

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION AND PRELIMINARY DECISION (NAPD) FOR TPDES PERMIT FOR INDUSTRIAL WASTEWATER

AMENDMENT

PERMIT NO. WQ0002105000

APPLICATION AND PRELIMINARY DECISION. Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767, which operates Sam Seymour Fayette Power Project, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002105000 to correct the calculation of the mass limit for total residual chlorine for Outfall 001 and minor amendment requests to remove internal Outfall 103; update Other Requirement No. 7 to remove the authorization to use Reclaim Pond and Ash Pond water for dust suppression; update the wastewater description for Outfall 003 to remove "previously monitored effluent"; and update the pond freeboard requirement and pond language. The draft permit authorizes the discharge of once-through cooling water and previously monitored effluent (low volume waste from Outfall 201 and low volume waste, coal pile runoff, truck wash water, and stormwater from Outfall 301) at a daily average flow not to exceed 1,165 million gallons per day in Phase I and 1,509 million gallons per day in Phase II via Outfall 001; cooling water drained from the condensers and other cooling equipment during maintenance periods at a daily average flow not to exceed 2.5 million gallons per day via Outfall 002; low volume waste, coal pile runoff, truck wash water, and stormwater from the coal pile runoff pond on an intermittent and flow-variable basis via Outfall 003; and low volume waste, truck wash water, and stormwater from the Combustion Byproducts Landfill Pond on an intermittent and flow-variable basis via Outfall 004. The TCEQ received this application on March 15, 2019.

The facility is located at 6549 Power Plant Road, near the City of La Grange in Fayette County, Texas 78945. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-96.753535%2C29.914742&level=12>

The effluent is discharged via Outfall 001 to Cedar Creek Reservoir/Lake Fayette, thence to Cedar Creek; and via Outfalls 002, 003, and 004 to unnamed tributaries, thence to Cedar Creek, thence to Colorado River Below La Grange in Segment No. 1402 of the Colorado River Basin. The unclassified receiving water uses are high aquatic life use for Cedar Creek Reservoir/Lake Fayette, minimal aquatic life use for the unnamed tributaries, and high aquatic life use for Cedar Creek. The designated uses for Segment No. 1402 are primary contact recreation, public water supply, and high aquatic life use.

In accordance with Title 30 Texas Administrative Code Section 307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Cedar Creek Reservoir/Lake Fayette or Cedar Creek, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

The TCEQ executive director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, executive director's preliminary decision, and draft permit are available for viewing and copying at the Fayette Public Library, 855 South Jefferson Street, La Grange, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the application. Generally, the TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or who requested to be on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application unless a timely contested case hearing request or a timely request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the executive director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the executive director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be added to: (1) the permanent list for a specific applicant name and permit number; and (2) the mailing list for a specific county. If you wish to be placed on the permanent and the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www14.tceq.texas.gov/epic/eComment/ within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Lower Colorado River Authority at the address stated above or by calling Ms. Teresa Angel at 520-241-5035.

Issuance Date: May 27, 2020