY	§	BEFORE THE
CITY OF ABILENE FOR TPDES	§	TEXAS COMMISSION
PERMIT NO. WQ0005213000	§	ON ENVIRONMENTAL
	§	QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (Response or RTC) on the application by the City of Abilene (Applicant) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) permit No. WQ0005213000 and the Executive Director's preliminary decision on the application. As required by Title 30 of the Texas Administrative Code (30 TAC) Section (§) 55.156, before a permit is issued, the Executive Director prepares a response to all timely, significant or relevant and material comments. The Office of the Chief Clerk received timely comments from the individuals and organizations listed in the master appendix. This response addresses all timely public comments received, whether or not withdrawn.

This application is subject to the requirements in Senate Bill (SB) 709, effective September 1, 2015. SB 709 amended the requirements for comments and contested case hearings. One of the changes required by SB 709 is that the Commission may not find that a "hearing requestor is an affected person unless the hearing requestor timely submitted comments on the permit application." Texas Water Code (TWC) § 5.115(a-1)(2)(B). To determine which commenter made a particular comment, please refer to the appendix.

If you need more information about this permit application or the wastewater permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at the following website:

www.tceq.texas.gov.

analysis is from surface water quality monitoring stations near the discharge location. The analysis is consistent with current standardized TCEQ procedures. However, the results of this evaluation can be reexamined upon receipt of information that conflicts with the information employed in this analysis.

Comment 23:

The individuals in Appendix V provided comments expressing concern with the effectiveness of the diffuser in dispersing the effluent during low flow conditions, which is consistent with current standardized TCEQ procedures.

Response 23:

The water depth is an important parameter used in the analysis. Water body width and depth near the proposed discharge location were provided in the application. Our analysis relies on the information provided by the applicant.

Comment 24:

The individuals in Appendix W provided comments expressing opposition to the draft permit.

Response 24:

The ED has noted these comments.

III. CHANGES MADE TO THE DRAFT PERMIT IN RESPONSE TO COMMENTS

In response to Public Comments, the Executive Director made no changes to the draft permit.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,
Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division



Aubrey Pawelka, Staff Attorney
Environmental Law Division
State Bar No. 24121770
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-0622
Fax: (512) 239-0606

REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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