

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 11, 2022

FILED
582-22-0585
7/11/2022 12:40 PM
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Jessie Harbin, CLERK

ACCEPTED
582-22-0585
7/11/2022 1:44 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

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

Re: Application from the City of Granbury for new TPDES Permit No. WQ0015821001;
TCEQ Docket No. 2021-1001-MWD; SOAH Docket No. 582-22-0585

Dear Ms. Gharis:

I have enclosed the Executive Director's Exceptions to the Proposal for Decision.
Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mattie Isturiz".

Mattie Isturiz
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing list

SOAH Docket No. 582-22-0585
TCEQ Docket No. 2021-1001-MWD

Application by the City of	§	Before the State Office of
Granbury for new Texas Pollutant	§	
Discharge Elimination System	§	
Permit No. WQ0015821001	§	Administrative Hearings

Executive Director’s Exceptions to the Proposal for Decision

I. Overview

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) supports the administrative law judge’s (ALJ’s) conclusions that the City of Granbury (Granbury) has met its burden of proof regarding all the referred issues in this case and that Granbury’s application for Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015821001 should be granted. The ED does not have any exceptions to the Proposal for Decision per se but does have several recommended changes to the proposed order.

II. Recommended Changes

(A) Page 27, line referring to footnote 119

“...and further underline the water quality in Lake Granbury...” should be changed to “...and further undermine the water quality in Lake Granbury....”

(B) Page 70, final sentence

“...and would preserve the high aquatic use life” should be changed to “...and would preserve the high aquatic life use.”

(C) Finding of Fact No. 17

Issues N through Z should be changed to Issues A through M. The ED sees no issues with the Issues themselves, only the lettered numbering.

(D) Finding of Fact No. 25

The ED recommends that “Influent ... will be pretreated through...” be changed to “Influent ... will receive primary treatment by passing through...” for accuracy.

(E) Finding of Fact No. 86

“...Lake Granbury and Rucker Creek have high aquatic use life...” should be changed to “...Lake Granbury and Rucker Creek have high aquatic life use...”

Additionally, the ED recommends that “mean DO criteria” be changed to “daily mean DO criteria” for clarification purposes.

III. Conclusion

The ED appreciates and fully supports the ALJ’s finding that Granbury met its burden of proof for the referred issues and their recommendation to grant Granbury’s application and issue the ED’s proposed permit. Therefore, the ED respectfully requests that the Commission adopt the ALJ’s proposed order with the ED’s recommended changes presented herein and issue the proposed permit.

Respectfully submitted,

TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY

Toby Baker, Executive Director

Charmaine Backens, Deputy Director
Environmental Law Division

Mattie Isturiz

By: _____
Mattie Isturiz, Staff Attorney
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REPRESENTING THE EXECUTIVE DIRECTOR OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Certificate of Service

I certify that on July 11, 2022, a copy of the foregoing document was sent by electronic mail to the persons on the attached mailing list.



Mattie Isturiz, Staff Attorney
Environmental Law Division

Mailing List
The City of Granbury
TCEQ Docket No. 2021-1001-MWD
SOAH Docket No. 582-22-0585

For the Applicant:

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For Stacy and Jim Rist & Bennett's Camping Center and RV Ranch:

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For the Office of the Chief Clerk:

<https://www14.tceq.texas.gov/epic/eFiling/>