

Ellie Guerra

From: PUBCOMMENT-OCC
Sent: Wednesday, June 21, 2023 3:31 PM
To: PUBCOMMENT-WQ; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Cc: Laurie Gharis; Deornette Monteleone
Subject: FW: Letter to Chairman
Attachments: Rep. Rogers letter to Chairman 06.20.2023.pdf

PM

From: Susie Smith <Susie.Smith@tceq.texas.gov>
Sent: Tuesday, June 20, 2023 2:19 PM
To: Jim Rizk <Jim.Rizk@Tceq.Texas.Gov>
Cc: Laurie Gharis <Laurie.Gharis@tceq.texas.gov>; Deornette Monteleone <Deornette.Monteleone@tceq.texas.gov>
Subject: Letter to Chairman

Hi Jim,

Attached is the letter with discussed.

Dee – when you get a chance, please log into Malta.

Thank you,
Susie

Susie Smith

Executive Assistant to Chairman Jon Niermann
Texas Commission on Environmental Quality
Phone: (512) 239-5531





GLENN ROGERS

TEXAS STATE REPRESENTATIVE

District 60

RECEIVED

JUN 20 2023

Texas Commission on Environmental Quality
Commissioners' Office

Chairman Jon Niermann

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

Re: Application by the City of Abilene for renewal of TCEQ Permit Number WQ00052113000.

Commissioner Niermann:

The City of Abilene is in the process of renewing TCEQ Permit Number WQ00052113000, which will authorize the City to discharge effluent from a desalination water treatment plant directly into Possum Kingdom Lake. This effluent, which will be approximately 60% the salinity of seawater water, would be discharged through a single point source near the mouth of a creek flowing into Possum Kingdom Lake.

Many of my constituents in the Possum Kingdom Lake area have concerns regarding whether the water quality near the proposed discharge point, and in the lake in general, may be severely compromised if the City of Abilene receives their permit and the discharge is allowed to commence. Some of these concerns, as detailed in the attached letter from Mr. Jim Lattimore, are summarized as follows:

- Little or no inflows from the creek into the lake near the discharge point which will concentrate the effluent in one location rather than moving it into the lake.
- No requirement for the City of Abilene to test and monitor water quality on an on-going basis at the discharge point to ensure modeled conditions are actual conditions.
- The modeling tool used by the City of Abilene has been shown to provide erroneous data in conditions of little or no flow.



GLENN ROGERS

TEXAS STATE REPRESENTATIVE

District 60

- The City of Abilene has shown no proof of concept beyond the modeling in question.
- The City of Abilene has not met deadlines for the submission of a permit renewal application.

Given the uncertainty surrounding the modeling of the discharge, the lack of a requirement for ongoing monitoring, questions regarding the administrative process, and other issues, I request we schedule a meeting to include the two of us, your staff, and a representative group of stakeholders from the Possum Kingdom Lake area to discuss these matters.

I am sure you will agree that Possum Kingdom Lake is one of the crown jewels of North Texas and is vital to the area's drinking water, recreation, and economic well-being. Therefore, we want to make sure we proceed with the utmost caution to protect this important resource for both the current and future generations. Please let us know if we can provide any additional information and we look forward to hearing from you.

A handwritten signature in black ink that reads "Glenn Rogers".

State Representative Glenn Rogers, DVM

Texas House District 60

GR/GN

Enclosure: Jim Lattimore Letter

CC: Mike Carter, President, PK Lake Association
Monte and Carolyn Land
Jim Lattimore



1702 Summit Avenue
Suite 770
Fort Worth, Texas 76102
817.870.1387
817-870-1387 FAX
juno@lattimorecompany.com

June 11, 2023

The Honorable Glenn Rogers
Texas House of Representatives, District 60
P.O. Box 2910
Austin, TX 78768

Re: Application by the City of Abilene for renewal of TCEQ permit Number:
WQ0005213000

Dear Representative Rogers:

I am writing to you as a long-time property owner and resident of Possum Kingdom Lake as well as a life-long Texan with a deep concern for our precious water resources. I believe we must all guard against anything that threatens the quantity or quality of those water resources.

About five years ago, the City of Abilene purchased a water right from the Brazos River Authority for water. I don't particularly object to that as it satisfies their needs. This was stated at the time as a backup to be used only during times of exceptional drought to supplement other less expensive sources of water for the City. The source for that water is Possum Kingdom Lake. The Lake is somewhat brackish which necessitates desalination treatment before the City mixes the water into its Hubbard Creek Reservoir which is one source of its drinking water.

The City secured a permit from the TCEQ for construction and operation of the desalination plant. It is the effluent resulting from the operation of this plant that is a matter of my concern. This effluent would be very salty; about 60% as saline as is sea water. In its original application, the City 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.
- To my knowledge, 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 prove the results of its modeling are not in error.
- Abilene has not timely submitted a complete application for renewal as is required by TCEQ regulations before the permit can be renewed.

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 believe there is a serious problem with where Abilene stands on their application for renewal.

To my knowledge, Abilene's application has not been declared Administratively Complete as of today. If that is the case, then Abilene has missed TCEQ deadlines and TCEQ is required, by its own rules, to return the application. Abilene would have to start over with a new application.

In order of priority, here is my request of you and your staff:

1. Ask TCEQ for a status update on the Abilene application. If it is not complete, then it should be returned with Abilene sent back to square one. Or, if TCEQ can't or won't do that, then.
2. Based on faulty analysis, that being the data used by the original application and the new data shown by the Stream Gauge installed in 2020, TCEQ should deny the application for renewal of Permit No. XXX. Or if not outright denied, then issue the permit with the following special condition.
3. Based on faulty analysis, that being the data used by the original application and the new data shown by the Stream Gauge installed in 2020, TCEQ should issue the renewal of Permit No. XXX. But require that the effluent from the desalination plant be treated in evaporation ponds at the site of the plant. Of if not denied, then
4. Deny the renewal and require Abilene to submit a new application, then remand the case to the State Office of Administrative Hearings for a full public review and recommendations for final disposition back to the Commission.

Thanks for your time and consideration of my request and all you and your staff do for District 60 and the State of Texas! I am happy to answer your questions and help in any way I can.

Highest Regards,

A handwritten signature in cursive script that reads "Jim Lattimore".

Jim Lattimore
817-312-6347
jim@lattimorecompany.com

Cc: via email and to
Honorable Glenn Rogers
District Office
103 South Oaks, Suite 102
Mineral Wells, TX 76067

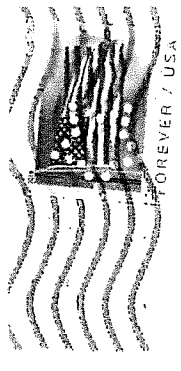
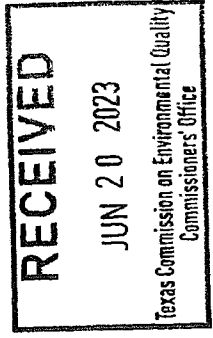


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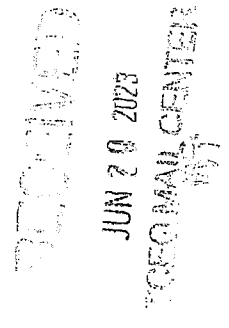


P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910



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Chairman Jon Niermann
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