

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
CITY OF LUBBOCK
SOAH Docket No. 582-24-07417
TCEQ Docket No. 2023-0617-WR
Water Use Permit No. WRPERM 5921**

APPLICATION.

The City of Lubbock, P.O. Box 2000, Lubbock, Texas 79457, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code §§ 11.042, 11.046, and 11.121, and TCEQ Rules 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.*

The City of Lubbock (Applicant or City) has applied for a Water Use Permit, seeking authorization to construct a dam and reservoir (Jim Bertram Lake 7) with a capacity of 20,708 acre-feet of water on the North Fork Double Mountain Fork Brazos River, Brazos River Basin, in Lubbock County. The application also seeks authorization to divert and use up to 50,000 acre-feet of water per year from the perimeter of the reservoir, at a diversion rate of 138.12 cubic feet per second (62,016 gallons per minute), for municipal, industrial, and agricultural purposes in Lubbock and Lynn Counties. The application also seeks authorization to use the bed and banks of the North Fork Double Mountain Fork Brazos River to convey up to 14,856 acre-feet of water per year discharged from the South Central Lubbock Drainage System; up to 8,934 acre-feet of water per year discharged from the South Lubbock Drainage System; and up to 16,240 acre-feet of surface water and groundwater-based return flows per year discharged from the Southeast Water Reclamation Plant as authorized under TPDES Permit No. WQ00010353002. Water conveyed via the bed and banks of the North Fork Double Mountain Fork Brazos River will support storage in and diversions from the Jim Bertram Lake 7. The application also seeks authorization to use water authorized under Water Use Permit Nos. 3985 and 3705, as amended, to support the application. The City's proposed Dam No. 7 will be located 7.6 miles southeast from the City of Lubbock at Latitude 33.534°N, Longitude 101.730°W, bearing S4.166°E, 5,227.85 feet to the southeast corner of Blk. S, G.C. & S.F. R.R. Co. Survey 21, Abstract 217. Its reservoir will have a capacity of 20,708 acre-feet and surface area of 801 acres.

The Applicant seeks authorization to impound, divert, and use water requested by the application based upon a recognition of rights related to: i) the City's claim to developed water-based stormwater discharges from the City's storm sewer system to the North Fork Double Mountain Fork Brazos River and its tributaries; ii) unappropriated state water; iii) future surface water-based return flows and developed water-based return flows resulting from the City's use of groundwater and its use of other developed waters, excluding return flows sought by the City pursuant to Application Nos. 3705B and 3985A; and iv) any and all wastewater return flows that are discharged upstream of the proposed reservoirs by third parties for the uses stated above.

The application and partial fees were received on October 17, 2005. Additional information and fees were received on January 31, March 24, and April 13, 2006. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on April 17, 2006. The City amended its application on March 4, 2008, by withdrawing its request for authorizations related to a second dam (Dam No. 8) and reservoir.

The Executive Director has prepared a draft permit, which, if granted, would include special conditions including, but not limited to, mitigation, monitoring, and accounting plan requirements. The application and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F, Austin, Texas 78753.

CONTESTED CASE HEARING.

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. - February 28, 2024

To join the Zoom meeting via computer:

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

Meeting ID: 161 556 1477

Password: TCQ747

or

To join the Zoom meeting via telephone:

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

Meeting ID: 161 556 1477

Password: 595434

**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, 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. Si desea información en Español, puede llamar al (800) 687-4040 o por el internet al <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: January 29, 2024

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