

July 31, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

TCEQ OCC

7AUG '23 10:15

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Chris Beeson
Address: 1601 Forum Circle #145, Graford, TX 76449
Phone Number: 806-535-2728

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will

affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Beeson", with a long horizontal flourish extending to the right.

Chris Beeson

Beeson

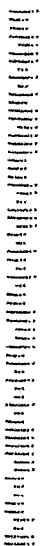
10303 INDIANA AVE STE 400 #332
LUBBOCK, TX 79423

RECEIVED

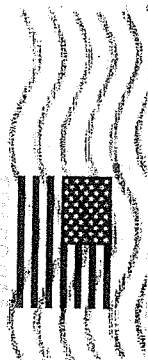
SEP 22 09:41 AM '07
000 DECEQ MAIL CENTER
AJ

Office of the Chief Clerk
TCEQ
PO Box 13087, MC 105
Austin, TX 78711-3087

78711-308787



LUBBOCK TX 794
2006 09 23 09:41 L



July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED
AUG 21 2023 PM
GCU H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: JAN Bowen
Address: Lot 4 Shakes Camp
Phone Number: 432-288-3715

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Janet Bowers

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Tuesday, June 25, 2024 3:42 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005213000

H

From: Bullock.janel@yahoo.com <Bullock.janel@yahoo.com>
Sent: Friday, June 21, 2024 12:10 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Janel Bullock

EMAIL: Bullock.janel@yahoo.com

COMPANY:

ADDRESS: 749 EN 12TH ST
ABILENE TX 79601-3801

PHONE: 3255304340

FAX:

COMMENTS: I am requesting a public hearing or admin hearing regarding reconsideration. Janel Bullock 749 EN 12th St. Abilene, TX 79601 (325) 530-4340 Application operation of Possum Kingdom Raw Water Roughing Facility Permit#WQ0005213000 Please include me on all future mailing and lists to receive notices from this applicant and any other with regards to this operation. Application to renew waste water discharge permit without providing an opportunity for contested hearing of certain criteria are met.

I ask for extended management, consideration of lack of access to finances, disabilities and an awareness of the potential lasting negative effects it would have on me and my minor daughter.

July 30, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED

AUG 24 2023

DJ Gue

P4
H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

Dear Chief Clerk Gharis:

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Name: Jent & Stacy Burke
Address: 8725 CR 300 Graham, TX 76450
Phone Number: 806-438-4907

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

Janet Burke
Stacy Burke

23AUG '23 10:03

TCEQ 000

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED

AUG 24 2023 PM
By ECW H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

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Name: Terry Carey
Address: P.O. Box 1, Caddo, TX 76429
Phone Number: 940-456-0631

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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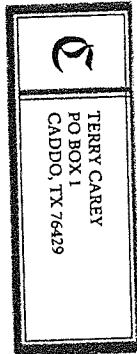
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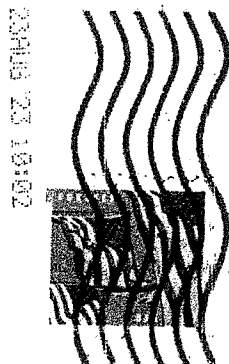
Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Leary". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.



NORTH TEXAS TX P&DC
DALLAS TX 750
21 AUG 2023 PM 10 L



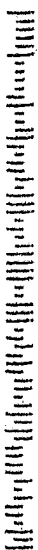
23 AUG 23 10:02

TCED QOC

Office of Chief Clerk
Texas Commission of Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED
AUG 23 2023
TCED MAIL CENTER
JR

78711-308787



Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, July 31, 2023 3:19 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQ-Letter-for-WQ0005213000.docx

PM
H

From: sue.cathey@yahoo.com <sue.cathey@yahoo.com>
Sent: Monday, July 31, 2023 10:49 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: SUE CATHEY

EMAIL: sue.cathey@yahoo.com

COMPANY:

ADDRESS: 715 DOVE LN
GRAFORD TX 76449-3140

PHONE: 8179296311

FAX:

COMMENTS: Letter attached

July 31, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Sue Cathey
Address: 715 Dove Ln., Graford, TX 76449
Phone Number: 17-929-6311

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Sue Cathey
Resident of Possum Kingdom Lake

TCEQ Registration Form

June 18, 2024

City of Abilene

Proposed Renewal of TPDES Permit No. WQ0005213000

PLEASE PRINT

Name:

Sue Cathey

Mailing Address:

715 Dove Ln

Physical Address (if different):

City/State:

Gratford

Zip:

76449

This information is subject to public disclosure under the Texas Public Information Act

Email:

sue.cathey@yahoo.com

Phone Number:

(817) 929-6511

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? _____

☐ Please add me to the mailing list.

☐ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Has the mixing analysis described in the recertification ruled out effluent build-up surrounding the diffuser? Three-dimensional visualization and effluent mass balancing calculations at the HHZ boundaries would detect effluent build-up. Have these techniques been used to demonstrate that effluent build up-will not occur?

RECEIVED
JUN 18 2024
AT PUBLIC MEETING

Thomas Lee

From: PUBCOMMENT-OCC
Sent: Wednesday, July 12, 2023 10:16 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000

From: sue.cathey@yahoo.com <sue.cathey@yahoo.com>
Sent: Tuesday, July 11, 2023 11:48 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Sue Cathey

EMAIL: sue.cathey@yahoo.com

COMPANY:

ADDRESS: 715 DOVE LN
GRAFORD TX 76449-3140

PHONE: 8179296311

FAX:

COMMENTS: Droughts create potential hazards for both humans and wildlife. The modeling provided is based on full lake levels and does not take drought conditions into consideration. The drought of record occurred in 2011; the lake level at that time was as 984. Discharge of effluents at this level would create concentrations that are above recommended health standards.

23AUG '23 10:07

TCEQ 000

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED

AUG 21 2023 PM
Gue H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: *Dusty Creel*
Address: *Lot 21 Shaker Camp*
Phone Number: *940-550-5028*

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

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Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in cursive script, reading "Dusty Cuel". The signature is written in dark ink on a white background.

23 AUG '23 10:05

August 8, 2023

Office of the Chief Clerk
Texas Commission on Environmental Quality
PO Box 13087, MC 105
Austin, TX. 78711-3087

RECEIVED
AUG 24 2023 PM
By GUN H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928;
Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting
and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Blake & Michelle Davis
Address: 8967 County Road 300, Graham, TX 76450
Phone Number: 806-778-8502 or 806-777-6679

The City of Abilene is requesting to discharge an "annual average" of no more than 2.1 million gallons of wastewater into Possum Kingdom daily. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. Possum Kingdom also receives an estimated three million visitors annually. Reservoir activities include fishing, water sports, swimming, and scuba diving. The reservoir has public fishing piers, seven public boat ramps and public access areas for day and overnight camping.

The discharge of over a million gallons of wastewater into Possum Kingdom Lake will definitely affect my enjoyment of the lake and the water supply that we rely on.

With new information regarding the movement of Cedar Creek, where the pipeline is in the water, I believe the permit was previously granted based on incorrect information. Cedar Creek does not have constant movement as previously stated in the City of Abilene's model. Also, the pipeline was sunk in only 19' of water, when the lake was at its fullest. As lake levels drop so does the depth of the pipeline. At the very least it should have been placed near the channel to achieve the greatest depth.

We therefore request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Blake Davis & Michelle Davis

TCEQ Registration Form

June 18, 2024

13

City of Abilene

Proposed Renewal of TPDES Permit No. WQ0005213000

PLEASE PRINT

Name: Michelle Davis

Mailing Address: 8967 CR 300

Physical Address (if different): _____

City/State: Graham Zip: 76450

This information is subject to public disclosure under the Texas Public Information Act

Email: shell0208@gmail.com

Phone Number: (806) 777-6679

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

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(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

August 7 2023

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2023 AUG 10 AM 10:21
CHIEF CLERKS OFFICE
AUG 10 2023 PM
H
Gue

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
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Mark and Colleen Feighner
460 East Jeter Rd, Bartonville, Texas 76226
817 528 2129

Our Lake home is at 4945 Hawk Rd, Graham, Texas 76450. The property is held in the name of our LLC-- Pokagon.

We agree with the comments stated by the Possum Kingdom Lake Association.

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

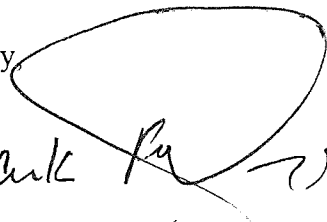
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Sincerely,



Mark R. [unclear]



Colleen [unclear]

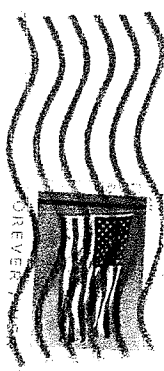
FEIGHNER
460 Jeter Road
Bartonville, Texas 76226

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2023 AUG 10 AM 10:21

CHIEF CLERKS OFFICE

NORTH TEXAS TX P&DC
DALLAS TX 750
8 AUG 2023 PM 7 L



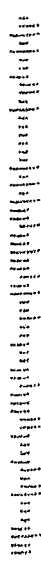
OFFICE OF THE CHIEF CLERK
TEXAS COMMISSION OF ENVIRONMENTAL QUALITY
P.O. BOX 13087, MC 105
AUSTIN TX
78711-3087

RECEIVED

AUG 10 2023

TOEC MAIL CENTER
DA

78711-3087



IP No. 286178

Name FEIGHNER, MARK

Organization

Title

Details	Address	Electronic Communications	Items & Actions	Additional IDs	Counties	Zip Codes	Customers & Regulated Entities
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* Request Received Date

Last Polling Date

☐ Legislator

Comment

Individual

Name	Prefix	Suffix	Title	Organization	Concerned Citizen	Delete
FEIGHNER, MARK	.	.			NO	X

Address

Street/PO Box	460 E JETER RD	State	TX	Zip	76226-9565
City	BARTONVILLE	Country	USA		
Building/Mail Drop		Multiple Addresses	No		

Electronic Communications

Type	PHONE	Country	Phone	(617) 528-2129	Ext.
Type		Country	Fax		Ext.
Type	EMAIL	mark.fsreakfarm@gmail.com			

Items									
Number	Program	ID Type	Additional ID	Principal	CN	Status	Active	Comments	Delete
132785	W/PERMIT	PERMIT	WQ0006213000	CITY OF ABILENE	CH60242871	ACTIVE	YES		
Associate...									
Show more columns									

My name is Mark Feighner and we have a lake home on Cedar Creek

I am representing my grandchildren and future generations and will ask one question about the proposal

First, I would like to thank the Texas Commission for this hearing process and the opportunity to be heard. In my professional career I was an executive for a large public utility and respect the integrity of this process. You all have a tremendous responsibility to consider the proposal and the impact on all involved. In my experience, the key factor is to ask the right questions.

We all know that North Texas is one of the fastest growing areas in the United States. In fact this is expected to continue, and based on some population projections the Dallas Ft Worth metropolitan area is expected to be the LARGEST population center in the United States by the year 2100---- bigger than Los Angeles, New York, Atlanta, and even Houston.

Access to clean water will be critical to support this growth.

My question is "Will this Abilene Permit for dumping Industrial Wastewater IMPROVE the quality of Cedar Creek, Possum Kingdom, and all downstream bodies of water".

The answer needs to be a simple "Yes" or "No".

IF THE ANSWER TO THIS QUESTION IS NO, THE APPLICATION MUST BE DENIED.

The early settlers who came to North Texas were successfully guided by some commonsense principles.

The first was "Protect your water supply at all cost" and just as important--"YOU DON'T ---- WHERE YOU SLEEP"

Thank you for taking my question

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Wednesday, October 18, 2023 2:44 PM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQTemplate-Letter-for-Distribution-11.docx

PM
H

From: PGORMAN@DYNASYSTEMS.US <PGORMAN@DYNASYSTEMS.US>
Sent: Tuesday, October 17, 2023 2:32 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Patrick Gorman

EMAIL: PGORMAN@DYNASYSTEMS.US

COMPANY:

ADDRESS: 3504 MCNIEL AVE
WICHITA FALLS TX 76308-1505

PHONE: 9406913962

FAX:

COMMENTS: comments attached

October 17, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Patrick A. Gorman
Address: 3504 Mcniel Wichita Falls, Tx 76308
Phone Number: 940-691-3962

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an “annual average” of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

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Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,
Patrick A. Gorman

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
 Texas Commission on Environmental Quality,
 P.O. Box 13087, MC 105
 Austin, TX 78711-3087

RECEIVED

AUG 24 2023

GCU PM
H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
 Facility; RN107958928; Renewal Application Wastewater Permit No.
 WQ0005213000; Comment and Request for Public Meeting and Contested Case
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Name: Kathy Halgrimson

Address: 8925 CR 299 Graham, TX

Phone Number: 940-549-4857

Kathy Halgrimson

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

23AUG '23 10:05

TCEQ 000

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED
AUG 21 2023 PM
J. GAN H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

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I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Greg Hamilton
Address: 9087 CR 300
Phone Number: 254.559.0560

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

Greg Hamel

23AUG '23 10:05

TCEQ 000

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RENEWED
AUG 24 2023 PM
J. Gue H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

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Name: *Sam Heard*
Address: *Lot 88 Shaker Camp 17925 P.R. 3003*
Phone Number: *432-934-2737*

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

2AUG '23 15:05

RECEIVED

AUG 03 2023

TCEQ OCC

GCW PM H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

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Name: J. T. Jackson Lake House LLC
Address: 8301 CR 300 Graham, TX, 76450
Phone Number: 817-454-4691

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

JENA Taver Jackson JZ Jackson
Justin Jackson

Jackson
8301 CR 300
Madison TX 76450

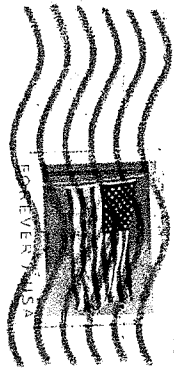
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2023 AUG -2 PM 3:00

CHIEF CLERKS OFFICE

Office of the Chief Clerk
TCEQ
P.O. Box 13087, MC105
Austin, TX 78711-3087

NORTH TEXAS TX PRDC
DALLAS TX 750
31 JUL 2023 PM 7 L



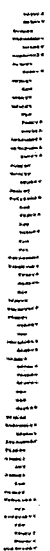
RECEIVED

AUG 02 2023

TCEQ MAIL CENTER

CJ

78711-308787



Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Wednesday, August 9, 2023 11:01 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQTemplate-Letter-for-Distribution.docx

PM
H

From: Cjordan2516@gmail.com <Cjordan2516@gmail.com>
Sent: Tuesday, August 8, 2023 6:15 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Chad Jordan

EMAIL: Cjordan2516@gmail.com

COMPANY:

ADDRESS: 3034 S KELLER RD
MINERAL WELLS TX 76067-1558

PHONE: 9403298052

FAX:

COMMENTS: August 8, 2023 Filed Electronically at: www.tceq.texas.gov/goto/comment Office of the Chief Clerk Texas Commission on Environmental Quality, P.O. Box 13087, MC 105 Austin, TX 78711-3087 RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing Dear Chief Clerk Gharis: I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-

referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information. Name: chad Jordan Address: 3034 S. Keller Rd., Mineral Wells, Tx 76067 Phone Number: 940 329 8052 Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas. The City of Abilene is requesting to discharge an "annual average" of 1.51 million gallons of wastewater into Possum Kingdom Lake daily. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake. There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term. It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing. Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director. Sincerely, Chad Jordan

August 8, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
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Name: chad Jordan
Address: 3034 S. Keller Rd., Mineral Wells, Tx 76067
Phone Number: 940 329 8052

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CHAD JORDAN

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Wednesday, August 9, 2023 11:00 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005213000

PM
H

From: Codyjordan456@gmail.com <Codyjordan456@gmail.com>
Sent: Tuesday, August 8, 2023 6:21 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Cody Jordan

EMAIL: Codyjordan456@gmail.com

COMPANY:

ADDRESS: 3034 S KELLER RD
MINERAL WELLS TX 76067-1558

PHONE: 9403298053

FAX:

COMMENTS: August 8, 2023 Filed Electronically at: www.tceq.texas.gov/goto/comment Office of the Chief Clerk Texas Commission on Environmental Quality, P.O. Box 13087, MC 105 Austin, TX 78711-3087 RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing Dear Chief Clerk Gharis: I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required

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July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED
AUG 24 2023 PM
H
GCU

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: *STEVE JORDAN*
Address: *SHAKERS CAMP LOT #10 (9195 PVE RD 2993)*
Phone Number: *254-246-0438*

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, July 31, 2023 3:19 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000

H

From: kramerteri@hotmail.com <kramerteri@hotmail.com>
Sent: Monday, July 31, 2023 10:04 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Teri Kramer

EMAIL: kramerteri@hotmail.com

COMPANY:

ADDRESS: 4913 PERSHING AVE
FORT WORTH TX 76107-4931

PHONE: 8177143209

FAX:

COMMENTS: My family and I, who have owned a cabin on the peninsula and have loved Possum Kingdom for over a half decade, request from TCEQ a public hearing so new information can be introduced. Thank you.

TCEQ Registration Form

did not
speak

PLEASE PRINT

Name: TERI KRAMER

Mailing Address: 4913 PERSHING AVE., FORT WORTH, TX
76107

Physical Address (if different): _____

City/State: FORT WORTH, TX Zip: 76107

****This information is subject to public disclosure under the Texas Public Information Act****

Email: kramer.teri@hotmail.com

Phone Number: (817) 714-3209

- Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☒ No

If yes, which one? _____

☒ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☒ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Did the TCEQ re-analyze Abilene's models and produce their own model results? If so, did they assume PK might ever be below full?

Teri Kramer

kramerteri@hotmail.com

*Mailing Address -- 4913 Pershing Ave, Fort Worth, TX
76107*

*Lake Address – 2931 Colonels Row, South side of the
Peninsula, Graford, TX*

*I don't think I'm within half a mile of the diffuser in Crystal
Cove*

RECEIVED
JUN 18 2024
AT PUBLIC MEETING

Thomas Lee

From: PUBCOMMENT-OCC
Sent: Thursday, June 29, 2023 2:23 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQ comments1.pdf

PM
H

From: jim@lattimorecompany.com <jim@lattimorecompany.com>
Sent: Wednesday, June 28, 2023 2:33 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: MR James P. Lattimore, JR

EMAIL: jim@lattimorecompany.com

COMPANY:

ADDRESS: 1755 PARK ROAD 36
GRAFORD TX 76449-4574

PHONE: 8173126347

FAX: 4433392345

COMMENTS: Please see attached pdf file.

I am writing to you as a long-time property owner and resident of Possum Kingdom Lake. My family's property abuts the shores of the Lake, and we have an annually renewable agreement with the BRA to use water from the Lake for household use. We depend on the availability and quality of the water coming from Possum Kingdom Lake.

In its original application, Abilene modeled its injection point into the Lake as if the Lake was full and as if there was constant flow within the Cedar Creek Branch of the Lake where the injection point is to be located. The City's own models ignored the basic premise that this source of water was to be used during periods of drought, when lake levels at Possum Kingdom would likely be very low and there would be no flow in Cedar Creek Branch.

Early on, the argument was raised that the effluent was the product of water that was originally produced from Possum Kingdom Lake and, therefore, should reasonably be returned to the Lake. I would not disagree with this position if it could be returned throughout the waters of the Lake but what Abilene proposes and what is currently permitted is a point source discharge. In fact, it is worse than a point source discharge in that there will be no circulation present so it will simply pool at the outlet of the discharge!

All of that is history. There have been a number of changes occurring during the five years since the original permit was issued:

- The Corps of Engineers installed a flow gauge measuring inflows in the Cedar Creek Branch (USGS 08088470) of Possum Kingdom Lake in 2020. Data from that gauge shows no inflows since the gauge was installed for about 85% of the days and only 5 days where inflows exceeded 10 cfs in that multi year period.
- As I read the application, there is no provision for testing or monitoring of water quality in the vicinity of the discharge point to verify that water quality is not being affected by Abilene's operations.
- An independent review by qualified experts has found that the CORMIX model applied by Abilene's engineers gives erroneous results at low or zero flow rates.
- Abilene has not placed any portion of its plant or pipeline in operation to provide real-world proof that the results of its modeling are not in error.

All of this said, I believe there is plenty of new data that calls into doubt the original modeling submitted with the application for Permit No. WQ0005213000. I have strong questions as to the support Abilene shows in their application for renewal. At the least, a Public Meeting should be held to explore all of these new data sources and in all likelihood, a Contested Case Hearing should be conducted if Abilene cannot show to the public's satisfaction that its application is well supported.

I request that I be added to the permit mailing list for all communication related to permit WQ0005213000 and that the preceding be entered as my public comments and further that the Executive Director consider this request that a Public Meeting be held to explore the issues raised herein.

July 25, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

TCEQ OCC

31 JUL '23 11:00

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Will Lunsford
Address: 9087 CR 300, Graham, TX 767540
Phone Number: 940-521-4001

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

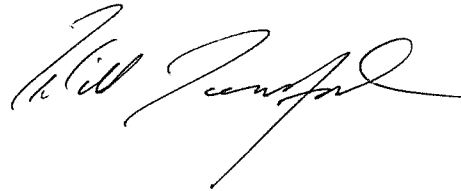
There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will

affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Jorgensen". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Dunford
2 LAZYWOOD LANE
MIDLAND, TX 79705

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

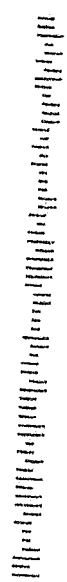
2023 JUL 31 AM 10:24

CHIEF CLERK'S OFFICE

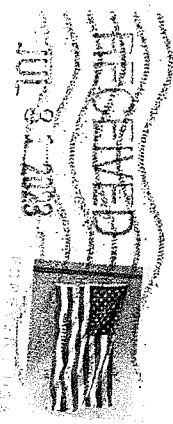
*Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX*

78711-3087

7871133087



MIDLAND / OFFICE
TX 79705
JUL 28 2023 PM



TCO MAIL CENTER
DA

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Wednesday, August 9, 2023 11:01 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005213000

PM
H

From: shannymac_5@yahoo.com <shannymac_5@yahoo.com>
Sent: Tuesday, August 8, 2023 4:35 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Shannon J Mackinnon

EMAIL: shannymac_5@yahoo.com

COMPANY:

ADDRESS: 703 M ANTHONY LOOP
GRAFORD TX 76449-3136

PHONE: 4696046658

FAX:

COMMENTS: I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958929; Renewal Application Wastewater Permit No. WQ0005213000. Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated 3M visitors annually. Major activities include swimming, fishing, water skiing, and scuba diving. The reservoir has public fishing piers,

seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas. The city of Abilene is requesting to discharge an "annual average" of 1.51 Million gallons of wastewater into Possum Kingdom Lake DAILY. The wastewater (i.e. reverse osmosis reject water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake. There are many disposal options the City of Abilene could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the city. It defies logic and common sense to discharge over a million gallons of wastewater, A DAY, into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. This discharge will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City of Abilene has filed with TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case. I hereby request a Public Meeting and Contested Case hearing be conducted. Sincerely, Shannon Mackinnon

16AUG '23 10:44

July __, 2023

TCEQ DEC

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED
AUG 17 2023 PM
H
GCW

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: **Rock Masekang**
Address: **4812 FM 1148 Graham TX 76450**
Phone Number: **817-269-7266**

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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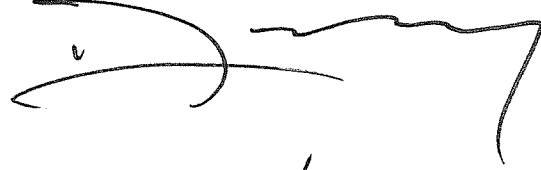
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Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

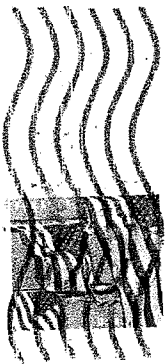
Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

8/14/23

MASSARUNG
4012 FM 1148
Lubbock, TX 76450

NORTH TEXAS TX P&DC
DALLAS TX 750
14 AUG 2023 PM 8 L



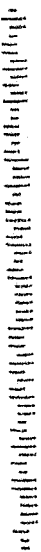
RECEIVED

AUG 16 2023

TCEQ MAIL CENTER
WT

Office of Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

78711-308787



July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED

AUG 24 2023

By GCW PM H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

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Name:

Address:

Phone Number:

McReynolds Barbara & Wakey
17901 PR 3003
(806) 535-8727

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

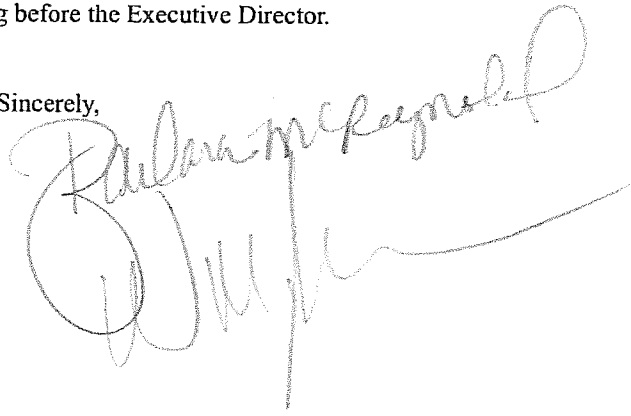
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Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pauline McKeown". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED

AUG 24 2023 PM

Gaw H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

Dear Chief Clerk Gharis:

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Name: Dan + B.K. Maunert
Address: Lot 23 Shakes Camp
Phone Number: 940-636-2000 940-636-0816

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

FOR DOMESTIC AND INTERNATIONAL USE

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 5, 2023 11:18 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000

PM
H

From: mmmikeska@yahoo.com <mmmikeska@yahoo.com>
Sent: Tuesday, September 5, 2023 10:58 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Mike Mikeska

EMAIL: mmmikeska@yahoo.com

COMPANY:

ADDRESS: 6317 ORCHID LN
DALLAS TX 75230-4033

PHONE: 2148931281

FAX:

COMMENTS: August 30, 2023 Office of the Chief Clerk Texas Commission on Environmental Quality, P.O. Box 13087, MC 105 Austin, TX 78711-3087 RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing Dear Chief Clerk Gharis: I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my

information. Mike Mikeska 6317 Orchid Lane Dallas TX 75230 214.893.1281 Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas. The City of Abilene is requesting to discharge an "annual average" of 1.51 million gallons of wastewater into Possum Kingdom Lake daily. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake. There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term. It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing. Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director. Sincerely, Michael M Mikeska

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, July 31, 2023 3:20 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQTemplate-Letter-for-Distribution4.docx

PM
H

From: perk77@triooperating.com <perk77@triooperating.com>
Sent: Monday, July 31, 2023 12:00 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Thomas R Perkins

EMAIL: perk77@triooperating.com

COMPANY:

ADDRESS: 302 WINDJAMMER WAY
WICHITA FALLS TX 76308-5842

PHONE: 9407332854

FAX:

COMMENTS: See attached letter

July 31, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Thomas R. Perkins
Address: 302 Windjammer, Lakeside City, TX 76308
Phone Number: 940-733-2854

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an “annual average” of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will

affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Thomas R. Perkins

Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Tuesday, August 15, 2023 10:00 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQ-WQ0005213000.docx

eComment = comment
attachment = PM, H

From: greglp66@gmail.com <greglp66@gmail.com>
Sent: Tuesday, August 15, 2023 9:30 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Gregory L Peterson

EMAIL: greglp66@gmail.com

COMPANY:

ADDRESS: 100 SANDALWOOD CT
WEATHERFORD TX 76085-8235

PHONE: 8176940216

FAX:

COMMENTS: Water touches virtually every aspect of human society, and all life on earth requires it. Yet, fresh, clean water is becoming increasingly scarce. Drivers of freshwater salt pollution such as de-icers on roads and parking lots, water softeners, and wastewater and industrial discharges further threaten freshwater ecosystem health and human water security. Citizens can start today by thinking more critically about what they put down the drain and how that harms the environment, and in turn, their own drinking water supply. Inland freshwater salt pollution is associated with

the decline of biodiversity, critical freshwater habitat, and lack of safe drinking water. Salt easily contaminates fresh water but the salt is very difficult to remove from the water. The reject stream of a reverse osmosis system is highly concentrated with the fresh water impurities. This discharge stream, (10% to 30% of the inlet water volume) contains all of the elements of what contaminates the water. These pollutants do not go away and should not be discharged into navigable water streams. Dilution is not the solution. The pollutants will concentrate higher and higher in the inland water resources due to evaporation and time. Power plants are increasingly required to be a zero liquid discharge permitted facilities. The technology is available to responsibly manage the reverse osmosis reject stream.

August 15, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name:
Address:
Phone Number:

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,
Gregory L Peterson

Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Monday, August 14, 2023 11:34 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQ-WQ0005213000.docx

PM
H

From: longridersoftware@gmail.com <longridersoftware@gmail.com>
Sent: Monday, August 14, 2023 11:12 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Jeff Peterson

EMAIL: longridersoftware@gmail.com

COMPANY:

ADDRESS: 4459 CHAPEL RD
GRAHAM TX 76450-5810

PHONE: 9402244593

FAX:

COMMENTS: The City of Abilene has multiple options available to them for waste water disposal. The City of Wichita Falls pipes their effluent water back to one of the two water sources for the city. The City of Abilene can do the same and maybe their area lakes can benefit from the water described in WQ0005213000. Don't tread on PK. The BRA does it plenty on a daily basis. Don't foist this on the business and property owners of Possum Kingdom. Harming this lake will harm the counties and ultimately the State of Texas.

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

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Name:
Address:
Phone Number:

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Sincerely,

July 31, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED

AUG 24 2023

PM
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J. GCU

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

Dear Chief Clerk Gharis:

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Name: Orville + Virginia Pirraglia
Address: 9134 PR 2993, Graham TX 76450
Phone Number: (940) 521-9564

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

Orville Piragodin
Orville Piragodin

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED
AUG 24 2023 PM
GCU H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

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Name: Carolyn Polston
Address: Lot 9 Shakers Camp
Phone Number: 806 - 215 - 7510

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

23 AUG '23 10:06

July 20 2023

TCEQ 000

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

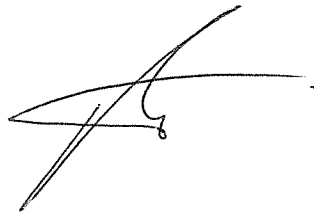
REVENUE
AUG 24 2023 PM
By GCM H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

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Name: Rodney Polston
Address: Shaker's camp #28
Phone Number: 915-526-3791



Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

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Name: *J. Tom Pruett*
Address: *4837 PIKE RD Graham, TX Possum Kingdom Lake*
Phone Number: *575-318-1127*

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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REVIEWED

AUG 22 2023

By *GCW*

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CHIEF CLERKS OFFICE

2023 AUG 21 AM 10:06

ON ENVIRONMENTAL

affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

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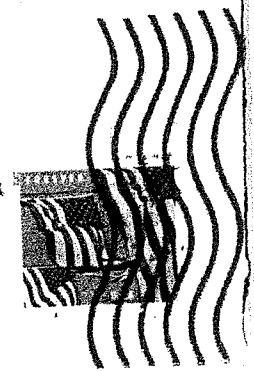
Sincerely,

A handwritten signature in black ink, appearing to read "Mark Smith". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Prueff
1403 W Calle Sur
Hobbs, NM 88240
CC
ON FILE
2023 AUG 21
CHIEF CLERK'S OFFICE

RECEIVED
AUG 21 2023
FBI
COMMUNICATIONS CENTER

LUBBOCK TX 794
15 AUG 2023 PM 1 L



OFFICE OF THE CHIEF CLERK
Texas Commission on Environmental Quality
P.O. Box 13087 MC105

Austin, TX 78711-3087
78767-130808

Vincent Redondo

From: PUBCOMMENT-OCC
Sent: Monday, May 6, 2024 11:36 AM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WQ0005213000

RFR

From: John.queralt@gmail.com <John.queralt@gmail.com>
Sent: Friday, May 3, 2024 5:21 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: John Queralt

EMAIL: John.queralt@gmail.com

COMPANY:

ADDRESS: 3936 BENT ELM LN
FORT WORTH TX 76109-2009

PHONE: 8176587771

FAX:

COMMENTS: As a property owner on Possum Kingdom lake, I would like the TCEQ to reconsider allowing discharge of wastewater into a body of water which is so highly utilized recreationally. Many young families spend hours at a time in that water throughout the summer and I would be very concerned about exposure to potential contaminants. If it is the opinion of the TCEQ that there are no safety concerns, the public deserves to know how that is substantiated and how it will be monitored.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Tuesday, September 5, 2023 10:59 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000

PM
H

From: jreilly410@aol.com <jreilly410@aol.com>
Sent: Friday, September 1, 2023 5:31 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: John Reilly

EMAIL: jreilly410@aol.com

COMPANY:

ADDRESS: 621 HOMEWOOD DR
PLANO TX 75025-6108

PHONE: 2146758846

FAX:

COMMENTS: RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing Dear Chief Clerk Gharis: I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information. Name: John Reilly Address: 621 Homewood Drive, Plano TX 75025 Phone Number: 2146758846 Water is the life-giving force

that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas. The City of Abilene is requesting to discharge an "annual average" of 1.51 million gallons of wastewater into Possum Kingdom Lake daily. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake. There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term. It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas, particularly when other options exist. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake when I and my family visit our home there, and the water supply that we rely on for living and recreation. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing. Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Misty Botello

From: PUBCOMMENT-OCC
Sent: Monday, August 21, 2023 11:17 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: PK PROTEST2.pdf

PM
H

From: wade@dwrcontractors.com <wade@dwrcontractors.com>
Sent: Saturday, August 19, 2023 7:22 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: MR Wade Roberson

EMAIL: wade@dwrcontractors.com

COMPANY:

ADDRESS: 155 CROOKED CREEK LN
ALED0 TX 76008-4583

PHONE: 8172963118

FAX:

COMMENTS: City of Abilene CN 600242671 PK water

July 20 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

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Name: Wade Roberson
Address: 4812 Fm 1148
Phone Number: 817 2943118

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of 1.51 million gallons of wastewater into Possum Kingdom Lake daily. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

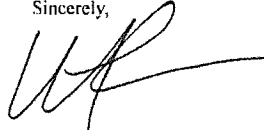
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believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in black ink, appearing to be 'U. R.', with a long horizontal stroke extending to the right.

Marielle Bascon

From: PUBCOMMENT-OCC
Sent: Tuesday, July 25, 2023 4:19 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: TCEQ Letter.pdf; TCEQ Letter.pdf

PM
H

From: debfrule@gmail.com <debfrule@gmail.com>
Sent: Tuesday, July 25, 2023 3:15 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Debbie Rulestead

EMAIL: debfrule@gmail.com

COMPANY:

ADDRESS: 1309 NW 15TH ST
ANDREWS TX 79714-2610

PHONE: 4322384177

FAX:

COMMENTS: We own the property at located at 17971 PR 3004, Graham, TX 76450

July 25, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Edward and Debbie Rulestead
Address: 1309 NW 15th, Andrews, TX 79714
Phone Number: 432-238-4177

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Edward Rubenstein
Debbi Rubenstein

July 25, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
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Phone Number: 432-238-4177

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Sincerely,

Edward Rubenstein
Debbi Rubenstein

July __, 2023

23AUG '23 10:06

TCEQ CCC

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED

AUG 24 2023 PM
GCU H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: ~~BEVERLY MUMFERT~~ Kent Sadler Kent Sadler
Address: Lot 15 Shakus Camp
Phone Number: (440) 636-2000 - 817-723-4265

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Dexter J. Hummel". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

July 30, 2023

2AUG '23 15:06

Filed Electronically at: www.tceq.texas.gov/goto/comment

TCEQ 000

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED
AUG 03 2023 PM
DZ GCW H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Grady and Jame Sanders
Address: 8365 CR 300 Graham, TX 76450
Phone Number: (806) 548-0087

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

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Sincerely,


James Sonders

Sanders
8365 CR 300
Hyalom, TX 76450

RECEIVED

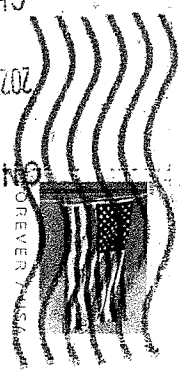
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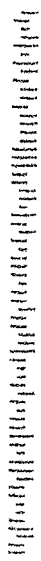
*Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC105
Austin, TX 78711-3087*

NORTH TEXAS TX P&DC
DALLAS TX 750
31 JUL 2023 PM 8 L



TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2023 AUG -2 PM 3:30
CHIEF CLERKS OFFICE

78711-308787



Marielle Bascon

From: PUBCOMMENT-OCC
Sent: Monday, July 17, 2023 2:19 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ;
PUBCOMMENT-WWW-WRAS
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: Comments and Request for Contested Case Hearing_23-07-17.pdf

H
PM

From: psarahan@enochkever.com <psarahan@enochkever.com>
Sent: Monday, July 17, 2023 11:39 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: MR Paul Sarahan

EMAIL: psarahan@enochkever.com

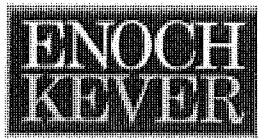
COMPANY: Enoch Kever PLLC

ADDRESS: 7600 N CAPITAL OF TEXAS HWY Bldg. B, Suite 200
AUSTIN TX 78731-1184

PHONE: 5126151215

FAX:

COMMENTS: Comments and Request for Contested Case Hearing - City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000



Paul C. Sarahan
(512) 615-1215
psarahan@enochkever.com

July 17, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a contested case hearing on behalf of our client, Possum Kingdom Lake Association ("PKLA"), as well as some of its members: (1) Blake Davis, Jame & Grady Sanders, Kelly D. Grimes, Jent & Stacy Burke, and Foster Simmons, all of whom own property within ½ mile downstream of the discharge point authorized under the existing permit (the "Discharge Point"), and as proposed in the renewal application filed by the City of Abilene ("Abilene"); (2) Rob Pedigo, David & Jeanine Byrge, and Brent Nance, all of whom own property within 1 mile downstream of the Discharge Point; and (3) Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden, each of whom own property 1 mile or more downstream of the Discharge Point (collectively, the "Individual Members") with respect to the above-referenced permit renewal application pending before the Executive Director. PKLA and the Individual Members claim affected party status for purposes of the pending matter. PKLA and the Individual Members submit the following comments for your review and consideration.

- (1) The renewal application contains no new information regarding the modeling conducted and reflected in the original application. In other words, Abilene's technical basis for being permitted to discharge its effluent into the Cedar Creek arm of Possum Kingdom Lake remains unchanged. PKLA and the Individual Members note that, almost five years after TCEQ's issuance of the permit, the facility has not been built. Here, TCEQ's consideration of changed circumstances is particularly appropriate given that the permitted facility has not yet been constructed, and the circumstances have changed since TCEQ issued its permit to Abilene in September 2018.

- (2) There is new evidence available that is relevant to TCEQ's consideration of the renewal application. Specifically, the United States Geologic Service ("USGS") installed a flow meter in July 2020. This meter is located in the Cedar Creek arm of Possum Kingdom Lake upstream of the planned discharge location that was included in the permit issued to Abilene by TCEQ in September 2018. Since the meter has been installed, the observed streamflow in Cedar Creek has been zero most of the time. The streamflow daily mean data from the USGS flow meter is available at: <https://waterservices.usgs.gov/nwis/dv/?format=rdb&sites=08088470&startDT=2020-07-17&endDT=2023-05-24&statCd=00003&siteStatus=all>. I have also attached aggregations made from the 15-minute data available from the USGS website for the period from July 16, 2020 through May 4, 2023, which has over 100,000 data points. The aggregations are attached hereto as Attachment 1. This data shows there will not be constant inflow (ambient flow) to facilitate dilution of Abilene's effluent, as was assumed in Abilene's modeling provided as part of its original application and as again assumed as part of its renewal application.
- (3) The renewal application relies solely on modeling to demonstrate that Abilene's discharge into the Cedar Creek arm of Possum Kingdom Lake complies with regulations. The CORMIX modeling included in the renewal application assumes an ambient velocity of 0.01 m/s, which corresponds to a constant volume of flow moving through the Cedar Creek arm of Possum Kingdom Lake well in excess of 300 cfs. The USGS streamflow data on Cedar Creek indicates that Cedar Creek streamflow is almost always 0. Abilene inappropriately relies on CORMIX to model the diffuser performance because CORMIX will not calculate dilution for zero stream flow conditions at the edges of the regulatory mixing zones. The CORMIX modeling in the application assumes that the Total Dissolved Solids (TDS) will always be equal to the long-term average TDS for Possum Kingdom Lake. This assumption is non-conservative and ignores the elevated ambient TDS levels during drought. This is particularly important given BRA's water supply planning predictions estimate that Possum Kingdom Lake's lake levels will be as low as 980 feet mean sea level (msl) in the future.
- (4) The CORMIX modeling performed by Abilene and TCEQ for the current permit assumed that the Possum Kingdom pool level is always at the maximum pool elevation of 1000 feet msl. In 2014-2015 the pool elevation fell to as low as 984 ft msl and was below 985 ft MSL for almost one year. The diffuser design has the port exits at an elevation of 977.6 ft msl which means that at the 985 ft msl actual water elevation measured in 2014 the depth of the ports below the surface will only be 2.256 m (7.4 ft) rather than the 6.815 m (22.35 ft) depth used in the design. At the 985 ft msl pool elevation that has occurred for a one-year period in the past, the dilution factor/percent effluent at the zone of initial dilution, mixing zone and human health mixing zone are reduced to 59%, 60% and 60% of the values at the 999 ft MSL pool elevation, respectively. Thus, the dilution authorized by TCEQ in the current permit is not the

Office of the Chief Clerk
Possum Kingdom Lake Association and
Individual Members' Comments and Request for
Contested Case Hearing
July 17, 2023
Page 3

critical condition for evaluating water quality impacts as specified in TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (RG-194).

- (5) The application has a description of the roughing plant process but does not present a numerical water balance (model) that explains the discrepancy between the raw water contract from the Brazos River Authority ("BRA") (19,418 ac ft/y, 17.3 MGD); discharge from the Microfiltration system; and effluent discharge and concentrations in response to changing lake TDS concentrations, which are known to occur due to drought conditions and the associated lower lake levels.
- (6) If the estimated error from Abilene's modeling is factored into consideration of Abilene's renewal application, PKLA and the Individual Members question whether the predicted concentrations demonstrate compliance with TCEQ's applicable requirements.
- (7) For the reasons stated above, PKLA and the Individual Members respectfully request that the renewal application be denied.
- (8) If the renewal application is to be granted, PKLA and the Individual Members respectfully request that the discharge point be moved to a location that can provide the flow conditions represented in the renewal application. PKLA and the Individual Members further request that Abilene be required to install real-time monitoring capability to demonstrate its compliance with applicable permit requirements. Further, PKLA and the Individual Members request that the Executive Director recommend the inclusion of operational constraints in the permit to ensure the protection of Possum Kingdom Lake's water quality during drought conditions.

Finally, PKLA and each of the Individual Members respectfully request that the Commission hold a public meeting so the public may have an opportunity to present concerns regarding this renewal application. This request is in addition to the request for a public meeting that I understand was made by Rep. Rogers. PKLA and each of the Individual Members also respectfully request a contested case hearing regarding the renewal application so these issues may be fully litigated before the State Office of Administrative Hearings and, ultimately, the Commission.

Sincerely,

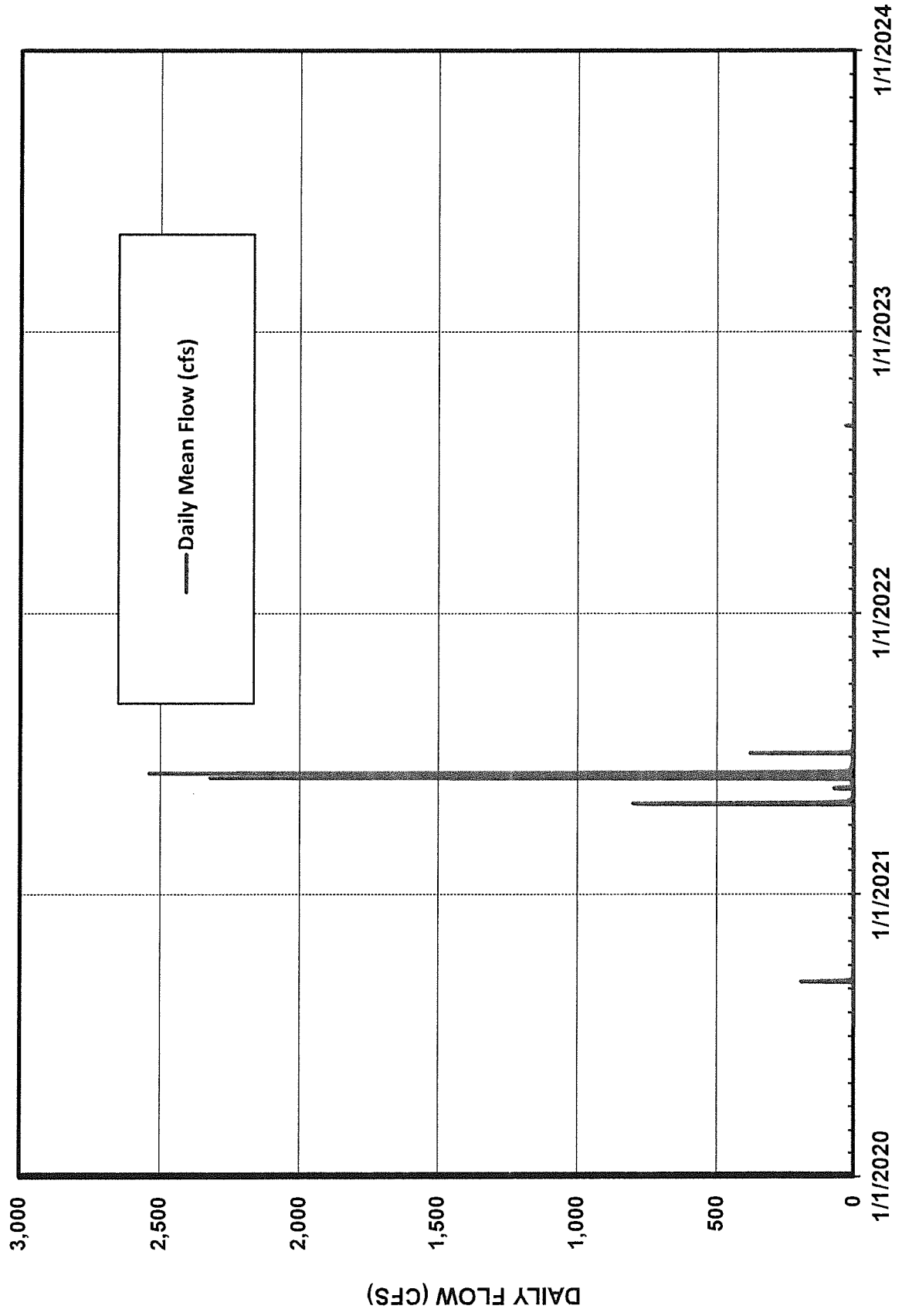


Paul C. Sarahan

PCS:ewm
Attachments as stated.

ATTACHMENT 1

USGS 08088470 Cedar Ck at FM 3253 nr Caddo, TX
Daily Mean Flow (cfs)



USGS 08088470 Cedar Ck at FM 3253 nr Caddo, TX

Distribution of Daily Flow Within Each of Month of Available Period of Record (July 2020 to Current)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
Month	Year	# of days in month with data available	Max # of Days with Cons. Zero Flow (1)	Equal to 0	GT 0 and LTE 1	GT 1 and LTE 5	GT 5 and LTE 10	GT 10 and LTE 25	GT 25 and LTE 50	GT 50 and LTE 100	GT 100 and LTE 300	GT 300 and LTE 500	GT 500 and LTE 1,000	GT 1,000 and LTE 2,500	GT 2,500 and LTE 3,000 (2)
7	2020	16	16	16	0	0	0	0	0	0	0	0	0	0	0
8	2020	31	31	31	0	0	0	0	0	0	0	0	0	0	0
9	2020	30	6	11	13	1	1	2	1	0	1	0	0	0	0
10	2020	31	31	31	0	0	0	0	0	0	0	0	0	0	0
11	2020	30	30	30	0	0	0	0	0	0	0	0	0	0	0
12	2020	31	31	31	0	0	0	0	0	0	0	0	0	0	0
1	2021	31	9	18	13	0	0	0	0	0	0	0	0	0	0
2	2021	23	11	21	2	0	0	0	0	0	0	0	0	0	0
3	2021	31	13	19	12	0	0	0	0	0	0	0	0	0	0
4	2021	30	14	22	5	0	0	0	0	0	1	0	2	0	0
5	2021	31	0	0	7	10	6	4	1	2	0	0	1	0	0
6	2021	30	0	0	0	12	6	6	1	2	0	0	1	1	1
7	2021	31	4	4	14	7	3	1	1	0	0	1	0	0	0
8	2021	31	17	29	2	0	0	0	0	0	0	0	0	0	0
9	2021	30	30	30	0	0	0	0	0	0	0	0	0	0	0
10	2021	31	31	31	0	0	0	0	0	0	0	0	0	0	0
11	2021	30	30	30	0	0	0	0	0	0	0	0	0	0	0
12	2021	31	31	31	0	0	0	0	0	0	0	0	0	0	0
1	2022	31	31	31	0	0	0	0	0	0	0	0	0	0	0
2	2022	28	28	28	0	0	0	0	0	0	0	0	0	0	0
3	2022	31	31	31	0	0	0	0	0	0	0	0	0	0	0
4	2022	30	25	28	2	0	0	0	0	0	0	0	0	0	0
5	2022	31	31	31	0	0	0	0	0	0	0	0	0	0	0
6	2022	30	30	30	0	0	0	0	0	0	0	0	0	0	0
7	2022	31	31	31	0	0	0	0	0	0	0	0	0	0	0
8	2022	31	30	30	0	1	0	0	0	0	0	0	0	0	0
9	2022	30	24	24	3	1	1	0	1	0	0	0	0	0	0
10	2022	31	31	31	0	0	0	0	0	0	0	0	0	0	0
11	2022	30	30	30	0	0	0	0	0	0	0	0	0	0	0
12	2022	31	31	31	0	0	0	0	0	0	0	0	0	0	0
1	2023	31	31	31	0	0	0	0	0	0	0	0	0	0	0
2	2023	28	28	28	0	0	0	0	0	0	0	0	0	0	0
3	2023	31	23	29	2	0	0	0	0	0	0	0	0	0	0
4	2023	30	30	30	0	0	0	0	0	0	0	0	0	0	0
5	2023	24	12	22	2	0	0	0	0	0	0	0	0	0	0
% Time Period of Record Daily Mean Flow Falls into the Various Bins	1038	78.23%	84.87%	7.42%	3.08%	1.64%	1.25%	0.48%	0.39%	0.19%	0.10%	0.39%	0.10%	0.10%	0.10%
Cumulative % of Time Daily Mean Flow is Less than or Equal to the Max Bin Value in Columns 6 through 16				92.3%	95.4%	97.0%	98.3%	98.7%	99.1%	99.3%	99.4%	99.8%	99.9%	100.0%	100.0%

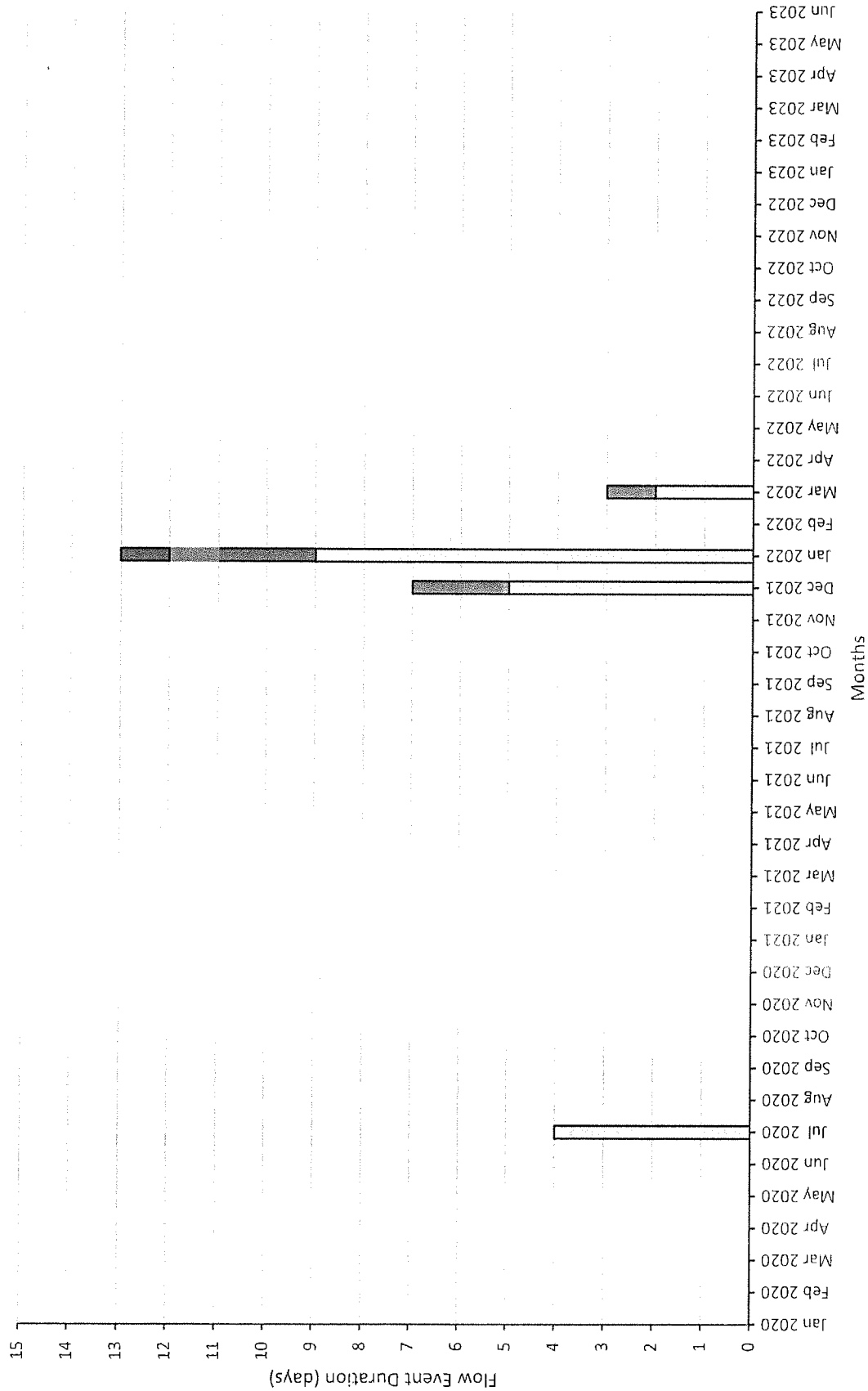
Months in which the daily observed flow was missing for some days within month, or incomplete month of the period of record (beginning or end of record).

(1) The maximum number of consecutive days with zero flow was 227 days, the period August 20, 2021 through April 3, 2022.

(2) The maximum flow for the period of record (7/17/2020 through 5/24/2023) was 2,539 cfs on 6/7/2021.

Duration of Non-negligible Flow Events Cedar Creek USGS Gage

□ Flows GT 10 LTE 300 cfs
 ■ Flows GT 300 LTE 1000 cfs
 ▨ Flows GT 1000 and LTE 2500 cfs
 ■ Flows GT 2,500 cfs



```

# ----- WARNING -----
#
# Some of the data that you have obtained from this U.S. Geological
# Survey database may not
# have received Director's approval. Any such data values are qualified
# as provisional and
# are subject to revision. Provisional data are released on the
# condition that neither the
# USGS nor the United States Government may be held liable for any
# damages resulting from its use.
# Go to http://help.waterdata.usgs.gov/policies/provisional-data-
# statement for more information.
#
# File-format description: http://help.waterdata.usgs.gov/faq/about-tab-
# delimited-output
# Automated-retrieval info: http://help.waterdata.usgs.gov/faq/automated-
# retrievals
#
# Contact: gs-w_support_nwisweb@usgs.gov
# retrieved: 2023-07-13 09:14:15 -04:00 (natwebvaas01)
#
# Data for the following 1 site(s) are contained in this file
# USGS 08088470 Cedar Ck at FM 3253 nr Caddo, TX
# -----
#
# TS_ID - An internal number representing a time series.
# IV_TS_ID - An internal number representing the Instantaneous Value time
# series from which the daily statistic is calculated.
#
# Data provided for site 08088470
# TS_ID Parameter Statistic IV_TS_ID Description
# 328804 00060 00003 313597 Discharge, cubic
# feet per second (Mean)
#
# Data-value qualification codes included in this output:
# P Provisional data subject to revision.
# e Value has been estimated.
#
agency_cd site_no datetime 328804_00060_00003
328804_00060_00003_cd
5s 15s 20d 14n 10s
USGS 08088470 2020-07-17 0.00 P
USGS 08088470 2020-07-18 0.00 P
USGS 08088470 2020-07-19 0.00 P
USGS 08088470 2020-07-20 0.00 P
USGS 08088470 2020-07-21 0.00 P
USGS 08088470 2020-07-22 0.00 P
USGS 08088470 2020-07-23 0.00 P
USGS 08088470 2020-07-24 0.00 P:e
USGS 08088470 2020-07-25 0.00 P:e
USGS 08088470 2020-07-26 0.00 P:e
USGS 08088470 2020-07-27 0.00 P:e
USGS 08088470 2020-07-28 0.00 P:e

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USGS	08088470	2021-07-07	6.87	P
USGS	08088470	2021-07-08	5.24	P
USGS	08088470	2021-07-09	4.20	P
USGS	08088470	2021-07-10	3.05	P
USGS	08088470	2021-07-11	2.56	P
USGS	08088470	2021-07-12	2.33	P
USGS	08088470	2021-07-13	1.62	P
USGS	08088470	2021-07-14	0.81	P
USGS	08088470	2021-07-15	0.52	P
USGS	08088470	2021-07-16	0.30	P
USGS	08088470	2021-07-17	0.22	P
USGS	08088470	2021-07-18	0.15	P
USGS	08088470	2021-07-19	0.36	P
USGS	08088470	2021-07-20	0.31	P
USGS	08088470	2021-07-21	0.16	P:e
USGS	08088470	2021-07-22	0.12	P:e
USGS	08088470	2021-07-23	0.07	P
USGS	08088470	2021-07-24	0.07	P
USGS	08088470	2021-07-25	0.05	P
USGS	08088470	2021-07-26	0.03	P
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USGS	08088470	2021-08-03	0.00	P
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USGS	08088470	2021-08-05	0.00	P
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USGS	08088470	2021-08-07	0.00	P
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USGS	08088470	2021-08-10	0.00	P

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USGS	08088470	2023-05-23	0.00	P
USGS	08088470	2023-05-24	0.00	P

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Monday, July 28, 2025 2:03 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: Request for Contested Case Hearing-Final.pdf

H
RFR

From: paul.sarahan@earthandwatergroup.com
Sent: Friday, July 25, 2025 1:55 PM
To: PUBCOMMENT-OCC
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Paul C. Sarahan

EMAIL: paul.sarahan@earthandwatergroup.com

COMPANY: Earth & Water Law, LLC

ADDRESS: 6801 Jester Wild Dr.
Austin, TX 78750

PHONE: 5129714156

FAX:

COMMENTS: Please substitute this Request for Reconsideration and Contested case Hearing for my prior submission today.



Earth & Water Law, LLC
1455 Pennsylvania Ave NW, Suite 400
Washington, DC 20004
Austin Office (512) 971-4156

July 25, 2025

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Request for Reconsideration and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting this request for request for reconsideration and a contested case hearing on behalf of our client, Possum Kingdom Lake Association ("PKLA"), as well as some of its members, all of whom own property within one-half mile of the discharge point authorized under the existing permit (the "Discharge Point"), and as proposed in the renewal application filed by the City of Abilene (the "City" or "Abilene"): (1) Jim & Leslie Abacherli; (2) Kyle J. & Susan P. Anderson; (3) Karen Bunch; (4) Jent & Stacy Burke; (5) Christian Oil & Gas, Inc.; (6) Blake Davis; (7) Dr. Kelly Grimes; (8) Justin & Jena Jackson; (9) Cammye & Michael S. McKee; (10) Alan & Robin Rhodes; (11) Grady & Jame Sanders; (12) Michael Scheriger; (13) Matthew & Tebora Scheriger; (14) Kris Stepp; (15) Lee & Dawn Warchesik; (16) Will Lunsford; (17) Arthur & Melissa Galvan; (18) Danny & Karon Pace; (19) Casey & Kelly Lipham; (20) Rick Brewster; (21) Tracy Talbot; (22) WW & Nita McFadin; (23) Greg Hamilton; (24) John Peters; (25) Randal Parker; (26) Debbie Rulestead; (27) Curtis & Cat Green; (28) Michael & Madison Lewis; (29) John & Carol Connally; and (30) Steve & Pegeen Link.

The request for reconsideration and a contested case hearing is also submitted on behalf of Rob Pedigo, David & Jeanine Byrge, and Brent Nance, all of whom own property within 1 mile downstream of the Discharge Point; and Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden, each of whom own property 1 mile or more downstream of the Discharge Point (collectively, the "Individual Members") with respect to the above-referenced permit renewal application pending before the Executive Director's staff. PKLA and the Individual Members claim affected party status for purposes of the pending matter.

PKLA and the Individual Members submitted written comments and hearing requests on July 13, 2023 and June 14, 2024. Additional comments were provided by PKLA and certain of the Individual Members at the public meeting held on June 18, 2024. This filing is in addition to these comments or hearing requests offered by PKLA and the Individual Members. PKLA and the

Locations: Washington, DC (HQ) • Atlanta, GA • Oklahoma City, OK
Raleigh, NC • Austin, TX • Nashville, TN • New Haven, CT

Individual Members may be contacted through my office at the address and telephone number indicated above.

I. PKLA and the Individual Members are “Affected Persons”

PKLA satisfies TCEQ’s rules regarding associational standing. *See* 30 Tex. Admin. Code § 55.205. That is, the organization timely submitted comments on the Application; the organization identifies, by name and physical address, one or more members of the organization would have standing to request a hearing in their own right; the interests PKLA seeks to protect are germane to its purpose; and neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

A. PKLA and the Individual Members Timely Submitted Comments on the Application

PKLA and the Individual Members submitted comments on the Application on July 17, 2023 and June 14, 2024. Additional comments were provided by PKLA and certain of the Individual Members at the public meeting held on June 18, 2024.

On July 13, 2023, PKLA and Individual Members including Blake Davis, Jame & Grady Sanders, Kelly D. Grimes, Jent & Stacy Burke, Foster Simmons, Rob Pedigo, David & Jeanine Byrge, Brent Nance, Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden filed comments and a request for contested case hearing regarding the Application. The comments raised the following issues:

(1) The renewal application contains no new information regarding the modeling conducted and reflected in the original application, although circumstances and elements relevant to the modeling have changed since TCEQ issued its permit to Abilene in September 2018;

(2) There is new evidence available that is relevant to TCEQ’s consideration of the renewal application. The United States Geologic Service (“USGS”) installed a flow meter in July 2020 upstream of the Discharge Location. Since the meter has been installed, the observed streamflow in Cedar Creek has been zero most of the time. This data shows there will not be constant inflow (ambient flow) to facilitate dilution of Abilene’s effluent, as was assumed in Abilene’s modeling provided as part of its original application and as again assumed as part of its renewal application.

(3) The renewal application relies solely on modeling to demonstrate that Abilene’s discharge into the Cedar Creek arm of Possum Kingdom Lake complies with regulations. The CORMIX modeling included in the renewal application assumes an ambient velocity of 0.01 m/s, which corresponds to a constant volume of flow moving through the Cedar Creek arm of Possum Kingdom Lake well in excess of 300 cfs. The USGS streamflow data

on Cedar Creek indicates that Cedar Creek streamflow is almost always 0. Abilene inappropriately relies on CORMIX to model the diffuser performance because CORMIX will not calculate dilution for zero stream flow conditions at the edges of the regulatory mixing zones. The CORMIX modeling in the application assumes that the Total Dissolved Solids ("TDS") will always be equal to the long-term average TDS for Possum Kingdom Lake. This assumption ignores the elevated ambient TDS levels during drought and ignores Brazos River Authority's ("BRA's") water supply planning predictions estimate that lake levels will be as low as 980 feet mean sea level (msl) in the future.

(4) The CORMIX modeling performed by Abilene and TCEQ for the current permit assumed that the Possum Kingdom pool level is always at the maximum pool elevation of 1000 feet msl, which is grossly inaccurate. In 2014-2015 the pool elevation fell to as low as 984 ft msl and was below 985 ft MSL for almost one year. The diffuser design has the port exits at an elevation of 977.6 ft msl which means that at the 985 ft msl actual water elevation measured in 2014 the depth of the ports below the surface will only be 2.256 m (7.4 ft) rather than the 6.815 m (22.35 ft) depth used in the design. At the 985 ft msl pool elevation that has occurred for a one-year period in the past, the dilution factor/percent effluent at the zone of initial dilution, mixing zone and human health mixing zone are reduced to 59%, 60% and 60% of the values at the 999 ft MSL pool elevation, respectively. Thus, the dilution authorized by TCEQ in the current permit is not the critical condition for evaluating water quality impacts as specified in TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (RG-194).

(5) The application has a description of the roughing plant process but does not present a numerical water balance (model) that explains the discrepancy between the raw water contract from the BRA (19,418 ac ft/y, 17.3 MGD); discharge from the Microfiltration system; and effluent discharge and concentrations in response to changing lake TDS concentrations, which are known to occur due to drought conditions and the associated lower lake levels.

(6) If the estimated error from Abilene's modeling is factored into consideration of Abilene's renewal application, PKLA and the Individual Members question whether the predicted concentrations demonstrate compliance with TCEQ's applicable requirements.

(7) If the renewal application is granted, PKLA and the Individual Members respectfully request that the discharge point be moved to a location that can provide the flow conditions represented in the renewal application. PKLA and the Individual Members further request that Abilene be required to install real-time monitoring capability to demonstrate its compliance with applicable permit requirements. Further, PKLA and the Individual Members request that the Executive Director's staff recommend the inclusion of operational constraints in the permit to ensure the protection of Possum Kingdom Lake's water quality during drought conditions.

On June 14, 2024, PKLA and Individual Members including: (1) Jim & Leslie Abacherli; (2) Kyle J. & Susan P. Anderson; (3) Karen Bunch; (4) Jent & Stacy Burke; (5) Christian Oil & Gas, Inc.; (6) Blake Davis; (7) Dr. Kelly Grimes; (8) Justin & Jena Jackson; (9) Cammye & Michael S. McKee; (10) Alan & Robin Rhodes; (11) Grady & Jame Sanders; (12) Michael Scheriger; (13) Matthew & Tebora Scheriger; (14) Kris Stepp; (15) Lee & Dawn Warchesik; (16) Will Lunsford; (17) Arthur & Melissa Galvan; (18) Danny & Karon Pace; (19) Casey & Kelly Lipham; (20) Rick Brewster; (21) Tracy Talbot; (22) WW & Nita McFadin; (23) Greg Hamilton; (24) John Peters; (25) Randal Parker; (26) Debbie Rulestead; (27) Curtis & Cat Green; (28) Michael & Madison Lewis; (29) John & Carol Connally; and (30) Steve & Pegeen Link, all of whom own property within one-half mile of the Discharge Point filed comments and a request for contested case hearing regarding the Application. The comments were also submitted on behalf of Rob Pedigo, David & Jeanine Byrge, and Brent Nance, all of whom own property within 1 mile downstream of the Discharge Point; and Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden, each of whom own property 1 mile or more downstream of the Discharge Point.

The June 14, 2024 comments raised issues and provided supporting documentation regarding the City's underwater diffuser that the City has constructed in Possum Kingdom Lake pursuant to Wastewater Permit No. WQ0005213000. A dive inspection conducted on behalf of PKLA has documented that the as-built design does not conform to the design of the diffuser prepared by Aqua Strategies, Inc. and modeled by the City and the Executive Director's staff. The deviations from the diffuser design are significant and cause the critical dilution modeling used to develop the TPDES permit conditions to be inaccurate. The deviations include the following:

- 1) **Distance from shoreline to the first riser.** The Application specified a distance of 460 feet from the shoreline to the beginning of the diffuser (first port from the shoreline). The as-built distance measured by the diver is 408 feet. This could result in increased potential for elevated TDS concentrations at the north shoreline.
- 2) **Distance between risers.** The design specified a diffuser with 10 ports spaced at 4.36 feet (1.33 meters) intervals along the diffuser barrel. The as-built design has 10 ports spaced at 2 feet (0.61 m), which is one-half the design spacing. Because the ports in the as-built diffuser are much closer together than the design, the plumes from the individual ports will merge into a single slot-like plume much closer to the port exits. This merging results in a reduction in dilution rate because the merged individual plumes behave as a slot plume, which has a lower surface area than the individual cone-like plumes before they merge.
- 3) **Length of diffuser (distance between first and last risers).** The design specifies this distance as 12 meters (39.4 feet) and TCEQ used this length in its modeling. The actual distance between risers measured by the diver is 22.7 feet (~6.9 meters). This change affects both the width and length of the zone of initial dilution, mixing zone and human health mixing zone used in the TCEQ critical dilution analysis.
- 4) **Horizontal orientation of the diffuser ports.** The orientation of the ports with respect to the water surface as measured by the diver is approximately 44°. The design specifies 60°.

Also, the Aqua Strategies, Inc. design calls for the ports to be “fanned” and the diver did not describe that this orientation was implemented. These differences between the as-built diffuser and the design that was modeled will affect the critical dilution.

- 5) **The orientation of the ports relative to the longitudinal direction of ambient flow.** The design is for the ports to point downstream toward the main body of the lake. The Diver Report found the ports have been installed facing upstream. When there is a current toward the lake, this orientation may result in entrainment of the effluent/receiving water and reduction in effluent dilution.
- 6) **Orientation of diffuser to the channel centerline.** The diver found that the pipeline does not extend straight out from the shore but rather curves toward the north shoreline resulting in the diffuser not being perpendicular to the centerline of the channel. The diffuser orientation modeled by TCEQ assumes that the barrel of the diffuser is perpendicular to the centerline of the channel so that the ports point downstream.
- 7) **Depth of ports below the water surface.** The diver measured the water depth above the ports as 19 feet on March 15, 2024. The water surface elevation in the lake on this date was 998.73 feet above mean sea level (MSL). The port elevation is thus 979.73 feet MSL. The City’s design and TCEQ modeling assume the port elevation is 976 feet MSL. Thus, the ports are 3.75 feet closer to the surface than designed. In 2014-2015, the Possum Kingdom Lake pool elevation fell to as low as 984 feet MSL and was below 985 feet MSL for almost one year. At 985 feet MSL, the water surface will be only 5.27 feet above the ports and will significantly affect the achievable dilution.

A follow-up inspection conducted on behalf of PKLA confirmed that the diffuser as constructed differs substantially from its conceptual design on which the modeling was performed.

B. PKLA has Identified Members Who Have Standing in Their Own Right

PKLA’s members have standing to contest the Application in their own right. These members include the following:

1. PKLA’s Members Within ½ Mile of the Discharge Point

PKLA’s members who own property in Stephens County, Texas (or in the case of the Connallys, in Palo Pinto County, Texas), within ½ mile of the Discharge Point include:

8137 CR 300	Jim & Leslie Abacherli
8711 CR 300	Kyle J & Susan P Anderson
8911 CR 300	Karen Bunch
8725 CR 300	Jent & Stacy Burke
8741 CR 300	Christian Oil & Gas, Inc.
8967 CR300	Blake Davis
8893 CR 300	Dr. Kelly Grimes
8301 CR 300	Justin & Jena Jackson

8235 CR 300	Cammye & Michael S. McKee
8651 CR 300	Alan & Robin Rhodes
8365 CR 300	Grady & Jame Sanders
9028 CR 300	Michael Scheriger
9028 CR 300	Matthew & Tebora Scheriger
8237 CR 300	Kris Stepp
9087 CR 300	Lee & Dawn Warchesik
9087 CR 300, Lot 44	Will Lunsford
9097 Stephens CR 332-1	Arthur & Melissa Galvan
8019 PR ¹ 300-1	Danny & Karon Pace
108 PR 3005	Casey & Kelly Lipham
8799 CR 299	Tracy Talbot
8865 CR 299	WW & Nita McFadin
17902 PR 3004	Greg Hamilton
9087 CR 300, #8	John Peters
1302 PR 3005	Randal Parker
17971 PR 3004	Debbie Rulestead
14534 State Park Rd 33	Curtis & Cat Green
8845 CR 300	Michael & Madison Lewis
4431 Chapel Rd	John & Carol Connally
9186 PR 11482	Steve & Pegeen Link

2. PKLA's Members Within 1 Mile of the Discharge Point

PKLA's members who own property in Palo Pinto County, Texas, within 1 mile of the Discharge Point include:

2334 Sanbar Rd #10 (Graford)	Rob Pedigo
4609 FM 1148 (Graham)	David & Jeanine Byrge
5407 Edgewater (Graham)	Brent Nance

3. PKLA's Members 1 Mile or More from the Discharge Point

PKLA's members who own property in Palo Pinto County, Texas, 1 mile or more from the Discharge Point include:

1007 Redbud	Mert Fewell
155 River Road	Monte Land
169 River Road	Enid Montoya
715 Dove Lane	Sue Cathey
1755 Park Road 36	Hank Lattimore

¹ Private Road

1173 Willow Road
721 Dove Land

Stacy Urban
Russell Madden

4. PKLA's Members Have Standing

Each of the PKLA members listed above resides on their respective properties for all or part of each year. The properties are directly adjacent to Possum Lake. They each spend time outdoors, enjoy the view of the lake, and enjoy being in or on the lake or giving their friends and family the opportunity to do so. Each of these families chose to purchase property adjacent to the Lake. They chose their property on this lake because of the aesthetic beauty of the area and their love for lake life. Each family enjoys all aspects of lake-living including water activities, fishing, swimming, boating, cruising the shoreline, etc. They reside in close proximity to the Discharge Point and are therefore affected by the discharge that is the subject of this Application and the discharge's impact on the lake in a manner different from the general public.

C. Interests PKLA Seeks to Protect are Germane to its Purpose

PKLA was organized in 1971 to provide a voice for the members of the Possum Kingdom Lake Community and to provide opportunities for community involvement, prioritizing the protection of Possum Lake's resources and the community.² The interests PKLA seeks to protect in this matter, principally the protection of Possum Lake's resources, are germane to its purpose. PKLA has members who would be adversely affected by the Application.

D. Neither the Claim Asserted nor the Relief Requested Requires the Participation of the Individual Members in the Case

The Individual Members seek party status on their own account. However, for purposes of PKLA's associational standing neither the claim asserted, nor the relief requested requires the participation of the Individual Members in the case.

E. PKLA Meets the Requirements for Associational Standing

Based on the information provided above, PKLA meets the requirements for associational standing. *See* 30 Tex. Admin. Code § 55.205.

F. Individual Members Also Have Standing as Affected Parties

Each of the Individual Members also have standing themselves to be named as affected parties, and each of them requests that the Commission so name them as affected parties.

² See PKLA website: <https://pklakeassn.org/about/>.

II. PKLA and the Individual Members Continue to Dispute Issues Raised During the Public Comment Period

A. Executive Director's Staff's Response to Comments

In its Response to Comments, the Executive Director's staff described the facility that is the subject of this Application as follows:

... 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 area will vary with effluent flow. Water treatment wastes will be discharged at an annual average flow of 1.09 MGD (with a daily maximum of 1.38 MGD) during Phase I and at an annual average flow of 1.51 MGD (with a daily maximum of 1.81MGD) during Phase II via Outfall 001.³

...

Outfall 001 is described as having an Outfall Coordinate Location of Latitude 32.886100, Longitude -98.588000.⁴

In response to Public Comments, the Executive Director's staff made no changes to the draft permit.⁵

B. PKLA's and the Individual Members' Issues of Continued Dispute

PKLA and the Individual Members have continuing disputes reflected in their filed comments regarding water quality issues and the adequacy and appropriateness of the provisions of the Draft Permit, and whether the Application and Draft Permit meet applicable statutory and regulatory requirements.

These disputes arise from and are premised upon two technical and factual matters: (1) the modeling assumptions used to support the Application; and (2) discrepancies between the design of the diffuser and its as-built condition. In addition to these fundamental issues, and flowing from them, PKLA and the Individual Members have continuing disputes about the adequacy of the draft permit's monitoring and operational requirements; and the appropriate location for the discharge

³ Response to Comments, at 2-3.

⁴ *Id.*, at 3.

⁵ *Id.*, at 21.

point if the renewal application is granted. On these additional issues, PKLA and the Individual Members respectfully request that, if a renewal permit is granted, the discharge point be moved to a location that can provide the flow conditions represented in the renewal application and that Abilene be required to install real-time monitoring capability; timely reporting of the monitoring data to demonstrate its compliance with applicable permit requirements; and operational constraints in the permit to ensure the protection of Possum Kingdom Lake's water quality during drought conditions.

1. Flawed Modeling Assumptions

PKLA and the Individual Members identified factual issues that demonstrated that the assumptions underlying Abilene's and the Executive Director's staff's modeling exercises were flawed. These issues include:

- (1) USGS data now available shows that the observed streamflow in Cedar Creek has been zero most of the time. The CORMIX modeling used by Abilene and the Executive Director's staff assumes a stream velocity of 0.01 m/s with no consideration of what volume of flow would be required to produce the assumed velocity across the area of the diffuser, as modeled.⁶ The USGS data shows there will not be constant inflow (ambient flow) to facilitate dilution of Abilene's effluent, as is assumed by Abilene.⁷ Under the terms of the existing permit, "When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director's staff, it shall promptly submit such facts or information." Abilene has failed to notify the Executive Director's staff of the data from the USGS gauge installed in Cedar Creek in 2020. The Executive Director's staff has premised its recommendation to grant the renewal on this flawed assumption.
- (2) The CORMIX modeling performed by Abilene and the Executive Director's staff for the current permit assumed that the Possum Kingdom pool level is always at the maximum pool elevation of 1000 feet msl, which is grossly inaccurate. Again, this is the maximum pool elevation - the full level for Possum Kingdom Lake. Brazos River Authority controls the lake levels and manages it to be full at 999 MSL, and it appears that the lake level has hit the 1000 feet msl level only once in the last decade. Other than that single instance, the lake has been lower than the level assumed in Abilene's modeling, often significantly so. For example, in 2014-2015 the pool elevation fell to

⁶ A volumetric flow rate over 1000 cfs into the Cedar Creek Arm upstream of the diffuser would be required to produce a stream velocity of .01 m/s across the diffuser as designed and built.

⁷ The ambient stream flow across the diffuser is more frequently backwards, from the water stored in the lake and episodic (when the lake level is rising in response to inflows from the Brazos River). Thus, steady stream flow across the diffuser assumed in the application and recertification is not representative of reality and thus far from conservative.

as low as 984 ft msl and was below 985 ft MSL for almost one year.⁸ Abilene's modeling is based on this flawed assumption and the Executive Director's staff has premised its recommendation to grant the renewal on this flawed assumption.

- (3) The diffuser design has the port exits at an elevation of 977.6 ft msl which means that at the 985 ft msl actual water elevation measured in 2014 the depth of the ports below the surface will only be 2.256 m (7.4 ft) rather than the 6.815 m (22.35 ft) depth used in the design. In any case, but for a single instance in the last decade, the assumed design depth is inaccurate. This inaccuracy affects the dilution factor/percent effluent at the zone of initial dilution, mixing zone and human health mixing zone. Thus, the dilution authorized by TCEQ in the current (and proposed renewal) permit is not the critical condition for evaluating water quality impacts as specified in TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (RG-194). Again, Abilene's modeling is based on this flawed assumption and the Executive Director's staff has premised its recommendation to grant the renewal on this flawed assumption.
- (4) The Application has a description of the roughing plant process but does not present a numerical water balance (model) that explains the discrepancy between the raw water contract from the BRA (19,418 ac ft/y, 17.3 MGD); discharge from the Microfiltration system; and effluent discharge and concentrations in response to changing lake TDS concentrations, which are known to occur due to drought conditions and the associated lower lake levels. Without the numerical water balance model, Abilene's modeling is flawed, and the Executive Director's staff has premised its recommendation to grant the renewal on this flawed modeling.

The flawed modeling also raises issues as to whether the predicted constituent concentrations demonstrate compliance with TCEQ's applicable requirements. The City's modeling is premised on unrealistic assumptions and inaccurate design specifications⁹ that result in a beyond best case analysis of the impact on Possum Kingdom Lake, PKLA, and the Individual Members. Such an approach is contrary to the Commission's required modeling processes and results in draft permit conditions that fail to meet the applicable statutory and regulatory requirements.

The Executive Director's staff addresses the flawed modeling issue in Response to Comment Nos. 8, 22, and 23. In these Responses, the Executive Director's staff states:

⁸ Further, the CORMIX modeling in the application assumes that the Total Dissolved Solids (TDS) will always be equal to the long-term average TDS for Possum Kingdom Lake. This assumption ignores the elevated ambient TDS levels during drought and ignores Brazos River Authority's ("BRA's") water supply planning predictions estimate that lake levels will be as low as 980 feet mean sea level (msl) in the future.

⁹ See Section II.B.2 below.

The criteria of the Texas Surface Water Quality Standards (30 TAC Chapter 307) are applicable even during critical low-flow, therefore critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge. The effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the Texas Surface Water Quality Standards and 30 TAC §§ 307.1 - 307.10.¹⁰

Information regarding diffuser design and effluent density characteristics has been provided by Abilene. The current analysis relies, in part, on Abilene's diffuser report and a previous TCEQ diffuser report. ... However, the results of this evaluation can be reexamined upon receipt of information that conflicts with the information employed in this analysis.¹¹

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 Abilene.¹²

It is clear from these responses that the Executive Director's staff has not considered the information already provided by PKLA and the Individual Members and has instead relied solely on the information provided by Abilene. The Executive Director's staff admits as much, stating, "The current analysis relies, in part, on Abilene's diffuser report and a previous TCEQ diffuser report. ... However, the results of this evaluation can be reexamined upon receipt of information that conflicts with the information employed in this analysis."

PKLA and the Individual Members have provided "information that conflicts with the information employed in this analysis." Yet, the Executive Director's staff has not reexamined the results of its evaluation following receipt of this information and, by its admission, continues to rely solely on the information provided by Abilene. It is appropriate for these issues and modeling discrepancies to be resolved through a contested case hearing or reconsideration by the Executive Director's staff as requested by PKLA and the Individual Members.

2. Discrepancies between the Design of the Diffuser and Its As-Built Condition

Prior to submitting its renewal application, Abilene had not constructed the permitted diffuser, but since its submission, Abilene has now done so. PKLA and the Individual Members provided information demonstrating discrepancies between the diffuser as designed and permitted versus as built.

¹⁰ Response to Comment, at 10 (Response No. 8 to concern about drought and low flow in the receiving segment).

¹¹ *Id.*, at 20-21 (Response No. 22 to concern with the variables used for the CORMIX model conducted for this permit action).

¹² *Id.*, at 21 (Response No. 23 to concern with the effectiveness of the diffuser in dispersing the effluent during low flow conditions).

The as-built distance from shoreline to the first riser as measured by the diver is 408 feet, 52 feet (11.3%) closer to the north shoreline than the designed and permitted configuration. This could result in increased potential for elevated TDS concentrations at the north shoreline.

The as-built design has 10 ports spaced at 2 feet (0.61 m), which is one-half the design spacing. As a result, the plumes from the individual ports will merge into a single slot-like plume much closer to the port exits. This merging results in a reduction in dilution rate because the merged individual plumes behave as a slot plume, which has a lower surface area than the individual cone-like plumes before they merge.

The length of the diffuser (distance between first and last risers) as measured by the diver is 22.7 feet (~6.9 meters) rather than the 39.4 feet (12 meters) reflected in the design. This change affects both the width and length of the zone of initial dilution, mixing zone and human health mixing zone used in the TCEQ critical dilution analysis.

The orientation of the ports with respect to the water surface as measured by the diver is approximately 44° as opposed to the design specification of 60°. The design calls for the ports to be “fanned” and the diver did not describe that this orientation was implemented. These differences between the as-built diffuser and the design that was modeled will affect the critical dilution.

The design is for the ports to point downstream toward the main body of the lake. The Diver Report found the ports have been installed facing upstream. When there is current from the lake,¹³ this orientation may result in the diffuser discharging into receiving water that has already received effluent and thus would result in a reduction in effluent dilution from what was assumed in the modeled condition.

The diver found that the pipeline does not extend straight out from the shore as designed but rather curves toward the north shoreline resulting in the diffuser not being perpendicular to the centerline of the channel. The diffuser orientation modeled by TCEQ assumes that the barrel of the diffuser is perpendicular to the centerline of the channel so that the ports point downstream.¹⁴

The diver measured the water depth above the ports as 19 feet on March 15, 2024. The water surface elevation in the lake on this date was 998.73 feet above mean sea level (MSL). The port elevation is thus 979.73 feet MSL. The design assumes the port elevation is 976 feet MSL.

¹³ The ambient stream flow across the diffuser is more frequently backwards, from the water stored in the lake and episodic (when the lake level is rising in response to inflows from the Brazos River). Thus, steady stream flow across the diffuser assumed in the application and recertification is not representative of reality and thus far from conservative.

¹⁴ Furthermore, the location of the diffuser is not sufficiently close to existing TCEQ monitoring stations and thus the diffuser's actual ability to accomplish the required dilution cannot be verified much less assured. See Section II.B.3. below.

Thus, the ports are 3.75 feet closer to the surface than designed, which affects the achievable dilution.

Each of these issues affects the modeling performed by Abilene and relied upon by the Executive Director's staff. The City has not provided any information to PKLA or the Individual Members to confirm that the diffuser as built conforms to the design represented to the Commission in either the City's original application or the renewal application that is the subject of this proceeding. The Response to Comment does not include any indication that the City has provided such information to the Executive Director's staff either.

The Executive Director's staff addresses this issue in Response to Comment Nos. 6, 11. The Executive Director's staff states:

It is Abilene's responsibility to construct and install a diffuser consistent with the information provided in the application for the TCEQ's review of the diffuser, which included a diffuser report covering the design and installation of the diffuser that was stamped and sealed by Abilene's licensed professional engineer.¹⁵

As provided by state law, a permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, Texas Water Code §§ 26, 27, and 28, and the Texas Health and Safety Code § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under the draft permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.¹⁶

The Executive Director's staff's recommendation is premised on an assumption that the diffuser has now been constructed as designed. PKLA and the Individual Members have presented evidence to the contrary. Under the terms of the existing permit, "When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director's staff, it shall promptly submit such facts or information." Abilene has failed to notify the Executive Director's staff of the

¹⁵ Response to Comments, at 8 (Response No. 6 to concern about discrepancies between the design parameters of the diffuser versus the parameters of the installed diffuser). PKLA and the Individual Members note that the Breckenridge Library has a copy of the application and has not received a newer version. A design diffuser report stamped and sealed by Abilene's professional engineer cannot be found in the application at the Breckenridge library. The public has not been provided any report for the diffuser as installed, stamped and sealed by Abilene's professional engineer.

¹⁶ *Id.*, at 13 (Response No. 11 to concern about the accuracy and transparency of the application materials provided by the City of Abilene).

data from the USGS gauge installed in Cedar Creek in 2020 and has failed to notify the Executive Director's staff of the configuration and location of the diffuser that was installed in 2024.

In its Response to Comment No. 13, the Executive Director's staff states:

If the City of Abilene updates the application with a different location or a different discharge route, the Executive Director's staff will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.¹⁷

PKLA and the Individual Members have provided information indicating that the City has constructed the diffuser in a manner different from that represented in the Application. There has been no reevaluation of the Application "to make sure that the draft permit contains appropriate limits and conditions" or to determine whether "new landowners may need to be notified of a change of the facility." A reconsideration should be ordered to address this information. In the alternative, a contested case hearing should be ordered to resolve these factual disputes so that appropriate limits and conditions can be established and appropriate notice to affected landowners can be provided.

The threat of potential enforcement after a discharge out of a non-conforming diffuser simply allows for impact to the environment and to PKLA and the Individual Members that could be prevented by a reconsideration or a contested case hearing that established the as-built conditions of the diffuser. As drafted, there is no requirement for Abilene to document that the diffuser as built complies with the design specifications which are some, but not all, of the critical elements in Abilene's modeling and the Executive Director's staff's review of same.

PKLA and the Individual Members have raised significant and substantive issues that go to the heart of whether the draft permit meets applicable statutory and regulatory requirements. Having raised these issues through the appropriate and required processes without any resulting changes in the proposed permit, PKLA and the Individual Members respectfully request that the Commission order a reconsideration of the Application or a contested case hearing to give PKLA and the Individual Members the opportunity to litigate these issues. Only through one of these processes can the Commission properly evaluate whether a permit should be issued and, if so, under what terms such that applicable statutory and regulatory requirements are met.

¹⁷ *Id.*, at 14 (Response No. 13 to request TCEQ consider a different outfall location for the Possum Kingdom Raw Water Roughing Facility).

3. Draft Permit's Monitoring and Operational Requirements are Inadequate

Under the terms of the draft permit, no monitoring in the mixing plume or in the far field is required to verify that the operating diffuser protects the nearby shoreline and also meets the following application requirement:

Phase I:

The permittee shall maintain the diffuser at Outfall 001 to achieve a maximum dilution of 5.36 percent effluent at the edge of the ZID. The ZID is defined as a rectangle 28.8 feet by 68.2 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 25-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.73 percent effluent at the edge of the chronic aquatic life mixing zone. The chronic aquatic life mixing zone is defined as a rectangle 158.74 feet by 198.0 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 100-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.51 percent effluent at the edge of the human health mixing zone. The human health mixing zone is defined as a rectangle 335.4 feet by 374.7 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 200-foot radius circle.

Final Phase (Phase II):

The permittee shall maintain the diffuser at Outfall 001 to achieve a maximum dilution of 3.15 percent effluent at the edge of the ZID. The ZID is defined as a rectangle 28.8 feet by 68.2 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 25-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.83 percent effluent at the edge of the chronic aquatic life mixing zone. The chronic aquatic life mixing zone is defined as a rectangle 158.74 feet by 198.0 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 100-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.67 percent effluent at the edge of the human health mixing zone. The human health mixing zone is defined as a rectangle 335.4 feet by 374.7 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 200-foot radius circle.¹⁸

Without real-time monitoring, the operation of the diffuser cannot be verified to maintain these design goals. PKLA and the Individual Members respectfully request that the Application be reconsidered so that Abilene is required to install real-time monitoring capability and timely reporting of such data to demonstrate its compliance with applicable permit requirements. Further, PKLA and the Individual Members request that the Executive Director's staff recommend the inclusion of operational constraints in the permit to ensure the protection of Possum Kingdom Lake's water quality during drought conditions. Alternatively, PKLA and the Individual Members respectfully request a contested case hearing on this issue and the other issues raised in its prior comments and in this request.

4. Location of Discharge Should be Moved if Permit is Renewed

If the renewal application is granted, PKLA and the Individual Members respectfully request that the discharge point be moved to a location that can provide the flow conditions represented in the renewal application. As discussed above, the original discharge location reflected in the permit is not appropriate given that the USGS flow data and the real-world lake level data conflict with the modeling assumptions used in the modeling to support the discharge location. Further, the documented discrepancies between the design of the diffuser and its as-built condition require a change in the permit's discharge location. The actual discharge location is different from the location currently allowed by the Commission, and that location is even more harmful than that reflected in the permit. If the renewal application is granted, PKLA and the Individual Members respectfully request that the discharge point be moved to a location that can provide the flow conditions represented in the renewal application.

In response to PKLA and the Individual Member's comment in this regard, the Executive Director's staff has stated, "TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26. TCEQ does not have jurisdiction over zoning."¹⁹ The response omits a consideration of the information provided by PKLA and the Individual Members showing that the City's proposed location and discharge route do not comply with TWC Chapter 26.

¹⁸ Draft Permit No. WQ0005213000, Other Requirements No. 5.

¹⁹ Response to Comments, at 14 (Response No. 13 to request TCEQ consider a different outfall location for the Possum Kingdom Raw Water Roughing Facility).

Given that the USGS flow data and the real-world lake level data conflict with the modeling assumptions used in the modeling to support the discharge location; the documented discrepancies between the design of the diffuser and its as-built condition require a change in the permit's discharge location; the actual discharge location is different from and even more harmful than the location currently allowed by the Commission, the application should be reconsidered and, if a suitable discharge location is identified by the City, that discharge location should instead be reflected in any renewal permit granted by the Commission. In the absence of a reconsideration, PKLA and the Individual Members respectfully request a contested case hearing be ordered by the Commission to consider this issue along with the other issues of continuing dispute identified in this Request.

Conclusion

In summary, PKLA and the Individual Members have established affected party status. PKLA timely submitted comments on the Application; the organization identified, by name and physical address, one or more members of the organization would have standing to request a hearing in their own right; the interests PKLA seeks to protect are germane to its purpose; and neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

The Individual Members also timely submitted comments. Each of the PKLA members listed above lives resides on their respective properties for all or part of each year. The properties are which are directly adjacent to Possum Lake. They each spend time outdoors, enjoy the view of the lake, and enjoy being in or on the lake or giving their friends and family the opportunity to do so. Each of these families chose to purchase property adjacent to the Lake. They chose their property on this lake because of the aesthetic beauty of the area and their love for lake life. Each family enjoys all aspects of lake-living including water activities, fishing, swimming, boating, cruising the shoreline, etc. They reside in close proximity to the Discharge Point and are therefore affected by the discharge that is the subject of this Application and the discharge's impact on the lake in a manner different from the general public. The Individual Members are themselves affected parties.

PKLA and the Individual Members have continuing issues of dispute regarding water quality issues and the adequacy and appropriateness of the provisions of the Draft Permit, and whether the Application and Draft Permit meet applicable statutory and regulatory requirements. These disputes arise from and are premised upon two technical and factual matters: (1) the flawed modeling assumptions used to support the Application; and (2) discrepancies between the design of the diffuser and its as-built condition. In addition, PKLA and the Individual Members have raised issues contesting the adequacy of the draft permit's monitoring and operational requirements and the appropriate location for the discharge point if the renewal application is granted. These issues are of heightened importance because of the flawed modeling assumptions and discrepancies between the design of the diffuser and its as-built condition. Each of these issues affect both the Executive Director's staff's review of the Application and the Commission's ability to ensure that any renewal permit granted to Abilene adequately protects water quality and meets applicable statutory and regulatory requirements.

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PKLA and Individual Members

Request for Contested Case Hearing

Abilene Renewal Application

Wastewater Permit No. WQ0005213000

July 25, 2025

Given their status as affected parties and their continuing factual, technical and legal disputes that have not been adequately addressed in the proposed draft permit, PKLA and the Individual Members respectfully request that the Commission grant the request for reconsideration so that the Executive Director's staff's staff may consider the additional information provided in the filed comments and in the request. Alternatively, PKLA and the Individual Members respectfully request that the Commission grant a contested case hearing in this matter so that the disputed issues may be litigated so the Commission can properly evaluate whether a permit should be issued and, if so, under what terms such that applicable statutory and regulatory requirements are met.

We appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. C. Sarahan', with a stylized flourish at the end.

Paul C. Sarahan

Tammy Washington

From: PUBCOMMENT-OCC
Sent: Monday, July 28, 2025 1:58 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: Request for Contested Case Hearing-Final.pdf

H
RFR

From: paul.sarahan@earthandwatergroup.com
Sent: Friday, July 25, 2025 12:55 PM
To: PUBCOMMENT-OCC
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Paul C. Sarahan

EMAIL: paul.sarahan@earthandwatergroup.com

COMPANY: Earth & Water Law, LLC

ADDRESS: 6801 Jester Wild Dr.
Austin, TX 78750

PHONE: 5129714156

FAX:

COMMENTS: Please see the attached Request for Reconsideration and Contested Case Hearing filed on behalf of Possum Kingdom Lake Association and Individual Members listed herein.



Earth & Water Law, LLC
1455 Pennsylvania Ave NW, Suite 400
Washington, DC 20004
Austin Office (512) 971-4156

July 25, 2025

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Request for Reconsideration and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting this request for request for reconsideration and a contested case hearing on behalf of our client, Possum Kingdom Lake Association ("PKLA"), as well as some of its members, all of whom own property within one-half mile of the discharge point authorized under the existing permit (the "Discharge Point"), and as proposed in the renewal application filed by the City of Abilene (the "City" or "Abilene"): (1) Jim & Leslie Abacherli; (2) Kyle J. & Susan P. Anderson; (3) Karen Bunch; (4) Jent & Stacy Burke; (5) Christian Oil & Gas, Inc.; (6) Blake Davis; (7) Dr. Kelly Grimes; (8) Justin & Jena Jackson; (9) Cammye & Michael S. McKee; (10) Alan & Robin Rhodes; (11) Grady & Jame Sanders; (12) Michael Scheriger; (13) Matthew & Tebora Scheriger; (14) Kris Stepp; (15) Lee & Dawn Warchesik; (16) Will Lunsford; (17) Arthur & Melissa Galvan; (18) Danny & Karon Pace; (19) Casey & Kelly Lipham; (20) Rick Brewster; (21) Tracy Talbot; (22) WW & Nita McFadin; (23) Greg Hamilton; (24) John Peters; (25) Randal Parker; (26) Debbie Rulestead; (27) Curtis & Cat Green; (28) Michael & Madison Lewis; (29) John & Carol Connally; and (30) Steve & Peggen Link.

The request for reconsideration and a contested case hearing is also submitted on behalf of Rob Pedigo, David & Jeanine Byrge, and Brent Nance, all of whom own property within 1 mile downstream of the Discharge Point; and Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden, each of whom own property 1 mile or more downstream of the Discharge Point (collectively, the "Individual Members") with respect to the above-referenced permit renewal application pending before the Executive Director's staff. PKLA and the Individual Members claim affected party status for purposes of the pending matter.

PKLA and the Individual Members submitted written comments and hearing requests on July 13, 2023 and June 14, 2024. Additional comments were provided by PKLA and certain of the Individual Members at the public meeting held on June 18, 2024. This filing is in addition to these comments or hearing requests offered by PKLA and the Individual Members. PKLA and the

Locations: Washington, DC (HQ) • Atlanta, GA • Oklahoma City, OK
Raleigh, NC • Austin, TX • Nashville, TN • New Haven, CT

Individual Members may be contacted through my office at the address and telephone number indicated above.

I. PKLA and the Individual Members are “Affected Persons”

PKLA satisfies TCEQ’s rules regarding associational standing. *See* 30 Tex. Admin. Code § 55.205. That is, the organization timely submitted comments on the Application; the organization identifies, by name and physical address, one or more members of the organization would have standing to request a hearing in their own right; the interests PKLA seeks to protect are germane to its purpose; and neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

A. PKLA and the Individual Members Timely Submitted Comments on the Application

PKLA and the Individual Members submitted comments on the Application on July 17, 2023 and June 14, 2024. Additional comments were provided by PKLA and certain of the Individual Members at the public meeting held on June 18, 2024.

On July 13, 2023, PKLA and Individual Members including Blake Davis, Jame & Grady Sanders, Kelly D. Grimes, Jent & Stacy Burke, Foster Simmons, Rob Pedigo, David & Jeanine Byrge, Brent Nance, Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden filed comments and a request for contested case hearing regarding the Application. The comments raised the following issues:

- (1) The renewal application contains no new information regarding the modeling conducted and reflected in the original application, although circumstances and elements relevant to the modeling have changed since TCEQ issued its permit to Abilene in September 2018;
- (2) There is new evidence available that is relevant to TCEQ’s consideration of the renewal application. The United States Geologic Service (“USGS”) installed a flow meter in July 2020 upstream of the Discharge Location. Since the meter has been installed, the observed streamflow in Cedar Creek has been zero most of the time. This data shows there will not be constant inflow (ambient flow) to facilitate dilution of Abilene’s effluent, as was assumed in Abilene’s modeling provided as part of its original application and as again assumed as part of its renewal application.
- (3) The renewal application relies solely on modeling to demonstrate that Abilene’s discharge into the Cedar Creek arm of Possum Kingdom Lake complies with regulations. The CORMIX modeling included in the renewal application assumes an ambient velocity of 0.01 m/s, which corresponds to a constant volume of flow moving through the Cedar Creek arm of Possum Kingdom Lake well in excess of 300 cfs. The USGS streamflow data

on Cedar Creek indicates that Cedar Creek streamflow is almost always 0. Abilene inappropriately relies on CORMIX to model the diffuser performance because CORMIX will not calculate dilution for zero stream flow conditions at the edges of the regulatory mixing zones. The CORMIX modeling in the application assumes that the Total Dissolved Solids ("TDS") will always be equal to the long-term average TDS for Possum Kingdom Lake. This assumption ignores the elevated ambient TDS levels during drought and ignores Brazos River Authority's ("BRA's") water supply planning predictions estimate that lake levels will be as low as 980 feet mean sea level (msl) in the future.

(4) The CORMIX modeling performed by Abilene and TCEQ for the current permit assumed that the Possum Kingdom pool level is always at the maximum pool elevation of 1000 feet msl, which is grossly inaccurate. In 2014-2015 the pool elevation fell to as low as 984 ft msl and was below 985 ft MSL for almost one year. The diffuser design has the port exits at an elevation of 977.6 ft msl which means that at the 985 ft msl actual water elevation measured in 2014 the depth of the ports below the surface will only be 2.256 m (7.4 ft) rather than the 6.815 m (22.35 ft) depth used in the design. At the 985 ft msl pool elevation that has occurred for a one-year period in the past, the dilution factor/percent effluent at the zone of initial dilution, mixing zone and human health mixing zone are reduced to 59%, 60% and 60% of the values at the 999 ft MSL pool elevation, respectively. Thus, the dilution authorized by TCEQ in the current permit is not the critical condition for evaluating water quality impacts as specified in TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (RG-194).

(5) The application has a description of the roughing plant process but does not present a numerical water balance (model) that explains the discrepancy between the raw water contract from the BRA (19,418 ac ft/y, 17.3 MGD); discharge from the Microfiltration system; and effluent discharge and concentrations in response to changing lake TDS concentrations, which are known to occur due to drought conditions and the associated lower lake levels.

(6) If the estimated error from Abilene's modeling is factored into consideration of Abilene's renewal application, PKLA and the Individual Members question whether the predicted concentrations demonstrate compliance with TCEQ's applicable requirements.

(7) If the renewal application is granted, PKLA and the Individual Members respectfully request that the discharge point be moved to a location that can provide the flow conditions represented in the renewal application. PKLA and the Individual Members further request that Abilene be required to install real-time monitoring capability to demonstrate its compliance with applicable permit requirements. Further, PKLA and the Individual Members request that the Executive Director's staff recommend the inclusion of operational constraints in the permit to ensure the protection of Possum Kingdom Lake's water quality during drought conditions.

On June 14, 2024, PKLA and Individual Members including: (1) Jim & Leslie Abacherli; (2) Kyle J. & Susan P. Anderson; (3) Karen Bunch; (4) Jent & Stacy Burke; (5) Christian Oil & Gas, Inc.; (6) Blake Davis; (7) Dr. Kelly Grimes; (8) Justin & Jena Jackson; (9) Cammye & Michael S. McKee; (10) Alan & Robin Rhodes; (11) Grady & Jame Sanders; (12) Michael Scheriger; (13) Matthew & Tebora Scheriger; (14) Kris Stepp; (15) Lee & Dawn Warchesik; (16) Will Lunsford; (17) Arthur & Melissa Galvan; (18) Danny & Karon Pace; (19) Casey & Kelly Lipham; (20) Rick Brewster; (21) Tracy Talbot; (22) WW & Nita McFadin; (23) Greg Hamilton; (24) John Peters; (25) Randal Parker; (26) Debbie Rulestead; (27) Curtis & Cat Green; (28) Michael & Madison Lewis; (29) John & Carol Connally; and (30) Steve & Pegeen Link, all of whom own property within one-half mile of the Discharge Point filed comments and a request for contested case hearing regarding the Application. The comments were also submitted on behalf of Rob Pedigo, David & Jeanine Byrge, and Brent Nance, all of whom own property within 1 mile downstream of the Discharge Point; and Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden, each of whom own property 1 mile or more downstream of the Discharge Point.

The June 14, 2024 comments raised issues and provided supporting documentation regarding the City's underwater diffuser that the City has constructed in Possum Kingdom Lake pursuant to Wastewater Permit No. WQ0005213000. A dive inspection conducted on behalf of PKLA has documented that the as-built design does not conform to the design of the diffuser prepared by Aqua Strategies, Inc. and modeled by the City and the Executive Director's staff. The deviations from the diffuser design are significant and cause the critical dilution modeling used to develop the TPDES permit conditions to be inaccurate. The deviations include the following:

- 1) **Distance from shoreline to the first riser.** The Application specified a distance of 460 feet from the shoreline to the beginning of the diffuser (first port from the shoreline). The as-built distance measured by the diver is 408 feet. This could result in increased potential for elevated TDS concentrations at the north shoreline.
- 2) **Distance between risers.** The design specified a diffuser with 10 ports spaced at 4.36 feet (1.33 meters) intervals along the diffuser barrel. The as-built design has 10 ports spaced at 2 feet (0.61 m), which is one-half the design spacing. Because the ports in the as-built diffuser are much closer together than the design, the plumes from the individual ports will merge into a single slot-like plume much closer to the port exits. This merging results in a reduction in dilution rate because the merged individual plumes behave as a slot plume, which has a lower surface area than the individual cone-like plumes before they merge.
- 3) **Length of diffuser (distance between first and last risers).** The design specifies this distance as 12 meters (39.4 feet) and TCEQ used this length in its modeling. The actual distance between risers measured by the diver is 22.7 feet (~6.9 meters). This change affects both the width and length of the zone of initial dilution, mixing zone and human health mixing zone used in the TCEQ critical dilution analysis.
- 4) **Horizontal orientation of the diffuser ports.** The orientation of the ports with respect to the water surface as measured by the diver is approximately 44°. The design specifies 60°.

Also, the Aqua Strategies, Inc. design calls for the ports to be “fanned” and the diver did not describe that this orientation was implemented. These differences between the as-built diffuser and the design that was modeled will affect the critical dilution.

- 5) **The orientation of the ports relative to the longitudinal direction of ambient flow.** The design is for the ports to point downstream toward the main body of the lake. The Diver Report found the ports have been installed facing upstream. When there is a current toward the lake, this orientation may result in entrainment of the effluent/receiving water and reduction in effluent dilution.
- 6) **Orientation of diffuser to the channel centerline.** The diver found that the pipeline does not extend straight out from the shore but rather curves toward the north shoreline resulting in the diffuser not being perpendicular to the centerline of the channel. The diffuser orientation modeled by TCEQ assumes that the barrel of the diffuser is perpendicular to the centerline of the channel so that the ports point downstream.
- 7) **Depth of ports below the water surface.** The diver measured the water depth above the ports as 19 feet on March 15, 2024. The water surface elevation in the lake on this date was 998.73 feet above mean sea level (MSL). The port elevation is thus 979.73 feet MSL. The City’s design and TCEQ modeling assume the port elevation is 976 feet MSL. Thus, the ports are 3.75 feet closer to the surface than designed. In 2014-2015, the Possum Kingdom Lake pool elevation fell to as low as 984 feet MSL and was below 985 feet MSL for almost one year. At 985 feet MSL, the water surface will be only 5.27 feet above the ports and will significantly affect the achievable dilution.

A follow-up inspection conducted on behalf of PKLA confirmed that the diffuser as constructed differs substantially from its conceptual design on which the modeling was performed.

B. PKLA has Identified Members Who Have Standing in Their Own Right

PKLA’s members have standing to contest the Application in their own right. These members include the following:

1. PKLA’s Members Within ½ Mile of the Discharge Point

PKLA’s members who own property in Stephens County, Texas (or in the case of the Connallys, in Palo Pinto County, Texas), within ½ mile of the Discharge Point include:

8137 CR 300	Jim & Leslie Abacherli
8711 CR 300	Kyle J & Susan P Anderson
8911 CR 300	Karen Bunch
8725 CR 300	Jent & Stacy Burke
8741 CR 300	Christian Oil & Gas, Inc.
8967 CR300	Blake Davis
8893 CR 300	Dr. Kelly Grimes
8301 CR 300	Justin & Jena Jackson

Consent of PKLA to be used in this
document is hereby acknowledged.

8235 CR 300	Cammye & Michael S. McKee
8651 CR 300	Alan & Robin Rhodes
8365 CR 300	Grady & Jame Sanders
9028 CR 300	Michael Scheriger
9028 CR 300	Matthew & Tebora Scheriger
8237 CR 300	Kris Stepp
9087 CR 300	Lee & Dawn Warchesik
9087 CR 300, Lot 44	Will Lunsford
9097 Stephens CR 332-1	Arthur & Melissa Galvan
8019 PR ¹ 300-1	Danny & Karon Pace
108 PR 3005	Casey & Kelly Lipham
8799 CR 299	Tracy Talbot
8865 CR 299	WW & Nita McFadin
17902 PR 3004	Greg Hamilton
9087 CR 300, #8	John Peters
1302 PR 3005	Randal Parker
17971 PR 3004	Debbie Rulestead
14534 State Park Rd 33	Curtis & Cat Green
8845 CR 300	Michael & Madison Lewis
4431 Chapel Rd	John & Carol Connally
9186 PR 11482	Steve & Pegeen Link

2. PKLA's Members Within 1 Mile of the Discharge Point

PKLA's members who own property in Palo Pinto County, Texas, within 1 mile of the Discharge Point include:

2334 Sanbar Rd #10 (Graford)	Rob Pedigo
4609 FM 1148 (Graham)	David & Jeanine Byrge
5407 Edgewater (Graham)	Brent Nance

3. PKLA's Members 1 Mile or More from the Discharge Point

PKLA's members who own property in Palo Pinto County, Texas, 1 mile or more from the Discharge Point include:

1007 Redbud	Mert Fewell
155 River Road	Monte Land
169 River Road	Enid Montoya
715 Dove Lane	Sue Cathey
1755 Park Road 36	Hank Lattimore

¹ Private Road

1173 Willow Road
721 Dove Land

Stacy Urban
Russell Madden

4. PKLA's Members Have Standing

Each of the PKLA members listed above resides on their respective properties for all or part of each year. The properties are directly adjacent to Possum Lake. They each spend time outdoors, enjoy the view of the lake, and enjoy being in or on the lake or giving their friends and family the opportunity to do so. Each of these families chose to purchase property adjacent to the Lake. They chose their property on this lake because of the aesthetic beauty of the area and their love for lake life. Each family enjoys all aspects of lake-living including water activities, fishing, swimming, boating, cruising the shoreline, etc. They reside in close proximity to the Discharge Point and are therefore affected by the discharge that is the subject of this Application and the discharge's impact on the lake in a manner different from the general public.

C. Interests PKLA Seeks to Protect are Germane to its Purpose

PKLA was organized in 1971 to provide a voice for the members of the Possum Kingdom Lake Community and to provide opportunities for community involvement, prioritizing the protection of Possum Lake's resources and the community.² The interests PKLA seeks to protect in this matter, principally the protection of Possum Lake's resources, are germane to its purpose. PKLA has members who would be adversely affected by the Application.

D. Neither the Claim Asserted nor the Relief Requested Requires the Participation of the Individual Members in the Case

The Individual Members seek party status on their own account. However, for purposes of PKLA's associational standing neither the claim asserted, nor the relief requested requires the participation of the Individual Members in the case.

E. PKLA Meets the Requirements for Associational Standing

Based on the information provided above, PKLA meets the requirements for associational standing. See 30 Tex. Admin. Code § 55.205.

F. Individual Members Also Have Standing as Affected Parties

Each of the Individual Members also have standing themselves to be named as affected parties, and each of them requests that the Commission so name them as affected parties.

² See PKLA website: <https://pklakeassn.org/about/>.

II. PKLA and the Individual Members Continue to Dispute Issues Raised During the Public Comment Period

A. Executive Director's Staff's Response to Comments

In its Response to Comments, the Executive Director's staff described the facility that is the subject of this Application as follows:

... 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 area will vary with effluent flow. Water treatment wastes will be discharged at an annual average flow of 1.09 MGD (with a daily maximum of 1.38 MGD) during Phase I and at an annual average flow of 1.51 MGD (with a daily maximum of 1.81 MGD) during Phase II via Outfall 001.³

...

Outfall 001 is described as having an Outfall Coordinate Location of Latitude 32.886100, Longitude -98.588000.⁴

In response to Public Comments, the Executive Director's staff made no changes to the draft permit.⁵

B. PKLA's and the Individual Members' Issues of Continued Dispute

PKLA and the Individual Members have continuing disputes reflected in their filed comments regarding water quality issues and the adequacy and appropriateness of the provisions of the Draft Permit, and whether the Application and Draft Permit meet applicable statutory and regulatory requirements.

These disputes arise from and are premised upon two technical and factual matters: (1) the modeling assumptions used to support the Application; and (2) discrepancies between the design of the diffuser and its as-built condition. In addition to these fundamental issues, and flowing from them, PKLA and the Individual Members have continuing disputes about the adequacy of the draft permit's monitoring and operational requirements; and the appropriate location for the discharge

³ Response to Comments, at 2-3.

⁴ *Id.*, at 3.

⁵ *Id.*, at 21.

point if the renewal application is granted. On these additional issues, PKLA and the Individual Members respectfully request that, if a renewal permit is granted, the discharge point be moved to a location that can provide the flow conditions represented in the renewal application and that Abilene be required to install real-time monitoring capability; timely reporting of the monitoring data to demonstrate its compliance with applicable permit requirements; and operational constraints in the permit to ensure the protection of Possum Kingdom Lake's water quality during drought conditions.

1. Flawed Modeling Assumptions

PKLA and the Individual Members identified factual issues that demonstrated that the assumptions underlying Abilene's and the Executive Director's staff's modeling exercises were flawed. These issues include:

- (1) USGS data now available shows that the observed streamflow in Cedar Creek has been zero most of the time. The CORMIX modeling used by Abilene and the Executive Director's staff assumes a stream velocity of 0.01 m/s with no consideration of what volume of flow would be required to produce the assumed velocity across the area of the diffuser, as modeled.⁶ The USGS data shows there will not be constant inflow (ambient flow) to facilitate dilution of Abilene's effluent, as is assumed by Abilene.⁷ Under the terms of the existing permit, "When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director's staff, it shall promptly submit such facts or information." Abilene has failed to notify the Executive Director's staff of the data from the USGS gauge installed in Cedar Creek in 2021. The Executive Director's staff has premised its recommendation to grant the renewal on this flawed assumption.
- (2) The CORMIX modeling performed by Abilene and the Executive Director's staff for the current permit assumed that the Possum Kingdom pool level is always at the maximum pool elevation of 1000 feet msl, which is grossly inaccurate. Again, this is the maximum pool elevation - the full level for Possum Kingdom Lake. Brazos River Authority controls the lake levels and manages it to be full at 999 MSL, and it appears that the lake level has hit the 1000 feet msl level only once in the last decade. Other than that single instance, the lake has been lower than the level assumed in Abilene's modeling, often significantly so. For example, in 2014-2015 the pool elevation fell to

⁶ A volumetric flow rate over 1000 cfs into the Cedar Creek Arm upstream of the diffuser would be required to produce a stream velocity of .01 m/s across the diffuser as designed and built.

⁷ The ambient stream flow across the diffuser is more frequently backwards, from the water stored in the lake and episodic (when the lake level is rising in response to inflows from the Brazos River). Thus, steady stream flow across the diffuser assumed in the application and recertification is not representative of reality and thus far from conservative.

as low as 984 ft msl and was below 985 ft MSL for almost one year.⁸ Abilene's modeling is based on this flawed assumption and the Executive Director's staff has premised its recommendation to grant the renewal on this flawed assumption.

- (3) The diffuser design has the port exits at an elevation of 977.6 ft msl which means that at the 985 ft msl actual water elevation measured in 2014 the depth of the ports below the surface will only be 2.256 m (7.4 ft) rather than the 6.815 m (22.35 ft) depth used in the design. In any case, but for a single instance in the last decade, the assumed design depth is inaccurate. This inaccuracy affects the dilution factor/percent effluent at the zone of initial dilution, mixing zone and human health mixing zone. Thus, the dilution authorized by TCEQ in the current (and proposed renewal) permit is not the critical condition for evaluating water quality impacts as specified in TCEQ's Procedures to Implement the Texas Surface Water Quality Standards (RG-194). Again, Abilene's modeling is based on this flawed assumption and the Executive Director's staff has premised its recommendation to grant the renewal on this flawed assumption.
- (4) The Application has a description of the roughing plant process but does not present a numerical water balance (model) that explains the discrepancy between the raw water contract from the BRA (19,418 ac ft/y, 17.3 MGD); discharge from the Microfiltration system; and effluent discharge and concentrations in response to changing lake TDS concentrations, which are known to occur due to drought conditions and the associated lower lake levels. Without the numerical water balance model, Abilene's modeling is flawed, and the Executive Director's staff has premised its recommendation to grant the renewal on this flawed modeling.

The flawed modeling also raises issues as to whether the predicted constituent concentrations demonstrate compliance with TCEQ's applicable requirements. The City's modeling is premised on unrealistic assumptions and inaccurate design specifications⁹ that result in a beyond best case analysis of the impact on Possum Kingdom Lake, PKLA, and the Individual Members. Such an approach is contrary to the Commission's required modeling processes and results in draft permit conditions that fail to meet the applicable statutory and regulatory requirements.

The Executive Director's staff addresses the flawed modeling issue in Response to Comment Nos. 8, 22, and 23. In these Responses, the Executive Director's staff states:

⁸ Further, the CORMIX modeling in the application assumes that the Total Dissolved Solids (TDS) will always be equal to the long-term average TDS for Possum Kingdom Lake. This assumption ignores the elevated ambient TDS levels during drought and ignores Brazos River Authority's ("BRA's") water supply planning predictions estimate that lake levels will be as low as 980 feet mean sea level (msl) in the future.

⁹ See Section II.B.2 below.

The criteria of the Texas Surface Water Quality Standards (30 TAC Chapter 307) are applicable even during critical low-flow, therefore critical low-flow is considered when evaluating the appropriate effluent limits for the proposed discharge. The effluent limitations in the draft permit will maintain and protect the existing instream uses and comply with the Texas Surface Water Quality Standards and 30 TAC §§ 307.1 - 307.10.¹⁰

Information regarding diffuser design and effluent density characteristics has been provided by Abilene. The current analysis relies, in part, on Abilene's diffuser report and a previous TCEQ diffuser report. ... However, the results of this evaluation can be reexamined upon receipt of information that conflicts with the information employed in this analysis.¹¹

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 Abilene.¹²

It is clear from these responses that the Executive Director's staff has not considered the information already provided by PKLA and the Individual Members and has instead relied solely on the information provided by Abilene. The Executive Director's staff admits as much, stating, "The current analysis relies, in part, on Abilene's diffuser report and a previous TCEQ diffuser report. ... However, the results of this evaluation can be reexamined upon receipt of information that conflicts with the information employed in this analysis."

PKLA and the Individual Members have provided "information that conflicts with the information employed in this analysis." Yet, the Executive Director's staff has not reexamined the results of its evaluation following receipt of this information and, by its admission, continues to rely solely on the information provided by Abilene. It is appropriate for these issues and modeling discrepancies to be resolved through a contested case hearing or reconsideration by the Executive Director's staff as requested by PKLA and the Individual Members.

2. Discrepancies between the Design of the Diffuser and Its As-Built Condition

Prior to submitting its renewal application, Abilene had not constructed the permitted diffuser, but since its submission, Abilene has now done so. PKLA and the Individual Members provided information demonstrating discrepancies between the diffuser as designed and permitted versus as built.

¹⁰ Response to Comment, at 10 (Response No. 8 to concern about drought and low flow in the receiving segment).

¹¹ *Id.*, at 20-21 (Response No. 22 to concern with the variables used for the CORMIX model conducted for this permit action).

¹² *Id.*, at 21 (Response No. 23 to concern with the effectiveness of the diffuser in dispersing the effluent during low flow conditions).

The as-built distance from shoreline to the first riser as measured by the diver is 408 feet, 52 feet (11.3%) closer to the north shoreline than the designed and permitted configuration. This could result in increased potential for elevated TDS concentrations at the north shoreline.

The as-built design has 10 ports spaced at 2 feet (0.61 m), which is one-half the design spacing. As a result, the plumes from the individual ports will merge into a single slot-like plume much closer to the port exits. This merging results in a reduction in dilution rate because the merged individual plumes behave as a slot plume, which has a lower surface area than the individual cone-like plumes before they merge.

The length of the diffuser (distance between first and last risers) as measured by the diver is 22.7 feet (~6.9 meters) rather than the 39.4 feet (12 meters) reflected in the design. This change affects both the width and length of the zone of initial dilution, mixing zone and human health mixing zone used in the TCEQ critical dilution analysis.

The orientation of the ports with respect to the water surface as measured by the diver is approximately 44° as opposed to the design specification of 60°. The design calls for the ports to be “fanned” and the diver did not describe that this orientation was implemented. These differences between the as-built diffuser and the design that was modeled will affect the critical dilution.

The design is for the ports to point downstream toward the main body of the lake. The Diver Report found the ports have been installed facing upstream. When there is current from the lake,¹³ this orientation may result in the diffuser discharging into receiving water that has already received effluent and thus would result in a reduction in effluent dilution from what was assumed in the modeled condition.

The diver found that the pipeline does not extend straight out from the shore as designed but rather curves toward the north shoreline resulting in the diffuser not being perpendicular to the centerline of the channel. The diffuser orientation modeled by TCEQ assumes that the barrel of the diffuser is perpendicular to the centerline of the channel so that the ports point downstream.¹⁴

The diver measured the water depth above the ports as 19 feet on March 15, 2024. The water surface elevation in the lake on this date was 998.73 feet above mean sea level (MSL). The port elevation is thus 979.73 feet MSL. The design assumes the port elevation is 976 feet MSL.

¹³ The ambient stream flow across the diffuser is more frequently backwards, from the water stored in the lake and episodic (when the lake level is rising in response to inflows from the Brazos River). Thus, steady stream flow across the diffuser assumed in the application and recertification is not representative of reality and thus far from conservative.

¹⁴ Furthermore, the location of the diffuser is not sufficiently close to existing TCEQ monitoring stations and thus the diffuser's actual ability to accomplish the required dilution cannot be verified much less assured. See Section II.B.3. below.

Thus, the ports are 3.75 feet closer to the surface than designed, which affects the achievable dilution.

Each of these issues affects the modeling performed by Abilene and relied upon by the Executive Director's staff. The City has not provided any information to PKLA or the Individual Members to confirm that the diffuser as built conforms to the design represented to the Commission in either the City's original application or the renewal application that is the subject of this proceeding. The Response to Comment does not include any indication that the City has provided such information to the Executive Director's staff either.

The Executive Director's staff addresses this issue in Response to Comment Nos. 6, 11. The Executive Director's staff states:

It is Abilene's responsibility to construct and install a diffuser consistent with the information provided in the application for the TCEQ's review of the diffuser, which included a diffuser report covering the design and installation of the diffuser that was stamped and sealed by Abilene's licensed professional engineer.¹⁵

As provided by state law, a permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act, Texas Water Code §§ 26, 27, and 28, and the Texas Health and Safety Code § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under the draft permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.¹⁶

The Executive Director's staff's recommendation is premised on an assumption that the diffuser has now been constructed as designed. PKLA and the Individual Members have presented evidence to the contrary. Under the terms of the existing permit, "When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director's staff, it shall promptly submit such facts or information." Abilene has failed to notify the Executive Director's staff of the

¹⁵ Response to Comments, at 8 (Response No. 6 to concern about discrepancies between the design parameters of the diffuser versus the parameters of the installed diffuser). PKLA and the Individual Members note that the Breckenridge Library has a copy of the application and has not received a newer version. A design diffuser report stamped and sealed by Abilene's professional engineer cannot be found in the application at the Breckenridge library. The public has not been provided any report for the diffuser as installed, stamped and sealed by Abilene's professional engineer.

¹⁶ *Id.*, at 13 (Response No. 11 to concern about the accuracy and transparency of the application materials provided by the City of Abilene).

data from the USGS gauge installed in Cedar Creek in 2020 and has failed to notify the Executive Director's staff of the configuration and location of the diffuser that was installed in 2024.

In its Response to Comment No. 13, the Executive Director's staff states:

If the City of Abilene updates the application with a different location or a different discharge route, the Executive Director's staff will reevaluate the discharge route to make sure that the draft permit contains appropriate limits and conditions for the revised discharge location or route. Additionally, new landowners may need to be notified of a change of the facility location or the discharge route.¹⁷

PKLA and the Individual Members have provided information indicating that the City has constructed the diffuser in a manner different from that represented in the Application. There has been no reevaluation of the Application "to make sure that the draft permit contains appropriate limits and conditions" or to determine whether "new landowners may need to be notified of a change of the facility." A reconsideration should be ordered to address this information. In the alternative, a contested case hearing should be ordered to resolve these factual disputes so that appropriate limits and conditions can be established and appropriate notice to affected landowners can be provided.

The threat of potential enforcement after a discharge out of a non-conforming diffuser simply allows for impact to the environment and to PKLA and the Individual Members that could be prevented by a reconsideration or a contested case hearing that established the as-built conditions of the diffuser. As drafted, there is no requirement for Abilene to document that the diffuser as built complies with the design specifications which are some, but not all, of the critical elements in Abilene's modeling and the Executive Director's staff's review of same.

PKLA and the Individual Members have raised significant and substantive issues that go to the heart of whether the draft permit meets applicable statutory and regulatory requirements. Having raised these issues through the appropriate and required processes without any resulting changes in the proposed permit, PKLA and the Individual Members respectfully request that the Commission order a reconsideration of the Application or a contested case hearing to give PKLA and the Individual Members the opportunity to litigate these issues. Only through one of these processes can the Commission properly evaluate whether a permit should be issued and, if so, under what terms such that applicable statutory and regulatory requirements are met.

¹⁷ *Id.*, at 14 (Response No. 13 to request TCEQ consider a different outfall location for the Possum Kingdom Raw Water Roughing Facility).

3. Draft Permit's Monitoring and Operational Requirements are Inadequate

Under the terms of the draft permit, no monitoring in the mixing plume or in the far field is required to verify that the operating diffuser protects the nearby shoreline and also meets the following application requirement:

Phase I:

The permittee shall maintain the diffuser at Outfall 001 to achieve a maximum dilution of 5.36 percent effluent at the edge of the ZID. The ZID is defined as a rectangle 28.8 feet by 68.2 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 25-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.73 percent effluent at the edge of the chronic aquatic life mixing zone. The chronic aquatic life mixing zone is defined as a rectangle 158.74 feet by 198.0 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 100-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.51 percent effluent at the edge of the human health mixing zone. The human health mixing zone is defined as a rectangle 335.4 feet by 374.7 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 200-foot radius circle.

Final Phase (Phase II):

The permittee shall maintain the diffuser at Outfall 001 to achieve a maximum dilution of 3.15 percent effluent at the edge of the ZID. The ZID is defined as a rectangle 28.8 feet by 68.2 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 25-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.83 percent effluent at the edge of the chronic aquatic life mixing zone. The chronic aquatic life mixing zone is defined as a rectangle 158.74 feet by 198.0 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 100-foot radius circle.

The permittee shall maintain Outfall 001 to achieve a maximum dilution of 1.67 percent effluent at the edge of the human health mixing zone. The human health mixing zone is defined as a rectangle 335.4 feet by 374.7 feet centered on the diffuser barrel with the longer edge running parallel to the diffuser barrel. This area is approximately equal to the area of a 200-foot radius circle.¹⁸

Without real-time monitoring, the operation of the diffuser cannot be verified to maintain these design goals. PKLA and the Individual Members respectfully request that the Application be reconsidered so that Abilene is required to install real-time monitoring capability and timely reporting of such data to demonstrate its compliance with applicable permit requirements. Further, PKLA and the Individual Members request that the Executive Director's staff recommend the inclusion of operational constraints in the permit to ensure the protection of Possum Kingdom Lake's water quality during drought conditions. Alternatively, PKLA and the Individual Members respectfully request a contested case hearing on this issue and the other issues raised in its prior comments and in this request.

4. Location of Discharge Should be Moved if Permit is Renewed

If the renewal application is granted, PKLA and the Individual Members respectfully request that the discharge point be moved to a location that can provide the flow conditions represented in the renewal application. As discussed above, the original discharge location reflected in the permit is not appropriate given that the USGS flow data and the real-world lake level data conflict with the modeling assumptions used in the modeling to support the discharge location. Further, the documented discrepancies between the design of the diffuser and its as-built condition require a change in the permit's discharge location. The actual discharge location is different from the location currently allowed by the Commission, and that location is even more harmful than that reflected in the permit. If the renewal application is granted, PKLA and the Individual Members respectfully request that the discharge point be moved to a location that can provide the flow conditions represented in the renewal application.

In response to PKLA and the Individual Member's comment in this regard, the Executive Director's staff has stated, "TCEQ does not have the authority to mandate a different discharge location or wastewater treatment plant location if the applicant's proposed location and discharge route comply with the TWC Chapter 26. TCEQ does not have jurisdiction over zoning."¹⁹ The response omits a consideration of the information provided by PKLA and the Individual Members showing that the City's proposed location and discharge route do not comply with TWC Chapter 26.

¹⁸ Draft Permit No. WQ0005213000, Other Requirements No. 5.

¹⁹ Response to Comments, at 14 (Response No. 13 to request TCEQ consider a different outfall location for the Possum Kingdom Raw Water Roughing Facility).

Given that the USGS flow data and the real-world lake level data conflict with the modeling assumptions used in the modeling to support the discharge location; the documented discrepancies between the design of the diffuser and its as-built condition require a change in the permit's discharge location; the actual discharge location is different from and even more harmful than the location currently allowed by the Commission, the application should be reconsidered and, if a suitable discharge location is identified by the City, that discharge location should instead be reflected in any renewal permit granted by the Commission. In the absence of a reconsideration, PKLA and the Individual Members respectfully request a contested case hearing be ordered by the Commission to consider this issue along with the other issues of continuing dispute identified in this Request.

Conclusion

In summary, PKLA and the Individual Members have established affected party status. PKLA timely submitted comments on the Application; the organization identified, by name and physical address, one or more members of the organization would have standing to request a hearing in their own right; the interests PKLA seeks to protect are germane to its purpose; and neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

The Individual Members also timely submitted comments. Each of the PKLA members listed above lives resides on their respective properties for all or part of each year. The properties are which are directly adjacent to Possum Lake. They each spend time outdoors, enjoy the view of the lake, and enjoy being in or on the lake or giving their friends and family the opportunity to do so. Each of these families chose to purchase property adjacent to the Lake. They chose their property on this lake because of the aesthetic beauty of the area and their love for lake life. Each family enjoys all aspects of lake-living including water activities, fishing, swimming, boating, cruising the shoreline, etc. They reside in close proximity to the Discharge Point and are therefore affected by the discharge that is the subject of this Application and the discharge's impact on the lake in a manner different from the general public. The Individual Members are themselves affected parties.

PKLA and the Individual Members have continuing issues of dispute regarding water quality issues and the adequacy and appropriateness of the provisions of the Draft Permit, and whether the Application and Draft Permit meet applicable statutory and regulatory requirements. These disputes arise from and are premised upon two technical and factual matters: (1) the flawed modeling assumptions used to support the Application; and (2) discrepancies between the design of the diffuser and its as-built condition. In addition, PKLA and the Individual Members have raised issues contesting the adequacy of the draft permit's monitoring and operational requirements and the appropriate location for the discharge point if the renewal application is granted. These issues are of heightened importance because of the flawed modeling assumptions and discrepancies between the design of the diffuser and its as-built condition. Each of these issues affect both the Executive Director's staff's review of the Application and the Commission's ability to ensure that any renewal permit granted to Abilene adequately protects water quality and meets applicable statutory and regulatory requirements.

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PKLA and Individual Members
Request for Contested Case Hearing
Abilene Renewal Application
Wastewater Permit No. WQ0005213000
July 25, 2025

Given their status as affected parties and their continuing factual, technical and legal disputes that have not been adequately addressed in the proposed draft permit, PKLA and the Individual Members respectfully request that the Commission grant the request for reconsideration so that the Executive Director's staff's staff may consider the additional information provided in the filed comments and in the request. Alternatively, PKLA and the Individual Members respectfully request that the Commission grant a contested case hearing in this matter so that the disputed issues may be litigated so the Commission can properly evaluate whether a permit should be issued and, if so, under what terms such that applicable statutory and regulatory requirements are met.

We appreciate your consideration.

Sincerely,



Paul C. Sarahan

Jennifer Cox

From: PUBCOMMENT-OCC
Sent: Friday, June 14, 2024 4:40 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: PKLA Supplemental Comments - Filed.pdf

H

Jesús Bárcena
Office of the Chief Clerk
Texas Commission on Environmental Quality
Office Phone: 512-239-3319

How is our customer service? Fill out our online customer satisfaction survey at:
www.tceq.texas.gov/customersurvey

From: paul.sarahan@earthandwatergroup.com <paul.sarahan@earthandwatergroup.com>
Sent: Friday, June 14, 2024 4:34 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Paul C. Sarahan

EMAIL: paul.sarahan@earthandwatergroup.com

COMPANY: Earth & Water Law, LLC

ADDRESS: 6801 JESTER WILD DR
AUSTIN TX 78750-8173

PHONE: 5129714156

FAX:

COMMENTS: See Supplemental Comments and Request for Hearing filed on behalf of PKLA and Individual Members



Earth & Water Law, LLC
1455 Pennsylvania Ave NW, Suite 400
Washington, DC 20004
Austin Office (512) 971-4156

June 14, 2024

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Supplemental Comment and Request for Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these supplemental comments on behalf of our client, Possum Kingdom Lake Association ("PKLA"), as well as some of its members, all of whom own property within one-half mile of the discharge point authorized under the existing permit (the "Discharge Point"), and as proposed in the renewal application filed by the City of Abilene ("Abilene"): (1) Jim & Leslie Abacherli; (2) Kyle J. & Susan P. Anderson; (3) Karen Bunch; (4) Jent & Stacy Burke; (5) Christian Oil & Gas, Inc.; (6) Blake Davis; (7) Dr. Kelly Grimes; (8) Justin & Jena Jackson; (9) Cammye & Michael S. McKee; (10) Alan & Robin Rhodes; (11) Grady & Jame Sanders; (12) Michael Scheriger; (13) Matthew & Tebora Scheriger; (14) Kris Stepp; (15) Lee & Dawn Warchesik; (16) Will Lunsford; (17) Arthur & Melissa Galvan; (18) Danny & Karon Pace; (19) Casey & Kelly Lipham; (20) Rick Brewster; (21) Tracy Talbot; (22) WW & Nita McFadin; (23) Greg Hamilton; (24) John Peters; (25) Randal Parker; (26) Debbie Rulestead; (27) Curtis & Cat Green; (28) Michael & Madison Lewis; (29) John & Carol Connally; and (30) Steve & Pegeen Link.

As noted previously, these comments are also submitted on behalf of Rob Pedigo, David & Jeanine Byrge, and Brent Nance, all of whom own property within 1 mile downstream of the Discharge Point; and Mert Fewell, Monte Land, Enid Montoya, Sue Cathey, Hank Lattimore, Stacy Urban, and Russell Madden, each of whom own property 1 mile or more downstream of the Discharge Point (collectively, the "Individual Members") with respect to the above-referenced permit renewal application pending before the Executive Director. PKLA and the Individual Members claim affected party status for purposes of the pending matter.

PKLA engaged Jeffery Kincheloe, President and Owner of Nautical Research and Recovery, LLC to conduct an inspection of the City of Abilene's underwater diffuser that the City has constructed in Possum Kingdom Lake pursuant to Wastewater Permit No. WQ0005213000 (the "Permit"). The purpose of the inspection was to determine whether the construction of the

diffuser conformed to the representations made by the City of Abilene (the “City”) and incorporated into its Permit. The inspection noted significant differences between the City’s represented design and the as-built construction of the diffuser. Mr. Kincheloe’s report and supporting documents (in combination, the “Diver Report”) are enclosed.

TCEQ’s Critical Conditions Recommendation Memo dated October 16, 2023, describes the diffuser design that was modeled by Ms. Xing Lu, Ph.D., as follows:

Outfall 001 was modeled as a 12 meter (40 ft), ten-port diffuser having a port centerline depth of 7.31 meters (24 feet) below the water surface and a port elevation of 0.46 meters (1.5 feet) above the local channel bottom. Each port uses a variable-velocity orifice valve arranged in a fanned-out pattern. The port area varies with effluent flow: the effective circular port diameter is 0.036 meters (0.118 ft) for the 1.09 MGD discharge and 0.038 meters (0.126 ft) for the 1.51 MGD discharge. The ports are angled upwards at 60 degrees from the horizontal with the diffuser barrel perpendicular to the bank so wastewater will be discharged generally parallel to the bank and toward the main pool of the lake.

The inspection documented that the as-built design does not conform to the design of the diffuser prepared by Aqua Strategies, Inc. and modeled by TCEQ. The deviations in the as-built diffuser design are significant to the extent that the critical dilution predictions used to develop the TPDES permit conditions are inaccurate. These deviations of the as-built diffuser from the authorized diffuser design are described below.

1. **Distance from shoreline to the first riser.** The Aqua Strategies, Inc. report specified a distance of 460 feet from the shoreline to the beginning of the diffuser (first port from the shoreline). The as-built distance measured by the diver is 408 feet. This shortened distance may or may not affect the dilution, depending on the water depth closer to shore. Combined with the orientation of diffuser barrel to the channel centerline, as discussed below, this could result in increased potential for elevated total dissolved solids (“TDS”) concentrations at the north shoreline.
2. **Distance between risers.** The design specified a diffuser with 10 ports spaced at 4.36 feet (1.33 meters) intervals along the diffuser barrel. The as-built design has 10 ports spaced at 2 feet (0.61 m),¹ which is one-half the design spacing. Because the ports in the as-built diffuser are much closer together than the design, the plumes from the individual ports will merge into a single slot-like plume much closer to the port exits. This merging results in a reduction in dilution rate because the merged individual plumes behave as a slot plume,² which has a lower surface area than the individual cone-like plumes before they merge.

¹ As described by the diver and shown in his drawing, the design has the risers in three groups separated by concrete weight collars – two have four risers and the outermost group has 2 risers.

² A slot plume is essentially a wide, thin rectangular shape in which there is little dilution from the edges.

3. **Length of diffuser (distance between first and last risers).** The design specifies this distance as 12 meters (39.4 feet) and TCEQ used this length in its modeling. The actual distance between risers measured by the diver is 22.7 feet (~6.9 meters). This change affects both the width and length of the zone of initial dilution, mixing zone and human health mixing zone used in the TCEQ critical dilution analysis.
4. **Horizontal orientation of the diffuser ports.** The orientation of the ports with respect to the water surface as measured by the diver is approximately 44°. The design specifies 60°. Also, the Aqua Strategies, Inc. design calls for the ports to be “fanned” and the diver did not describe that this orientation was implemented. These differences between the as-built diffuser and the design that was modeled will affect the critical dilution.
5. **The orientation of the ports relative to the longitudinal direction of ambient flow.** The design is for the ports to point downstream toward the main body of the lake. The Diver Report found the ports have been installed facing upstream. When there is a current toward the lake, this orientation may result in entrainment of the effluent/receiving water and reduction in effluent dilution.
6. **Orientation of diffuser to the channel centerline.** The diver found that the pipeline does not extend straight out from the shore but rather curves toward the north shoreline resulting in the diffuser not being perpendicular to the centerline of the channel. The diffuser orientation modeled by TCEQ assumes that the barrel of the diffuser is perpendicular to the centerline of the channel so that the ports point downstream.
7. **Depth of ports below the water surface.** The diver measured the water depth above the ports as 19 feet on March 15, 2024. The water surface elevation in the lake on this date was 998.73 feet above mean sea level (MSL).³ The port elevation is thus 979.73 feet MSL. The Aqua Strategies, Inc. design and TCEQ modeling assume the port elevation is 976 feet MSL. Thus, the ports are 3.75 feet closer to the surface than designed. In 2014-2015, the Possum Kingdom Lake pool elevation fell to as low as 984 feet MSL and was below 985 feet MSL for almost one year. At 985 feet MSL, the water surface will be only 5.27 feet above the ports and will significantly affect the achievable dilution.

Conclusion

In summary, the Diver’s Report shows that the as-built diffuser has significant deviations from the design that TCEQ evaluated to prepare the conditions in TPDES Permit No. WQ0005213000. On April 12, 2024, PKLA notified the City of Abilene, through its counsel, of these deviations. For these reasons and for the reasons set forth in PKLA’s initial comments⁴ submitted in this matter, PKLA continues to assert that the modeling performed to assess the City

³ See <https://possumkingdom.uslakes.info/Level/>

⁴ See e.g., the United States Geologic Service’s installation of a flow meter in July 2020 and the observation that, since that time, the streamflow in Cedar Creek has been zero most of the time; the inability of the CORMIX model to calculate dilution for zero stream flow conditions at the edges of the regulatory mixing zones; and the inaccurate assumption that the Possum Kingdom pool level is always at the maximum pool elevation of 1000 feet msl.

of Abilene's renewal application fails to accurately predict the impact that PKLA and Possum Kingdom Lake will suffer if the Draft Permit is issued by the Commission.

PKLA respectfully requests that the Executive Director deny the City of Abilene's renewal application or in the alternative refer this matter to the State Office of Administrative Hearings for a contested case hearing.

PKLA is also copying TCEQ's Abilene Regional Office so it can be aware of the issue in case the City of Abilene begins discharging from the diffuser.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. C. Sarahan', with a stylized flourish at the end.

Paul C. Sarahan

Enclosures

cc: Ms. Aubrey Pawelka, TCEQ, Environmental Law Division
Mr. Cliff Moore, TCEQ, Abilene Regional Office, Water Section Manager



Nautical Research and Recovery, LLC
100 Tennessee St., Unit 1494
Graham, Texas 76450
(661) 236-8040

Mr. Mert Fewell
PKLA President
Project: PK Lake City of Abilene, RO Effluent

Diver inspection of City of Abilene's underwater diffuser in Possum Kingdom Lake.

Stating point of the 638' x 38" circumference or 12.096" Pipeline.
Pointing 120-degree Southeast
32°53'14" North 98°35'22" West
1000' Elevation, 60 degrees Water Temperature

Dive Inspection time started at 10:49 am on Friday March 15, 2024
Starting 6' off the shoreline is a 1 of 63 - 30" x 30" x 6" Bolt-on Concrete Pipeline Anchor Weight. On inspection of each one of the 63 Bolt-on Concrete Pipeline Anchor Weight, there is no Leaning or Missed- Aligned, Cracking, Spalling, Scaling, Corrosion of Reinforcement, Popouts, Efflorescence and Blisters by visual inspection with what little visibility and bare hand touching. Each Bolt-on Concrete Pipeline Anchor Weight, still has a soft rubber sheet liner still intact to protect the pipe from movement of any kind. The 63 Bolt-on Concrete Pipeline Anchor Weights are placed on 10' centers unless there is a pipe coupler connection. Then the Bolt-on Concrete Pipeline Anchor Weight is placed either in front or behind the pipe coupler connection. The pipe is roughly 12" off the lakebed due to the difference of sediments mud, sand, gravel, and rocks.

The HDPE (high-density polyethylene) pipe is in good shape. There is plant algae growth on the pipe and Bolt-on Concrete Pipeline Anchor Weights, the plant algae wipes off the pipe easily by running your hands along the surface of the pipe. Along all 638' of the pipe, there is no pressure bends due to laying the pipe too tight in a curve, or gouges of any kind from laying the pipe or boat anchors hooking on the pipe and dragging along the pipe edge.

Starting at the 610' mark or #61 of the Bolt-on Concrete Pipeline Anchor Weight the Riser Diffusers start. Between #61 and #62 of the Bolt-on Concrete Pipeline Anchor Weights, there are 4 Riser Diffusers. #62 and #63 there are 4 Riser Diffusers and after #63 there are 2 Riser Diffusers.

Each Riser Diffuser is roughly on 24" centers in between each Bolt-on Concrete Pipeline Anchor Weight in between #61 to #62 and #62 to #63 after #63 the last two (2) Riser Diffusers are 24" on center with 4' of pipe past the last Riser Diffusers. The end of the pipe has a rounded welded butt fusion end cap.

Each riser is 27" of 1.25" pipe at roughly a 22-degree angle, the end of the riser is HDPE soft diffuser port AKA (Duck Bill) at roughly a 22-degree angle. Looking down towards the end of the pipe, the risers are leaning to the right into the water flow, all facing the same direction.

The water depth at #61 through #63 of the Bolt-on Concrete Pipeline Anchor Weights are at 21', and the top of the Riser Diffusers are at 19'.

The Dive Inspection ended at 12:45 pm on Friday, March 15, 2024

The visibility from the start of the pipeline was poor, along with a heavy overcast and rainy day, and at the 300' mark same observation with 14' water depth. After the 300' mark the visibility got murky and darker. The water clarity at the inspection time was too poor to film or photograph, same with the Bolt-on Concrete Pipeline Anchor, Pipeline and Riser Diffusers.

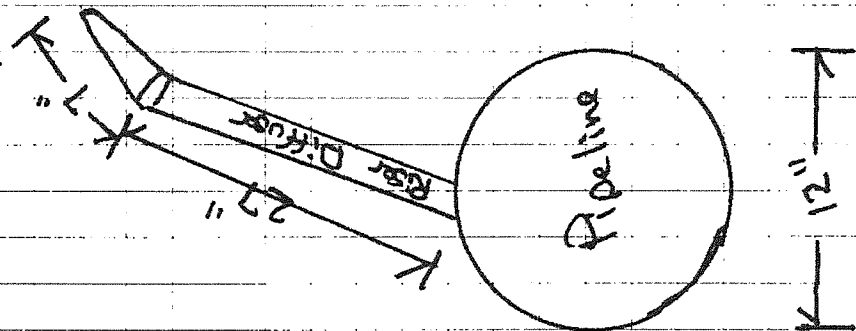
In conclusion, the pipeline is not running straight, it veers to the left along the shoreline. The pipeline runs towards the property owners' boat dock and is 6' off the front corner facing the lake. The water depth is 5' from the top of the pipe, it is above the straight line in the attached Google Earth Map, labeled "City of Abilene's underwater diffuser Google Earth Map". Also attached are the two (2) GPS marker coordinates.

Sincerely,

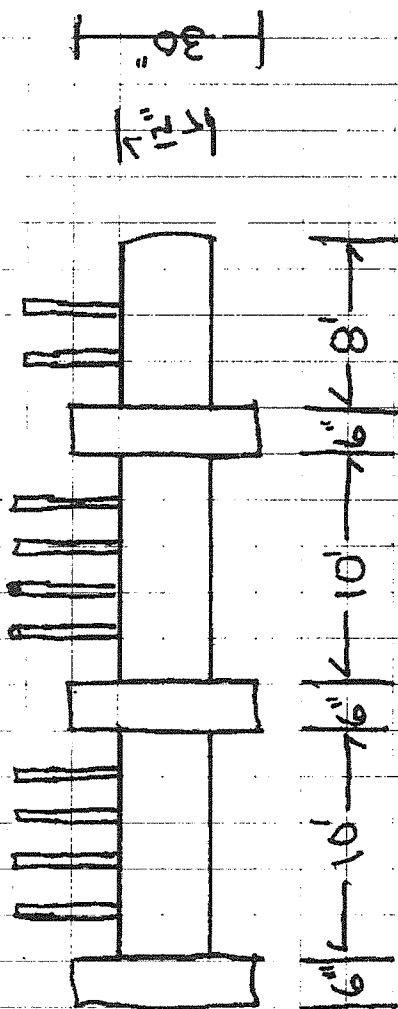
Jeffery Kincheloe
President/Owner

Nautical Research and Recovery, LLC
(661) 236-8040 Office/Cell
Jeff@nrrllc.com
nauticalresearch@sbcglobal.net

Looking Down Pipeline towards Lake



Side View of Riser Diffuser End of Pipe End



TCEQ Registration Form

June 18, 2024

4

City of Abilene

Proposed Renewal of TPDES Permit No. WQ0005213000

PLEASE PRINT

Name: Paul Sarchan

Mailing Address: 6801 Jester Wild Dr.

Physical Address (if different): _____

City/State: Austin, Tx Zip: 78750

This information is subject to public disclosure under the Texas Public Information Act

Email: paul.sarchan@earthandwatergroup.com

Phone Number: (512) 971-4156

- Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? Passum Kingdom Lake Association

☐ Please add me to the mailing list.

☒ I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

☐ I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

23AUG '23 10:06

TCEQ QCC

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RECEIVED

AUG 24 2023

Gau

PM
H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: TY S R F G I R
Address: LOT 27 SHAKERS CAMP
Phone Number: 432-934-2021

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Tuesday, August 8, 2023 1:35 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000

PM
H

From: foster76450@yahoo.com <foster76450@yahoo.com>
Sent: Tuesday, August 8, 2023 1:24 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: William Foster Simmons

EMAIL: foster76450@yahoo.com

COMPANY: GORDEN SIMMONS SERVICE

ADDRESS: 301 DOE LN 301 Doe Lane
GRAHAM TX 76450-5812

PHONE: 9405498231

FAX:

COMMENTS: Dear Chief Clerk Gharis: I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information. Name: Foster Simmons Address: 301 Doe Lane, Graham, Texas 76450 Phone Number:940-456-0590 Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom

receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas. The City of Abilene is requesting to discharge an "annual average" of 1.51 million gallons of wastewater into Possum Kingdom Lake daily. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake. There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term. It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect the contamination level of the water at the point of injection because by their own words they intend to only use P. K. as a water source in extreme drought. This means that our area would also most likely be in extreme drought also and there would be no water coming into the lake to dilute the effluent they are injecting there by raising the concentration of pollutants at their injection site. Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above referenced permit renewal application.

Aug
July 4, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

AUG 24 2023 PM
By GAW H

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing
Facility; RN107958928; Renewal Application Wastewater Permit No.
WQ0005213000; Comment and Request for Public Meeting and Contested Case
Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Tracy Talbot
Address: 8799 Co Rd 299, Graham Tx 76450
Phone Number: 432-413-8102

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

23AUG '23 10:05

TCEQ OCC

July 31, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

REVIEWED
AUG 24 2023 PM
J. GOW

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name: Dawn Warchesik
Address: 9007 CR300 Graham TX 76450
Phone Number: 817 253 3304

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Dean". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Monday, July 31, 2023 3:20 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000
Attachments: City of Abilene wastewater permit WQ0005213000.pdf

PM
H

From: dawnlee2791@yahoo.com <dawnlee2791@yahoo.com>
Sent: Monday, July 31, 2023 11:47 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: MR Lee L Warchesik

EMAIL: dawnlee2791@yahoo.com

COMPANY:

ADDRESS: 3148 ENGLISH CREEK DR
AZLE TX 76020-5222

PHONE: 8172538210

FAX:

COMMENTS: We are requesting a public hearing for this permit. We don't want our lake to be contaminated with Abilene's wastewater. There are other ways of disposal.

July 31, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Lee Warchesik
3148 English Creek Dr Azle TX 76020
817-253-8210

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an "annual average" of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit

Types of Required Information Provided by Electronic Means; Accessing and Retaining Information

In conjunction with the processing of any deposit transaction in which you participate with us, we will provide or make required information available to you in PDF format. To access and retain required information, you will need the following:

- A personal computer or other device which is capable of accessing the internet.
- An e-mail account with an internet service provider and e-mail software.
- PDF reader: Adobe Reader or similar software may be required to view and print PDF files. You may download the most current version of the software identified above by going to www.adobe.com.
- A printer (for printed copies) or a working hard drive or other storage device (to store electronic copies).

By opening an account, you certify that: (i) you have read and understand this agreement, (ii) you can print on paper or electronically save this agreement for your future reference, (iii) you consent to receive the required information by the electronic means described above, (iv) you acknowledge that you are providing your consent to receive electronic communications pursuant to the Electronic Signatures in Global and National Commerce Act and intend that this statute applies to the fullest extent possible, and (v) you have provided a working individual email.

CURRENT RATE INFORMATION. The rate(s) and annual percentage yield(s) disclosed were offered within the most recent seven calendar days, and were accurate as of 07/31/2023. To obtain the current rate(s) and annual percentage yield information, please call (806)771-9500.

FEES AND CHARGES. Please refer to the separate Fee Schedule provided to you with this disclosure for information about fees and charges associated with this account. A Fee Schedule will be provided to you at the time you open an account, periodically when fees or charges change, and upon request.

Monthly Fee: A \$4.99 monthly fee will be charged if the requirements to obtain the bonus interest rate are not met.

Effect of closing an account: If you close your account within 90 days of opening, you will be charged a \$25.00 fee.



application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Lee".

Misty Botello

From: PUBCOMMENT-OCC
Sent: Friday, August 25, 2023 1:08 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: PK Lake
Attachments: TCEQTemplate-Letter-for-Distribution-1 (3).docx

PM
H

From: Pam Williams <pamwms512@aol.com>
Sent: Friday, August 25, 2023 11:16 AM
To: CHIEFCLK <chiefclk@tceq.texas.gov>
Subject: PK Lake

See Attached Letter.

July __, 2023

Filed Electronically at: www.tceq.texas.gov/goto/comment

Office of the Chief Clerk
Texas Commission on Environmental Quality,
P.O. Box 13087, MC 105
Austin, TX 78711-3087

RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility;
RN107958928; Renewal Application Wastewater Permit No. WQ0005213000;
Comment and Request for Public Meeting and Contested Case Hearing

Dear Chief Clerk Gharis:

I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information.

Name:
Address:
Phone Number:

Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas.

The City of Abilene is requesting to discharge an “annual average” of **1.51 million gallons of wastewater into Possum Kingdom Lake daily**. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake.

There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term.

It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will

affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing.

Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director.

Sincerely,

Renee Lyle

From: PUBCOMMENT-OCC
Sent: Tuesday, October 3, 2023 11:44 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000

PM
H

From: Rjowilson@sbcglobal.net <Rjowilson@sbcglobal.net>
Sent: Saturday, September 30, 2023 9:05 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Jo Wilson

EMAIL: Rjowilson@sbcglobal.net

COMPANY:

ADDRESS: 6428 BARKWOOD LN
DALLAS TX 75248-3909

PHONE: 2148646465

FAX:

COMMENTS: Please do not allow the city of Abilene to release effluents into Possum Kingdom lake. There are other options that should be considered. There is too much risk of polluting a lake used by millions of people. The lake is a water resource for the entire Brazos River Basin. I am requesting a public meeting and contested case hearing be conducted for the above referenced permit renewal application.

Kimberly Muth

From: PUBCOMMENT-OCC
Sent: Monday, August 14, 2023 11:28 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-WQ
Subject: FW: Public comment on Permit Number WQ0005213000

PM
H

From: tom@n-tex.com <tom@n-tex.com>
Sent: Monday, August 14, 2023 8:56 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number WQ0005213000

REGULATED ENTY NAME POSSUM KINGDOM RAW WATER ROUGHING FACILITY

RN NUMBER: RN107958928

PERMIT NUMBER: WQ0005213000

DOCKET NUMBER:

COUNTY: STEPHENS

PRINCIPAL NAME: CITY OF ABILENE

CN NUMBER: CN600242671

NAME: Thomas Wright

EMAIL: tom@n-tex.com

COMPANY: N-Tex Construction

ADDRESS: 4630 CHAPEL RD
GRAHAM TX 76450-5844

PHONE: 9405505956

FAX:

COMMENTS: Office of the Chief Clerk Texas Commission on Environmental Quality, P.O. Box 13087, MC 105 Austin, TX 78711-3087 RE: City of Abilene, CN600242671; Possum Kingdom Raw Water Roughing Facility; RN107958928; Renewal Application Wastewater Permit No. WQ0005213000; Comment and Request for Public Meeting and Contested Case Hearing Dear Chief Clerk Gharis: I am submitting these comments and request for a Public Meeting and Contested Case Hearing with respect to the above-referenced permit renewal application pending before the Executive Director. Consistent with the information required listed in the June 16, 2023 TCEQ Public Notice, below is my information. Name:

Thomas and Norma Wright Address: 4630 Chapel Road, Graham, Texas 76450 Phone Number:940-550-5956 Water is the life-giving force that connects us all. The Possum Kingdom reservoir is a major water supply reservoir in Texas and supports water supply in the entire Brazos River Basin. The lake impounds approximately 540,000 acre-feet of water. Possum Kingdom receives an estimated three million visitors annually. Major activities on the reservoir include fishing, water skiing, and scuba diving. The reservoir has public fishing piers, seven public boat ramps, and public access areas for picnicking and camping. Possum Kingdom Lake is a key resource for the State of Texas. The City of Abilene is requesting to discharge an "annual average" of 1.51 million gallons of wastewater into Possum Kingdom Lake daily. The wastewater (i.e., Reverse Osmosis Reject Water) will include high levels of Total Dissolved Solids (TDS), Chlorides, and Sulfates. All of these contaminants will negatively affect the quality of the water in Possum Kingdom Lake. There are many wastewater disposal options the City of Abilene (City) could have pursued that are more protective of Human Health and the Environment. Options such as evaporation ponds or deep well injection are all available to the City. I assume they simply choose the option to directly discharge wastewater into Possum Kingdom Lake because it is less expensive in the short term. It defies logic and common sense to discharge over a million gallons a day of wastewater into a major water supply and recreational reservoir in the State of Texas. This is not a sustainable practice. The discharge of over 1.5 million gallons of wastewater into Possum Kingdom Lake will affect my enjoyment of the lake and the water supply that I rely on. I also believe the permit application the City has filed with the TCEQ has a number of technical deficiencies that need to be addressed and vetted in a Public Meeting and Contested Case Hearing. Therefore, I request a Public Meeting and Contested Case Hearing be conducted for the above-referenced permit renewal application pending before the Executive Director. Sincerely, Thomas Wright