

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO. 13741 TYPE § 11.042

Permittee: City of San Angelo Address: 72 W. College Avenue  
San Angelo, TX 76903

Filed: December 30, 2020 Granted:

Purpose: Municipal County: Tom Green

Watercourse: Concho River Watershed: Colorado River Basin

WHEREAS, the City of San Angelo (City/Permittee) seeks authorization to use the bed and banks of the Concho River, Colorado River Basin, to convey 13,443 acre-feet of discharged treated municipal wastewater per year for subsequent diversion from a point on the Concho River for municipal purposes within the City's service area in Tom Green County; and

WHEREAS, the City owns and operates the City of San Angelo Wastewater Treatment Facility, authorized under Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010641003, which authorizes an annual average discharge of 13,443 acre-feet of treated municipal wastewater per year; and

WHEREAS, the City's discharged treated municipal wastewater return flows originate from its stored surface water and groundwater sources legally available to the City, and the relative mix of its surface water and groundwater sources at any given time will vary based on water supply conditions and source availabilities; and

WHEREAS, the City has only applied its treated municipal wastewater to agricultural irrigation and has not discharged to a watercourse; and

WHEREAS, the treated municipal wastewater return flows will be discharged at a point on the Concho River, located at Latitude 31.484744° N, Longitude 100.319989° W in Tom Green County, at a maximum discharge rate of 27.85 cfs (12,500 gpm); and

WHEREAS, the discharged treated municipal wastewater return flows will be diverted from a point on the Concho River, located at Latitude 31.533732° N, Longitude 100.244074° W in Tom Green County, at a maximum diversion rate of 27.85 cfs (12,500 gpm); and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, this permit, if granted, is subject to requirements and orders of the Concho Watermaster; and

WHEREAS, the City has provided, and the Executive Director has approved, an accounting plan (*Reuse Accounting Plan for Conveyance and Diversion of San Angelo's Treated Wastewater Effluent on the Concho River*); and

WHEREAS, the Executive Director recommends that special conditions be included in the permit; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this permit;

NOW, THEREFORE, this permit, designated as Water Use Permit No. 13741, is issued to the City of San Angelo, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of the Concho River to convey 13,443 acre-feet of its discharged treated municipal wastewater return flows per year for subsequent diversion and use for municipal purposes within the City's service area in Tom Green County.

2. DISCHARGE

The treated municipal wastewater return flows will be discharged, pursuant to TPDES Permit No. WQ0010641003, at a point on the Concho River, located at Latitude 31.484744° N, Longitude 100.319989° W, in Tom Green County.

3. DIVERSION

A. Permittee is authorized to divert its discharged treated municipal wastewater return flows from a point on the Concho River, located at Latitude 31.533732° N, Longitude 100.244074° W, in Tom Green County.

B. The maximum diversion rate is 27.85 cfs (12,500 gpm).

4. PRIORITY DATE

The discharged treated municipal wastewater return flows authorized to be conveyed via the bed and banks of the Concho River under this permit are not subject to priority calls from water right holders.

5. CONSERVATION

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, and prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.



6. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens on any new diversion structure(s).
- B. Permittee shall not divert the authorized return flows unless streamflow at USGS Gage No. 08136500 – Concho River at Paint Rock, TX exceeds 1 cfs.
- C. Diversions authorized under this permit are dependent upon Permittee's potentially interruptible treated municipal wastewater return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if discharges become permanently unavailable for diversion and may be subject to reduction if the discharges are not available in quantities and qualities sufficient to fully satisfy the permit. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion of return flows under this permit and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee does not amend the permit or forfeit the permit, the Commission may begin proceedings to cancel this permit.
- D. Permittee shall only divert treated municipal wastewater return flows that are actually discharged, less losses.
- E. Permittee shall only divert and use its treated municipal wastewater return flows pursuant to Paragraph 1. USE and Paragraph 3. DIVERSION in accordance with the most recently approved accounting plan (*Reuse Accounting Plan for Conveyance and Diversion of San Angelo's Treated Wastewater Effluent on the Concho River*). Any modifications to the accounting plan shall be approved by the Executive Director. Any modifications to the accounting plan that change the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion of discharged return flows under this permit, and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee fails to amend the accounting plan or forfeit the permit, the Commission may begin proceedings to cancel the permit. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- F. Prior to diversion of any return flows in excess of the amount currently authorized by TPDES Permit No. WQ0010641003, Permittee shall apply for and be granted the right to reuse those return flows.
- G. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 3. DIVERSION.
- H. Permittee shall allow representatives of the Concho Watermaster reasonable access to the property to inspect the measuring device.
- I. Permittee shall contact the Concho Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to superior water rights in the Colorado River Basin.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of state water resources exercised by the Commission.

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For the Commission

Date Issued: