

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 19, 2014

Ms. Lea Dunn, City Manager  
Town of Addison  
P.O. Box 9010  
Addison, TX 75001

Re. Water User Permit No. 5383A

Dear Ms. Dunn:

As you are aware, the Town of Addison (Addison) and TCEQ have been having ongoing discussions regarding Water Rights Permit No. 5383A. On February 7, 2013 you sent the enclosed letter to the TCEQ Water Rights Permitting Team. Additionally in October 2014, TCEQ Region 4 staff met with Addison. In July, October, and November of 2014, TCEQ Litigation Division staff had discussions with Addison regarding the permit and other matters. Upon further review of the information in the letter and our discussions with Addison, I offer the following response to the questions raised in the letter.

The letter indicates that Addison's consultant, Keith Bradley, contacted TCEQ staff to inform us that the well required in the permit was completed to the Woodbine Aquifer instead of the Trinity Aquifer and to ask if a change to the permit was necessary. The letter states that TCEQ's response was that a letter indicating the change of aquifer was sufficient, and that a change to the permit was not necessary.

Unfortunately, this response was not correct. Water Use Permit No. 5838A specifically names groundwater from the Trinity Aquifer as the alternate source of water for the reservoirs. A change to the alternate source requires an amendment to the permit, including a review of the quantity and quality of the groundwater produced by the new alternate source. An amendment application for this change would require published notice and mailed notice to water right holders in the Trinity River Basin with the opportunity for a contested case hearing. Alternatively, to come into compliance with its permit, Addison could begin using groundwater from the Trinity Aquifer as its alternate source of water as authorized in the permit.

Additionally, you asked TCEQ to clarify that the permit does not require Addison to release a minimum of 5.82 acre-feet of groundwater per year over the weir in Reservoir No. 1. The letter indicates that you believe the permit requires Addison to replace evaporated water in both reservoirs with 5.82 acre-feet of groundwater, and maintain required elevations, which would normally result in water being released over the weir in Reservoir No. 1.

The permit requires Addison to use its alternate source to maintain both reservoirs full, at specified elevations, so that inflows of state water will be passed downstream. Additionally Special Condition 6.B. requires that Addison supplement the reservoirs with its alternate source with a *minimum of 5.82 acre-feet of groundwater per year*. If inflows occur above Reservoir 2 in an amount greater than Addison is authorized to impound under the senior portion of its

Ms. Lea Dunn, Town of Addison  
December 19, 2014  
Page 2 of 2

permit, subject to downstream senior and superior water rights, those inflows must be passed through below Reservoir 1 to ensure that no state water is used.

The phrase "this water shall be released over the weir in Reservoir No. 1" refers to inflows of state water. This amount may be more or less than 5.82 acre-feet depending on the volume of inflows and Addison's use under the senior portion of its permit.

Since resolving the matter regarding the aquifer used for your alternate source may require an amendment to your permit, please review the options described in this letter and respond with a plan before January 30, 2015. If you have any questions please don't hesitate to contact me at (512) 239-1282 or at [Ron.Ellis@tceq.texas.gov](mailto:Ron.Ellis@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "RE", is written over the word "Sincerely,".

Ron Ellis  
Manager, Water Rights Permitting and Availability Section  
Water Availability Division  
Texas Commission on Environmental Quality

Enclosure

APP 5383 Co



Post Office Box 9010 Addison, Texas 75001-9010 5300 Belt Line Road (972) 450-7000  
FAX (972) 450-7043

February 7, 2013

Chris Kozlowski, Application Manager  
Water Rights Permitting Team  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

**RE: Permit No. 5383A for the Town of Addison**

Dear Mr. Kozlowski:

The Town of Addison (Town) is required by the referenced permit (Permit) to maintain and operate an alternate source of water to replace any loss by evaporation due to the Vitruvian Park ponds on Farmers Branch Creek. The supplemental amount required under the Permit is 5.82 acre-feet per year.

The recitals section of the Permit refers to the Trinity Aquifer, stating that it "will be used to maintain the reservoirs at a constant elevation in order to pass inflows of state water." Again, in Section 6.B, the Permit states that the Town "has identified groundwater from the Trinity Aquifer as the alternate source of water for this project."

While drilling and testing the well depths and water quality, the Town's consulting engineer on the well project, Kleinfelder Central, Inc. (Kleinfelder) determined that the Woodbine Aquifer yielded more than adequate water to meet the Permit requirements at substantially less cost (see attached Kleinfelder letter). The well, installed by C. Miller Drilling is at a depth of 642 feet and can produce as much as 16 gpm (over 25 acre-feet per year).

When Kleinfelder verified that sufficient water could be produced from the Woodbine Aquifer to more than meet the Permit requirements, Keith Bradley with KBA EnviroScience, the Town's consultant on this project, contacted the Texas Commission on Environmental Quality (TCEQ) to ask that the Permit be changed from "Trinity Aquifer" to "an aquifer that will supply sufficient water to maintain the reservoirs at a constant elevation in order to pass inflows of state water." Mr. Bradley was told that a letter from the Town stating the Woodbine Aquifer would be used as the alternate source of replacement water, rather than the Trinity Aquifer, with Kleinfelder's supporting documentation, placed in the Town's Permit file, would be acceptable and that a change to the Permit language was not necessary.



PUBLIC WORKS DEPARTMENT  
Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-7000 FAX (972) 450-7043  
16801 Westgrove

Additionally, we want to clarify that the language in Section 6.B. does not require that the Town release "a minimum of 5.82 acre feet per year ... over the weir in Reservoir No. 1 (the original weir). It means, as stated earlier in Section 6.A, that the Town will replace evaporated water in the two reservoirs with 5.82 acre-feet of groundwater, and will maintain stated elevations in each reservoir, which under normal circumstances will release water over the original weir.

Please add this letter, and the attached letter from Kleinfelder, to the Town of Addison's Permit file to note that the Woodbine Aquifer had sufficient water to meet the alternate source of water requirements in the Permit and to clarify any misunderstanding that may arise from Section 6.B.

Thank you, and please let me know if additional information is needed.

Sincerely,

Lea Dunn  
Deputy City Manager

Attachment: Kleinfelder Letter dated July 5, 2012