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STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Jessie Harbin, CLERK

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

ACCEPTED  
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STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Jessie Harbin, CLERK

APPLICATION BY CITY OF § STATE OFFICE OF  
GRANBURY FOR NEW TEXAS §  
POLLUTANT DISCHARGE §  
ELIMINATION SYSTEM PERMIT §  
NO. WQ0015821001 § ADMINISTRATIVE HEARINGS

**CITY OF GRANBURY’S**  
**BRIEF ON THE PROPOSAL FOR DECISION**

TO THE HONORABLE COMMISSIONERS:

Administrative Law Judge Pratibha Shenoy and Administrative Law Judge Sarah Starnes (the “ALJs”) thoroughly explore and describe the evidence in the record. They have provided the Commissioners with a detailed, comprehensive, and well-reasoned assessment of the record evidence demonstrating that the City has satisfied the requirements necessary for issuance draft TPDES Permit No. WQ0015821001 (the “Draft Permit”).

The City has no exceptions to the ALJs’ proposed Findings of Fact, save one requested revision. Title 30, Section 307.5(b)(2) of the Texas Administrative Code prohibits any activity subject to regulatory action by the Commission that lowers water quality by more than a de minimis extent. It also allows activities under those circumstances if the Commission is satisfied that a lowering of water quality is shown to be necessary for important social or economic development.

**City of Granbury’s**  
**Brief on the Proposal for Decision**

The record demonstrates that the activities authorized by the Draft Permit will not cause degradation. The record also demonstrates that without the activities authorized by the Draft Permit, economic and social development within the Granbury community and region will suffer greatly. Therefore, the preponderance of evidence shows that both requirements of Section 307.5(b)(2) have been satisfied.

In addition to the ALJs' Finding of Fact No. 113, the City requests the following finding:

**Finding of Fact:**

[---] The Commission is satisfied that the discharges authorized in the Draft Permit are shown to be necessary for important economic and social development.

The ALJs devote a significant amount of time in their Proposal for Decision analyzing the evidence relevant to this point and reaching this conclusion. This proposed finding would reflect that all requirements of Section 307.5(b)(2) have been met. On both issues—no degradation, and important economic and social development needs—the record is replete with supportive evidence and the ALJs' assessment and reasoning is on point and persuasive. The City believes that the Finding of Fact proposed above is appropriate, consistent with the other findings reached by the ALJs, and supported by the preponderance of evidence.

## **Conclusion**

The City of Granbury appreciates the ALJs' consideration of the evidence, their insightful assessment of the weight of the evidence, and well-reasoned findings and conclusions based on the evidence. The City respectfully requests that the Commissioners consider and adopt the finding and conclusion proposed above and grant the City all other relief to which it is lawfully and equitably entitled.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served via electronic filing on this the 11th day of July 2022, to the following:

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