

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF HEARING

**SAN ANTONIO WATER SYSTEM  
SOAH Docket No. 582-22-1990  
TCEQ Docket No. 2021-1391-WR  
Water Use Permit No. 13098**

### **APPLICATION.**

San Antonio Water System, 2800 U.S. Highway 281, San Antonio, TX 78212, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.*

San Antonio Water System seeks a water use permit to authorize the use of the bed and banks of multiple tributaries of the San Antonio River and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria and Wilson counties.

San Antonio Water System (SAWS) seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

SAWS owns and operates four wastewater treatment plants:

- A. Steven M. Clouse Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; and
- B. Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; and
- C. Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and
- D. Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year.

The return flows are discharged at the following points, located in Bexar County within the San Antonio River Basin, ZIP code 78205:

Discharge Point No. 1 (Steven M. Clouse WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and

Discharge Point No. 2 (Steven M. Clouse WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and

Discharge Point No. 3 (Steven M. Clouse WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and

Discharge Point No. 4 (Steven M. Clouse WRC Outfall 004) is located at Latitude 29.484730° N, Longitude 98.416819° W on Salado Creek; and

Discharge Point No. 5 (Steven M. Clouse WRC Outfall 005) is located at Latitude 29.420978° N, Longitude 98.485352° W on the San Antonio River; and

Discharge Point No. 6 (Steven M. Clouse WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

Discharge Point No. 7 (Leon Creek WRC Outfall 001) is located at Latitude 29.275319° N, Longitude 98.513008° W on Comanche Creek; and

Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and

Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River.

SAWS seeks to divert the discharged groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, at a maximum combined diversion rate of 161,878 gpm (360.53 cfs), with the proposed upstream point of the reach being at Latitude 28.478432°N, Longitude 96.862858° W and the downstream point being at Latitude 28.447519° N and Longitude 96.785611° W in Calhoun County, ZIP code 77979.

Portions of the 260,991 acre-feet of groundwater-based return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705.

SAWS requests to account for and use those groundwater-based return flows, under Water Use Permit No. 13098, when those portions of the previously authorized return flows are not being diverted under those authorizations.

SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*.

The application and partial fees were received on December 30, 2013. Additional information and fees were received on July 8 and August 8, 2014, February 29 and March 29, 2016. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 9, 2016. Additional information was received on March 17 and March 24, 2021.

The Executive Director has prepared a draft permit, which, if granted, would include special conditions including, but not limited to maintaining an accounting plan and maintaining a measuring device. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

[www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](http://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps).

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at 512-239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

### **CONTESTED CASE HEARING.**

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**10:00 a.m. – May 4, 2022**

**To join the Zoom meeting via computer:**

**<https://soah-texas.zoomgov.com/>**

**Meeting ID:** 160 578 9211

**Password:** u5d7CV

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

**Meeting ID:** 160 578 9211

**Password:** 872526

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>**

**or call SOAH at 512-475-4993.**

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

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

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she would be adversely affected by the application in a way not common to members of the general public. Any person may

attend the hearing and any person may request to be a party. Only persons named as parties may participate at the hearing.

**In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH.”**

**INFORMATION.**

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: March 25, 2022

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental Quality